HOUSE OF ASSEMBLY

Thursday 3 April 2003

The SPEAKER (Hon. I.P. Lewis) took the chair at 10.30 a.m. and read prayers.

POLICE, SOUTH AUSTRALIA

Mr BROKENSHIRE (Mawson): I move:

That this house congratulates South Australia Police on successfully conducting the Police Expo held on 2 March 2003.

I have great pleasure in moving this motion. The support and recognition enjoyed by South Australia Police is amazing. Not only is this confirmed whenever I go out into the community and talk to people about the police but also it was confirmed at the recent very successful Police Expo—the third expo that has now been held—when between 80 000 and 90 000 people came to the Fort Largs Academy to see the work done by the police and to interact and understand more about the complexities and the importance of community safety. Members would know how proud I was to be minister of police and how proud I now am to be the shadow minister. Indeed, I know that members of parliament are also proud of South Australia Police.

I commend the Commissioner and his executive team, who were obviously the driving force behind the initiative about six years ago to get police expos up and running in South Australia. Whilst expos may have been held some time ago, I believe that it was the Commissioner and his leadership team who saw the benefits of recent expos to the South Australian community and the police. I also commend other emergency services personnel who work in with South Australia Police, as well as government departmental officers and people from the private sector, who were in attendance. They all displayed good exhibits, and it was an opportunity for the community to see what is happening in the state to try to ensure that South Australia continues to be a safe community and a safe place in which to work and live. I also want to congratulate the hard work and dedicated efforts of the committee that had the job of ensuring that this expo was as good as that held in 2001; I believe that the recent expo was up to that same standard.

The theme of the expo was Partners in Community Safety. Clearly, one cannot have a safe community if it relies entirely on the police without the support and cooperation required by South Australia Police. On that point, it is interesting to see that, year after year, when the state-by-state national assessment is carried out involving the people's attitudes and observations of different departments (and I am referring to the police at this stage), South Australia Police are about 8 per cent above any other state in regard to their proactive and positive support and recognition factors with the South Australian community.

I can remember one occasion when I was police minister being asked, 'Aren't you glad you're not the police minister for New South Wales?', and I replied, 'I certainly am, because it is a privilege and a pleasure to be police minister for South Australia Police, who are held in such high esteem'—held in high esteem not only in South Australia but also nationally and internationally. When international conferences are held here and I have had the pleasure to meet police officers from other countries, or when I have travelled overseas to study police matters, it has been amazing to hear from so many police how South Australia Police are at the cutting edge in so many ways.

I particularly want to congratulate Sarah O'Driscoll, the manager of media marketing and sponsorship for the Police Expo, on the way in which she prepared everything and her attention to detail, as well as another officer, Joanne Brown. They both contributed over and above anything that could be required or expected of officers in order to make this expo a success, and they deserve to be commended by the parliament.

Sponsorship is very important. Channel 7, which often provides sponsorship in connection with South Australia Police and other organisations, was a key sponsor together with Mix 102.3, General-Motors Holden, EDS, International Power at Pelican Point (good to see them on board supporting), the Police Credit Union and also Beyond Blue. There were other sponsors as well, but I understand those I have mentioned were the major sponsors.

What was also good about this particular day was that there was an opportunity for families to attend free and enjoy an opportunity on a Sunday to actually be together. Of course, that is one of the things that police always support. At the police graduation ceremony yesterday, this was highlighted in the remarks of the Deputy Commissioner and others who stressed the importance of police leading the way by example and setting good community standards, as well as stressing the importance of having and fostering good strengths within families and communities. I know from having some of my own children present that they really enjoyed not only the opportunity of seeing the police and emergency services exhibits but also being able to interact with some of the television stars who came along to support this expo—in this case, actors from *Blue Heelers*.

It is important that parliament recognises that there must be opportunities for government agencies, particularly those at the coalface working with a community, and to support those agencies when they go out into the public arena promoting what they are doing. If we can develop stronger partnerships across government and non-government agencies, we will get even better results out of the people who are involved in those departments and agencies.

That point was highlighted again this morning. When driving to Parliament House, I was listening to the radio, and it is clear that a lot of people do not understand the complexities, pressures and the commitment of the Public Service, in the truest sense. I know that, strictly, police officers are not public servants, but they work with public servants and they deliver services to our community. I would encourage, and I hope to see, better fostering of an understanding of the relationships between the public sector and the people who provide community services, rather than the easy, knee-jerk, negative reaction to events when people in the public sector try to provide services to our community.

Also at the Police Expo was the South Australian Ambulance Service, a magnificent service which, for several years, has continued to grow its workload at about 7 per cent compounding each year. I really do not know how they are coping.

Mrs Redmond interjecting:

Mr BROKENSHIRE: The member for Heysen, a person with good knowledge, says she does not know how they are doing it, given that they are not getting any growth in their resources and budgeting. Also at the expo were members of the SES. There are 5 000 SES volunteers, and they go into some of the most difficult places for search and rescue,

vertical rescue, mine shaft rescue, etc. Of all the volunteer organisations, it is the State Emergency Service that works most closely with police, as I see it, particularly when it comes to search and rescue and when working in areas that have been cordoned off.

However, I also acknowledge the increasing role of the CFS and the MFS. Members will be aware of the tragic incident in my electorate on Sunday when a baby Bell helicopter crashed in the Tatachilla estate. Within a few minutes, 20 CFS volunteers were at the scene, supporting police, making sure that parts of the aircraft were protected so at least the investigation could proceed in the best possible way. The South Australian Metropolitan Fire Service also came onto the scene. I am delighted to see the understanding, cooperation and collaboration that occurs between the services and it was pleasing to see them represented at the Police Expo. We are seeing it more and more. When I was minister I encouraged attempts to foster a better relationship and cooperation and, when the SES have their parade each year, the CFS, SAMFS and the police are also involved.

The Police Academy is a unique place, and one of the things that I was particularly pleased to show my family, and I pay credit here, is the work of volunteers. I know that Deputy Commissioner John White is very passionate about the history group within the South Australia Police, which has magnificent memorabilia at the academy. There is a living history that people can view to learn of the growth and development of the South Australia Police. South Australia Police is the third oldest police force in the world, although not many people know that. It was not that long after Sir Robert Peel first developed a police structure in England that the South Australia Police was formed. Not only is it the best police department in the western world, indeed, the world, but it is one of the oldest.

At the expo, along with the history of the police department, I saw the growth, development and commitment in the work of the officers up to the present day. I acknowledge that their work is not easy. It is labour intensive, it is resource intensive and it is becoming more complex and compounded, and more and more demands are made on the police. Yet, whether it is managing and running a great expo at Fort Largs Police Academy or whether it is doing their very best in most difficult circumstances at a trauma incident, at a siege or at a demonstration, the police in this state always do their very best to deliver.

However, I know from talking to many officers that, whilst they are proud of their department and they embrace new directions, changes and challenges, they are very concerned about a lack of absolute commitment from this government to continue to grow police numbers, police resources and police budgets in this state. Whilst the police should be commended, supported and backed at all times, and whilst they were able to run an excellent expo, I suggest that, unless the parliament continues to make the right noises on behalf of the South Australia Police, their job will become more difficult, and that is because more and more demands are made on them.

It seems very easy for this government to say that it is going to fix truancy, and the police can see to that. The government has also initiated a program to cut funding at the coalface for crime prevention programs, which were working very well. Partnerships have developed with outstanding results in my own area, in the City of Onkaparinga. Sadly, this government, even with significant surpluses, with a strong economy that has been growing for several years, and with most of the major debt problems that the last Labor government caused having been fixed, has cut crime prevention programs at the coalface by $800 000.

When the opposition asked the government how it intends to address proactive crime prevention at the front end if it cuts the very officers out there working with police, other agencies and councils to prevent crime, the government's answer was, 'The police can do that. The police can fix that.' That is the attitude of this government, that the police can fix it all up. I have the greatest confidence in the police from the Police Commissioner right through his whole department to the newest probationary constable who graduated from course 48 this week, but the government cannot take for granted the police department, their skills, their leadership, their good management and their absolute commitment. At the end of the day, you can push any department only so far if you are not prepared to resource it properly, and I believe this government is already doing too much of that to the police department.

I want to be able to go to police expos in the future and see continued growth, technology and opportunity for the police to keep the South Australian community safe. I know that I and the entire Liberal Party team will do everything in our capacity in opposition to ensure that the police are not neglected as they have been by this Labor government, which expects them to fix all the problems but is not prepared to give them the resources. I look forward to batting hard for police for the duration of this term, and I know that every Liberal member in this parliament will do the same thing for South Australia and its police.

Mrs GERAGHTY secured the adjournment of the debate.

SOUTH AUSTRALIAN BUSINESS WOMAN OF THE YEAR

Mr BROKENSHIRE (Mawson): I move:

That this house congratulates Lyn Pearson, Operations Director, South Australian Ambulance Service, on being named South Australian Business Woman of the Year.

The minister has also mentioned other awards to which she may like to refer. I can talk for a long time not only about Lyn Pearson but the Telstra business awards and woman of the year awards. I am also very pleased to see that, at last, these sorts of awards are being recognised not only in the private sector but also the public sector in terms of outstanding commitments by women in South Australia and Australia; and, probably, the member for Heysen will support my motion. I congratulate Lyn Pearson, Operations Director of the South Australian Ambulance Service.

I was privileged to observe and work with Lyn Pearson for several years when I was minister for the South Australian Ambulance Service. Lyn Pearson is very typical of the commitment and ethos one sees within that magnificent service. I believe that it is one of the most important services that a state can provide. As I have often said in debate on funding and other matters with respect to the service, it does not matter how good your hospitals are, it does not matter how many nurses (to a degree) you have in a hospital or other issues around the equipment in a hospital if you do not have a highly trained, committed, professional and properly funded ambulance service.

I know quite well the person who was once the head of the Royal Adelaide Hospital's accident and emergency operating theatre section. He said, 'We are happy to work with the

patients and get them back to good health once they get into the hospital, but if, as a surgeon, I attend an incident and an ambulance paramedic is present, I will step back and let them do their work.' In that first response work he felt they were even more efficient than he and his team of people who do so much wonderful work in those operating theatres.

Lyn started as a volunteer. Members will recall that it is not that many years ago when the whole of the ambulance service was volunteer based. In fact, it was the St John Ambulance Service. I will never forget in the late 1980s the angst that was caused when a decision was made to change to a fully-paid service and to redirect the St John Ambulance, as we knew it, to the South Australian Ambulance Service. As I said, Lyn started as a volunteer. She has worked her way up through the organisation to her current role, which is as a senior executive. She was one of South Australia's first female ambulance officers, and this award, I believe, recognises all the hard work and the outstanding example she has set for all members of the South Australian Ambulance Service and for the wider community.

I can understand that because, as the minister, I would visit an ambulance station, perhaps to open an extension or a new building or just to visit to inspect some minor improvements or to see the new Mercedes ambulances we introduced when we were in government, and I was often surprised that Lyn would always make it her business to be there to support the minister and her staff and to ensure that, if any briefings were required by me on any matters relating to the South Australian Ambulance Service, she would be there to provide me with the right information.

Of course, as a volunteer, Lyn had a passion and an understanding for the community generally and for the South Australian Ambulance Service volunteers of which, indeed, there are several hundred. Many people do not realise that the South Australian Ambulance Service does not comprise only paid employees. You do not have to go very far from the city to find fully-manned crews of volunteers, and Goolwa is one such place. In fact, Goolwa is in my own area and it is the busiest of all the volunteer ambulance stations in South Australia. If one goes from Goolwa to Strathalbyn one will find another volunteer service, and from there to Meadows there is another volunteer service.

To have someone who is as professional, intelligent and committed as Lyn Pearson as Operations Director and who can understand the commitments, needs and requirements of paid staff and volunteers, I believe, is one reason why there is so much goodwill and understanding between the volunteers and the paid ambulance officers. The Telstra business women awards are an opportunity for outstanding business women to come to the attention of the wider community, exposing them to new business opportunities, networks and friendships. The awards started in 1995, and I congratulate Telstra on this initiative.

The Telstra business women awards have celebrated the achievements of some remarkable Australians who have achieved amazing goals. They have set new benchmarks in business excellence and highlighted the significant contribution that women make across all levels and types of business, and I think they do it very well. I watch my own wife at home who, to a great degree, runs our farm business, but she always manages to put a meal on the table for the family, to run them around and to ensure that the home is clean—things that I acknowledge I simply could not do.

My wife is typical of so many women who can do all these things, and Lyn Pearson is one of those women. At the same time these women also support their spouse so much. I know that Lyn's husband is equally supportive of her. He has been and is a very busy man in a senior position in another government department. The nominations about which I am talking were initially made at a state level for one of four categories. The state winners of these categories go on to compete in the national awards to be the Telstra Business Woman of the Year.

Lyn Pearson was competing in the TMP Worldwide Community and Government Award. That is one of the four sections open to employees of government departments, statutory bodies and not-for-profit organisations. On Friday 26 September 2002 it was announced that Lyn Pearson had won her category. During the year 2002-03 the announcement was made that Lyn had won the South Australian Business Woman of the Year Award and was therefore named the SA Business Woman of the Year.

The criteria that are addressed during a series of interviews are achievements, leadership style, career developments to date and future plans (which is also important), community involvement, personal profile, communication skills, performance, motivational ability, managing and decision making and innovation and creativity, so it is very broad. Lyn Pearson won that award against some very tough competition. Many good women are nominated and go right through the selection process of these awards. The award is an absolute feather in her cap and something of which she should be proud, and I know that she is.

Equally, her family and the service should be proud. I have talked to many ambulance officers right across the spectrum of the service and they were absolutely delighted to think that their director of operations could be named the South Australian Business Woman of the Year. I would encourage members of parliament in this house to consider how many women do achieve in their own electorates. I know that one particular member of parliament—who is presently in the chamber—is committed to promoting women in her electorate, and that is the member for Reynell. I know that members in the Liberal Party on this side of the house do it, but all of us should be looking at women, men, young people and all those who achieve in our electorates.

We should all consider encouraging people to nominate them, if it is not appropriate for members of parliament themselves to nominate, because we need to encourage people to excel and to rise to the highest standards that they can and, in so doing, to sing their praises. From that we will see a better state, better services and a better community, because it will be a prouder community, a community that will bond more closely together.

I again congratulate Lyn Pearson, Director of Operations with the South Australian Ambulance Service, because she is a magnificent model of a woman in business, of someone who is prepared to start as a volunteer and go right through an organisation, not only helping with the service's general and professional growth but also being able herself to grow in that department.

Finally, I want to pay a tribute to now retired chief executive officer Ian Pickering, a CEO for whom I had enormous admiration. He had magnificent human resources management skill. It is something that some CEOs have and some do not but, at the end of the day, when you are dealing with your work force, those CEOs who have good human resources skills, such as Ian Pickering, get so much more for and from their staff. Ian Pickering was a great mentor, who retired too early in my opinion, but that was his choice. He

was a man who encouraged people like Lyn Pearson to develop and grow and capitalise on her skills, her initiatives and her intelligence. That is also one of the reasons why I believe Lyn Pearson won this award.

Also, Chris Lemmer, the current CEO, is doing a fantastic job, from what I hear from officers, and that is no surprise to me either, because he is someone who has gone up through the service, again mentored by Ian Pickering. I did not see anyone that I spoke to after Lyn won this award who was prouder than the current CEO, Chris Lemmer. We are indeed proud of this ambulance service in South Australia. We are proud of the people who work in it, and today it is a great pleasure and privilege—and I am a very proud shadow minister for emergency services—to move this motion congratulating Lyn Pearson, Director of Operations, South Australian Ambulance Service, for being named South Australian Business Woman of the Year.

The Hon. S.W. KEY (Minister for Social Justice): I had the great privilege of presenting the South Australian Telstra Business Woman of the Year Award last September to Lyn Pearson from the South Australian Ambulance Service. I should just clarify that the Telstra Business Women's Awards, certainly for 2002, had a number of categories and a number of sponsors.

The Westpac Group SA Business Owner category winner was Dr Anna Schettini, Director of Health on Montacute, which is a program for patients with a range of needs under one roof.

The Commonwealth Government Private and Corporate Sector category winner was Kea Dent, General Manager of Dentsleeve Pty Limited, the company that manufactures and distributes catheter components for people with a number of digestive and gastrointestinal tract health complaints. This company employs 15 staff and, interestingly, exports to over 44 countries throughout the world. There was also the TMP Worldwide Community and Government category, in which Lyn Pearson, Director of Operations, South Australian Ambulance Service was the winner.

There was the Alcatel SA Young Business Women category winner, Shivani Reiter, who is a former Marketing/Customer Satisfaction Manager for BHP Billiton Shared Services and who is also a well-known trainer. She was the youngest and also the only female senior manager in the Shared Services division. So, a number of women were recognised on the day of the Telstra Business Women's Awards for 2002. As we have already heard, the Telstra SA Woman of the Year was Lyn Pearson, Director of Operations, Sa Ambulance Service.

For me it was a real pleasure not only to participate in the Telstra awards but also to be able to present an award to a public servant and to see that the Public Service in South Australia was again recognised for the fantastic work that is done, and that we had yet again a shining example of someone who is a self-made woman, who has made her way through the ranks in the public sector to become Operations Director of the Ambulance Service, while at the same time balancing work and family commitments. As such, Lyn serves as a wonderful role model for younger women choosing a career of public service and shows how women can succeed, given a chance.

The South Australian awards have become a wonderful showcase of the significant talent of South Australian women in a wide range of business endeavours, providing an opportunity to recognise, reward and promote a diverse group of extraordinary women whose achievements and abilities act to inspire and encourage other women in business. More and more women are making their presence felt in the business world, and the awards recognise the different ways in which women are shaping business and exerting their influence in key decision making positions.

Over the years, women have transformed the workplace and the business landscape. Today, some 52 per cent of women are now in paid employment and represent 36 per cent of all employers. It was interesting to note that, of those women who are small business operators in South Australia, 22.5 per cent were born overseas. In this context it should also be noted, certainly with regard to the shining public sector examples, that the first Telstra Business Women's Award was won by Sue Vardon when she headed the Department of Correctional Services in 1995. Sue went on to win the National Business Woman of the Year Award ahead of women across Australia in corporate, private and public sectors. As you would know, sir, Sue Vardon currently runs Centrelink for the federal government.

I am also reminded, having taken note of the Telstra Business Women's Awards, that South Australia has had a number of recognitions, particularly in the public sector. The award for the South Australian Business Woman of the Year in 1999 went to public servant Kathy Alexander for her work as Deputy Chief Executive at the Women's and Children's Hospital. Unfortunately, she left the service the day before she received the award, which was a bit sad, considering the fantastic contribution that she had made, and the innovation for which she was responsible, particularly in the health and community services area.

Although I do not have the details of the dates when these women achieved awards under the Telstra South Australian Business Women's Awards, I remember Jan Ferguson, who I think now works at DAIS and was then in the Department of Transport, and Virginia Battye being recognised through these awards. Virginia has worked for many years in the TAFE area and in the area of post-compulsory education.

We have also had Fij Miller, who previously was the Small Business Advocate and now is heading up the Office of the South and who has also been recognised in these awards. Madeleine Woolley, currently heading up the Social Inclusion Unit for the government in the Department of the Premier and Cabinet, was a Telstra SA Business Women's Award winner in 2001. Madeleine came from the Adelaide TAFE area to head that. We have had a very good run with people who are independent of the public sector recognising some of the wonderful talent we have in South Australia, especially in the public sector.

I also recall a colleague of mine, Frances Magill, who heads up Statewide Superannuation, being recognised in these awards. South Australian women certainly have been looked at as mentors and leaders for other women in South Australia. Today, because of Lyn Pearson's achievements, is a good day to recognise our state public sector in particular and to note that they are the quiet achievers. It is unfortunate to note that, while the statistics tell us that a quarter of the executives in the South Australian public sector work force are women, we have only one female chief executive—Kate Lennon in Justice—and one other woman executive, Anne Howe, who heads up South Australian Water. As minister for the Office for the Status of Women, I am very keen to remind my colleagues that we need to think about the fact that we have this wonderful pool of talent and a number of those women could become chief executive officers.

As far as government boards are concerned, a good campaign was run by the previous government. The Hon. Diana Laidlaw, as the previous status of women minister, has kept the campaign going. I have taken over the baton from her to ensure we have more women represented on boards and committees. There is a number of women of merit and talent, so there is no need to do it in a tokenistic manner, but women need to be recognised and appointed. This is the challenge we have before us.

The government, in particular the Premier, has announced a commitment to strive for gender equity on boards and to have boards and committees that reflect the diverse population we have in South Australia so as to make sure that the people who are offering advice and recommendations to the government actually reflect the community in South Australia. I again take this opportunity to congratulate Lyn Pearson. She certainly is a shining example of what women can do. She provides a leadership and mentoring role for other women in the public sector and for women in South Australia generally.

Mrs REDMOND (Heysen): It is my pleasure also to support this motion. Members may know that I was on the ambulance board for a number of years before coming into this place, resigning only on the day I nominated for appointment to this office. Lyn is a wonderful example, as has already been said, of someone who has come up through the ranks and made it to executive level. As Director of Operations for South Australia Ambulance Service she fills a key executive role in that organisation, which is an ambulance service second to none, not only in Australia but right around the world. When you compare our ambulance service, and what it does, with those overseas, it does an extraordinary job on a very limited budget.

When one of our other females from the ambulance board went to a conference in America, the Americans were stunned because in a US city similar in size to Adelaide you would find 30 competing ambulance services, operating somewhat like our tow truck operators. When they were told how big South Australia is and how we have one ambulance service, managed through our very small head office on Greenhill Road, they were absolutely stunned at how extensive the service is and at the excellent service level we achieve. Our ambulance service aims to achieve response to a first priority, that is, a lights and bells ambulance attending an accident or an emergency of another sort, within 12 minutes in metropolitan Adelaide. That is simply unachievable in most places around the world. In London, they have to use motor bikes to get through the traffic as it is so snarled and gridlocked that they cannot get the ambulance through. There was a discussion in the paper last week about the need to bring bikes into play here in due course. For the most part we have a 90 to 95 per cent success rate in getting to those accidents within 12 minutes, which is extraordinary. Lyn heads up the operations section and provided all those statistics on a monthly basis when I was on the board.

As the member for Mawson said, Lyn came up through the ranks, starting out as a volunteer. This is an extraordinary tale of success when you think that this is someone who started out with a part-time interest in serving the community as a volunteer, then managed to become one of the first female ambulance officers, undertaking quite extensive further study over a period of years, at the same time as managing house and family (as, I am sure, all female members in the house would acknowledge most of us are expected to do, whereas most of our male colleagues do not). It invariably means that these women are very organised and efficient and, on top of that, Lyn always manages to be calm and courteous and be a well-respected member of the management team.

As the member for Mawson indicated, the culture of South Australia Ambulance Service is one that especially encourages women. I have always been, and remain, an opponent of affirmative action. I want to see a classless state in that regard, where women are not treated any better or any worse but simply treated on their merits. We know that women have to be twice as good to get there most of the time, but it is a difficulty. I noted the minister's comments about women on boards. I have been the first and sometimes the only woman on any number of boards over the years and it really presents a dilemma to me because I have to make a decision as to whether I am being put on the board because I am a female or because I might just be a good board member. I have always tried to do a wonderful job.

In her personal situation Lyn has done an extraordinary job to come up through the ranks, get to the executive level and, I know from my own experience with her, be accepted as part of a hardworking, very efficient management team. I was a bit surprised when Lyn received this award, not because of any lack of merit on Lyn's part but because I could not understand how someone in government service could win the Telstra Businesswoman of the Year. So, I have been on a learning curve and have discovered that there are various categories. Lyn won the category that deals with government departments and authorities, rather than for-profit organisations, which enabled her to be the contestant in that section who went through and obviously came out ahead of the rest of the field in getting the award of Businesswoman of the Year. She has made a terrific contribution and I have no doubt she will continue to do so. As the minister said, it provides a mentoring role. I look forward to the day when we do not expect women to be mentors—when it will just be automatic—and that women will be equally represented on all of these boards, but I am sure that, in the meantime, Lyn will provide a wonderful mentoring role for people coming up through the ranks of any organisation to show just how far one can go, starting from a very early base as a volunteer in an organisation. Again, my congratulations to Lyn Pearson and the South Australia Ambulance Service.

Motion carried.

COURIER VEHICLES, FOOD HYGIENE

Adjourned debate on motion of Hon. D.C. Brown:

That this house calls on the Minister for Health to immediately prepare clear guidelines for good hygiene in courier vehicles to ensure high standards of good hygiene can be enforced and implemented in a practical manner.

(Continued from 27 March. Page 2564.)

The Hon. L. STEVENS (Minister for Health): I move to amend the motion as follows:

Delete all words after 'house' and insert the following words:
notes that the Food Act 2001, and subsequent regulations, cover the safe transport of food by courier vehicles and also the action taken by the Minister for Health to ensure that transport companies and courier vehicle operators are aware of their responsibilities under the act and regulations.

This government is committed to food safety reform. It has honoured the previous government's budgeting commitments and is actively assisting food businesses to meet their

obligations to provide safe food. Who could forget the devastating Garibaldi outbreak in 1995, which highlighted how ineffective our food laws were?

Before dealing in detail with the claims made by the shadow minister in his motion a week ago, I remind the house that the new food safety legislation, which came into operation on 1 December 2002, requires all food businesses to notify their local council or the Department of Human Services of their existence and provide business details by 1 December 2003. It requires all food handlers to have appropriate skills and knowledge by 1 December 2003. Under the legislation, food business inspections are carried out by local councils within local government areas and by the Department of Human Services in unincorporated areas of South Australia. Local council or DHS officers inspect food businesses at a frequency determined by the risk level of the food handled.

Penalties for non-compliance are significant—$50 000 for individuals and $250 000 for bodies corporate. If an offender knows that he or she is handling food for sale in a manner that they know will make it unsafe, penalties can be as high as $100 000 for individuals and $500 000 for bodies corporate.

Inspections apply to all food businesses that transport food, including couriers. Regarding food transport, the law is clear. Businesses that transport food that is for sale are food businesses: therefore, they must meet the general requirements of the food safety standards, they must notify their local council or department by 1 December this year and they must ensure that food handlers have appropriate skills and knowledge for the food they handle. Also, they must do this by 1 December this year.

I would like to advise members of the steps taken to assist food businesses to understand and comply with the new legislation. The department has held information sessions throughout South Australia and has prepared and distributed, with the assistance of local councils, 20 000 food safety information kits. The kits comprehensively explain requirements under the legislation and have been targeted to meet various sector needs. Four types of kits were prepared covering general food businesses, charitable and community organisations, schools, and manufacturing businesses. The department assisted local councils by providing training for authorised officers and it prepared and distributed sector-specific bulletins, including bulletins for the primary industry sector and the transport sector, with 1 500 transport bulletins distributed to date.

Before advising the house of further actions taken by the department to ensure that transport companies are fully aware of their responsibilities, I would like to address the many claims made by the shadow minister. As usual, many of them do not stand scrutiny. The department held a workshop with transport industry representatives on 16 August last year to gain a better understanding of their needs for information and dissemination, and resolved that a small, plain-English bulletin was the best way to deliver the food safety message. A transport bulletin was prepared and distributed to the transport industry sector in December 2002. Further distributions were made direct to courier contractors via courier businesses in early March to ensure coverage and, as I said, over 1 500 transport bulletins have been distributed to date. The bulletin addresses all significant issues in relation to food transport and the new legislation. This was in addition to the 20 000 food safety information kits I mentioned earlier that were distributed.

Phone contact was made with the eight major courier companies after the 5AA radio station drew attention to the matter in relation to courier vehicles. The phone contact was made to check their understanding and implementation of the legislation, and additional copies of the information kits in the transport bulletin were provided to them to gain extra coverage.

The shadow minister made a number of allegations regarding lack of training and audits. The statements he made regarding audits are incorrect. Audits come with food safety programs that the previous government determined would not be introduced in South Australia until the commonwealth adequately addressed concerns about the costs and paperwork. Councils currently inspect: they do not currently audit.

As of 1 December 2003, there is a requirement for food handlers to have appropriate skills and knowledge for the tasks they perform. The 12 month gap before this provision became law is to give food businesses sufficient time to ensure that their food handlers meet this requirement. Again, the previous government agreed that the legislation does not require formal training and that it is the responsibility of the individual business to ensure that staff have the skills and knowledge to undertake their work safely. However, to assist businesses to meet their obligations in this regard, the department has provided easy access to formal training providers, a variety of fact sheets covering skills and knowledge included in the information kits, development and supply of a pamphlet entitled 'Food Safety Fundamentals' (22 000 copies in wall chart format have been distributed), and a range of four posters covering food safety messages for businesses to display.

The department is also currently considering financial cash-flowing support for private enterprise to develop an online food handler training course, and the department is producing a food handler training video which will be made available in June or July this year to food businesses through councils. The video will also be distributed to training organisations and industry associations throughout the state. The department has also taken responsibility for ensuring the training of the regulators, and they are the council environmental health officers. Food businesses have until 1 December to meet the notification and the skills and knowledge provisions, and they can even do this online through a computer.

There is no loophole, as the shadow minister suggested. The department has implemented a significant awareness program of the new legislation and its content, and has been providing and continues to provide assistance, resources and support to food businesses to successfully uptake the legislation. The estimated number of food handlers in South Australia is 150 000, not 40 000 as suggested by the shadow minister, and there are possibly 16 000 to 18 000 food businesses. Again, contrary to the statements of the shadow minister, the legislation does not require, as I said before, formal training for food handlers. It requires them to have appropriate skills and knowledge for the tasks they perform. For businesses that believe their staff require formal training to meet the skills and knowledge requirement, the department has made available an extensive list of source material and trainer contacts.

The government is showing strong leadership in ensuring that the new legislation is taken up successfully with business, communication, training and technology plans developed and implementation well under way. In recent weeks I have been aware that the issue of couriers and food

hygiene has been the subject of local talkback radio. In response, the department has followed up with major courier companies in South Australia and has provided them with information on their legal obligations and provided the foods transport bulletin for distribution to their subcontractors. My department has written to all transport and courier companies this week reminding them of their responsibilities under the new legislation. I have also asked my department to include a copy of the *Hansard* and the shadow minister's speech detailing the claims being made by the opposition to ensure that companies fully understand the issues being raised by the opposition. My department has also written to all local councils drawing their attention to the shadow minister's claims and asking councils to consider them as part of their responsibilities under the new legislation.

The focus of communications during 2002-03 has been on raising awareness, particularly about the requirements of the law, proprietors' obligations and responsibilities, the need to notify and the requirement for food handlers to have appropriate skills and knowledge for the tasks that they perform. The focus for 2003-04 is to assist food businesses implement the requirements of the legislation within their organisations. In preparation for this, a survey has been prepared and piloted to gain an understanding of the particular needs of the various food business sectors so that further specific guidance can be provided by my department. An outcome of the survey will be targeted advice to a range of sectors, including transport businesses and couriers.

Notwithstanding the radio coverage, I state that the Department of Human Services has received only one specific courier food handling complaint which it received at the end of the week before last and which it actively followed up. I note for the house's information that this was forwarded to the department by Leon Byner of 5AA, and I thank him for his interest in this issue and his action in following up the complaint with us. The department is not aware of any recent complaints received by local councils in South Australia or by other health authorities in Australia, nor have there been identified food poisonings caused by couriers transporting food. Nevertheless, I restate here to everybody that the government and Department of Human Services and certainly, I understand, local councils take their responsibilities seriously. The measures I have described will apply to all areas of food handling, including transport.

In closing my remarks I want to say again that the new food act with its regulations is a national legislative framework developed across the country. It involves hundreds of thousands of food businesses, from the local corner deli, the food couriers and Woolworths to the swankiest hotels—an enormous range of food businesses. There are responsibilities for the federal government, the state government and local government, and implementing this new regime is a complex task. We are absolutely committed to getting it right. Food safety is a fundamentally critical need for any society. It was this Labor party in opposition that pushed so strongly and so hard over many years following the Garibaldi tragedy in South Australia for our food laws here in South Australia to be strengthened and, as minister in charge of this area for the current government, I will be continuing this effort and making sure that all parts of the industry play their role. I draw the house's attention to these remarks and seek its support.

Mr MEIER secured the adjournment of the debate.

COUNTRY FIRE SERVICE

Adjourned debate on motion of Mr Brokenshire:

That this house congratulates all Country Fire Service volunteers and staff and other government agency personnel for their willingness, dedication and professionalism in answering the call for assistance from Victoria during the recent bushfire disasters.

(Continued from 27 March. Page 2566 .)

Ms RANKINE (Wright): Last week when I was making my contribution and time expired I was talking about the importance of fire prevention and planning in relation to developments such as Golden Grove. I mentioned then what a great development Golden Grove was, and yesterday we had that further expanded when the Minister for Government Enterprises told us about the joint ventures winning the national master planned development award. However, there are things we can learn about that development, and one of those is the use of brush fencing, particularly that adjacent to open spaces, which are very prolific in the Golden Grove area. I mentioned arson attacks out there, and what I did not realise at that time was that at 1.30 a.m. that very morning another brush fence arson attack affected three homes out at Greenwith, where 70 metres of brush fencing was burnt. People are extremely concerned about the prolific use of brush fencing in that area, and a lot of householders are understandably reluctant to replace that same type of fencing. I think the use of brush fencing in bushfire prone areas such as that is really inappropriate, and it is an issue that I will be putting to the Premier in light of his bushfire summit, which will occur in May this year.

I think it is a real and practical way that we can show support for the fire fighters and their efforts that we acknowledge that building specifications and proper planning are really critical if we are to avoid similar circumstances as those that occurred in Canberra this year. Many things can be done to protect homes. In a media release he put out recently, the Premier highlighted that a range of measures can be implemented, such as burn off programs, planning laws to ensure residents in high bushfire risk areas take preventive measures, looking at the effectiveness of our communication systems and increasing bushfire awareness amongst residents. Other things need to be looked at, for example, the sort of vegetation we use around our homes, the housing designs that we allow to be built in bushfire prone areas, simple things like the design of windows, the use of timber decking in bushfire prone areas and the sorts of soft furnishings we have in our homes. We know that, if our windows are not sealed properly and someone, for example, has a nylon carpet in their home, that will ignite much faster than if someone has a wool carpet in their home. Certainly, the position and location of homes on allotments is an important issue.

These are all things that I will be putting forward to the Premier that need to be looked at at this bushfire summit. I am sure the emergency services will welcome the opportunity to have these matters assessed. I congratulate the Premier on this initiative and also congratulate the wonderful volunteers and again thank them and their families for their efforts in Victoria this year. I was going to conclude last week with a reminder about fire alarm batteries. It is still not inappropriate to remind people that it is time to change the batteries in their fire alarms in their homes. We can take no greater precaution to ensure safety in our homes than having an operational fire alarm.

Mr BROKENSHIRE (Mawson): I am very pleased to close the debate. I thank all my colleagues in the house for their contributions. This is an extremely important motion, and I know my colleagues on both sides of the house who have supported this motion would agree. It is important that members of parliament continually look at ways of improving the Country Fire Service and the Metropolitan Fire Service—indeed, all emergency services. We are duty bound to do that. Our constituents expect the parliament to always look for ways of supporting emergency services. The answer is simple, and it includes the absolute support of the parliament by way of resources to support motions such as this where we thank volunteers and paid staff.

I refer to people who risk their lives daily and who, when they leave home—and this is not like other jobs—might have family members concerned a little, to say the least, as to whether they will be home that night, given the traumatic and hazardous work these volunteers and paid people are prepared to do 24 hours a day for the protection of the two most precious things to any person, namely, life and assets. It is important that we as members of parliament remember that. We should do our level best to support them and not just pay lip service to them so that we get the best possible outcomes to deliver the work that they do for our community.

Ms Rankine interjecting:

Mr BROKENSHIRE: This is exactly the reason why I have this parliamentary select committee motion before the parliament at the moment, so that every MP, the 47 members of parliament in this house—

Ms Rankine: You did it after the Premier announced his summit.

Mr BROKENSHIRE: I will put on the public record what happened. In January, when I was on leave and saw what was happening in Canberra, I thought about our magnificent volunteers who were in Victoria doing the work there. At that time, the media contacted me and asked, 'How do you think we are in terms of preparedness for a potential Victoria or Canberra bushfire scenario?' I said, 'I will tell you that we are better prepared than any other state; I can confidently say that, because we have reasonably good equipment and dedicated, highly professional paid and volunteer people.' I said, 'It is an opportune time for a select committee over the winter period to have a look at what we can do to further support the volunteers and paid staff to protect the lives and properties of South Australians.' In response to the matter just raised by the member for Wright, the Premier's office said to the media, 'We may consider the select committee that Robert Brokenshire is putting up once we see the terms of reference.' After that—

Ms Rankine: It was already announced.

Mr BROKENSHIRE: It was not announced before. The member for Wright is trying to rewrite history. After that, the Premier's office said that it wanted to have a summit. It can go ahead and have its summit. However, that is, to a degree, a closed shop, and it does not give the broadest opportunities for the parliament to support the government's initiatives, including the tough ones with respect to issues around national parks etc. However, if the parliament feels confident that proper processes are in place and makes the right recommendations, that can take the pressure off this government. As bipartisan as I am, I am very happy to assist the government in those ways when I possibly can. I hope that the select committee will be supported when we next sit.

Having said that, I again thank all members, including the member for Wright, for their contributions. We are passionate about volunteers in this state, and so we should be, because at the end of day if we did not have those volunteers we simply would not have South Australia. I thank all members for their contributions and I sincerely and genuinely thank the volunteers, the paid staff and their families who not only went to Victoria or stayed home and looked after us but are there every day in their capacity as fire service personnel, looking after our great state.

Motion carried.

FREE TRADE AGREEMENT

Adjourned debate on motion of Mr Hanna:

That this house requests the government to prepare and publish a report assessing how entry by the Commonwealth of Australia into a free trade agreement with the United States of America would affect consumers, farmers, industry and culture in South Australia.

(Continued from 20 February. Page 2367.)

Mr HAMILTON-SMITH (Waite): I rise to indicate to the member proposing this motion that the opposition will support it. The member for Mitchell made a number of interesting points in his comments regarding the motion. He clearly feels that there is a need for the South Australian government to look more closely at the impact that this trade agreement might have on the South Australian economy. He has put up an argument that, in his view, there are few sound reasons for us to seek this agreement. The opposition would not agree with him on that point. However, we feel that he has raised a number of interesting issues in putting the motion. Indeed, there are some aspects to this that South Australia should examine. The extent to which the United States and South Australia might benefit warrants scrutiny.

The member for Mitchell's second principal point has to do with how the United States might seek removal of export monopolies currently in place in the form of producer-owned boards. He went on to talk about our current foreign investment review board and what its role might be in some future agreement between the United States and Australia. He mentioned what he considers to be huge implications for the South Australian Film Corporation and the artistic aspects, particularly in regard to production, that might be brought to bear as a consequence of an agreement. As the shadow spokesperson for the arts, I will be interested to see the government's comment on that.

The member for Mitchell talked about the example of tariffs being removed and what impact that might have on our industries. He has raised the issue, with which the opposition fully agrees, as to whether the Labor Party, in his own words, can be relied upon to get this right. He feels that the debate within the Labor Party on the issue of free trade and how it might impact on South Australia has been won by the right, and that the left and others within the Labor Party of conscience, who seek to know more about the effects of a free trade agreement, have been hammered and smothered by the right at Labor Party forums. Therefore, he seeks to ensure that the Labor government openly and thoroughly reports, reveals and discloses the full impact of this trade agreement upon South Australia, rather than simply brush things under the carpet. I think his assessment of internal machinations within the Labor Party is astute.

This issue is particularly important to South Australia, and the opposition is agreeing with the proposition, particularly in the light of the state of the state report, the statistical overview. I note that the minister is in the chamber and that

he will be commenting. Section 5 of that report talks about the differences in major export markets between South Australia and Australia. It reflects differences in the mix of products exported. One of the graphs reveals that South Australia has, as a major export market, the United States, and compared to the national average South Australia trades something in the order of 16 per cent to 17 per cent with the US, whereas Australia trades more to the tune of about 10 per cent. In fact, the United States is a much bigger trade partner for South Australia than it is for Australia as a whole. Therefore, the impacts may be greater for us if the state of the state's statistics are correct.

Clearly, this is prominently a federal matter. We note minister Vaile's comments on the trade agreement and his undertakings that the FTA negotiations will not impair Australia's ability to deliver fundamental objectives in health care, education, consumer protection and supporting the Australian culture and identity. They are flagging that Australia will aim to ensure that the outcomes of FTA negotiations complement and reinforce our objectives in the Doha round of World Trade Organisation negotiations and the Asia-Pacific Economic Cooperation Forums and set a high standard for other FTAs. The federal government is, clearly, onto the key issues raised by the member for Mitchell.

Of course, as members would be aware, this agreement touches on trading industrial goods and agriculture and also sets to establish rules regarding origin, quarantine, sanitary and other matters. It seeks to provide certain trade remedies. It talks about customs cooperation, trade and services, rules for investment, intellectual property rights, telecommunication and electronic commerce matters, government procurement issues, competition policy, arrangements for state to state dispute settlement and environmental issues. It is very broad and wide in its scope. All those issues need to be looked at from the point of view of how they might impact on South Australia.

The Rural Industries Research and Development Corporation's work, which was completed by ACIL Consulting and to which the member for Mitchell referred in his address, is of interest. That report has been prepared by a particular interest group. We note that many of the concerns raised in that report warrant scrutiny. Of course, the report itself presents the arguments for an FTA with the US and talks about how, in certain circumstances, it could provide a net welfare gain to Australia of $US2 billion or almost $A4 billion; it can strengthen our overall economic relations with the US; and there could be wider spin-offs from closer economic links with the world's biggest and most competitive economy and the heartland of information economy. As shadow spokesperson for innovation and information economy, I recognise those benefits.

The ACIL report also talks about Australia's being disadvantaged if it did not have an FTA with the US. Meanwhile, the US concluded its planned free trade agreements with the Americas and with other countries. The FTA with the US would not undermine the World Trade Organisation or the Doha round but, of course, the ACIL report goes on to highlight some reasons for caution. It talks about how a free trade agreement might affect our trading relationships with China and other trading partners by setting up special arrangements with the United States that other countries do not enjoy. Of course, it talks about a range of other impacts that might be negative for Australia and, possibly, South Australia. All these issues warrant scrutiny.

The opposition notes the *Financial Review's* coverage of the ACIL report and also the *Sydney Morning Herald's* contribution on 26 February, where former deputy prime minister Tim Fischer has waded into the debate and talked about some of the possible impacts and implications that a free trade agreement might have upon us. In particular, the *Sydney Morning Herald* article warned that a free trade agreement with the US might encourage the development of an Asian free trade pact that excludes Australia, noting that 10 per cent of Australian exports are directed to the US compared to 55 per cent to East Asian markets. Again, those things require scrutiny.

The opposition also notes the report carried out by APEC. A number of points warrant scrutiny, particularly the issue of the World Trade Organisation's efforts to liberalise trade, which needs to be further examined in line with the free trade agreement proposal. There are a number of other issues of interest in the APEC report. We need to ensure that the free trade agreement, if it is carried, has the right effect and not the wrong effect, particularly in regard to Asia and our future trading prospects, noting that many commentators are now making the point that China is the way of the future.

This whole issue is one of ideas. I am reminded of the thoughts of F.A. Von Hyeck, that great liberal thinker, who made the point that this is really about ideas: nothing is more powerful than an idea. There are vested interests and there are ideas. The two need to be balanced. He said:

> . . .both competition and central direction become poor and inefficient tools if they are incomplete; they are alternative principles used to solve the same problem, and a mixture of the two means neither will really work and that the result will be worse than if either system had been consistently relied upon. Or, to express it differently, planning and competition can be combined only by planning for competition but not by planning against competition.

I think this free trade agreement is about competition, and we implore the government to produce the report and inform South Australia. The opposition commends the motion.

The Hon. R.J. McEWEN (Minister for Trade and Regional Development): This motion calls for us to prepare and publish a report. Members will be delighted to know that would have been done as a matter of course. In fact, that process has already commenced. On top of preparing and publishing the report that is called for in this motion, other reports will also be produced and available. Obviously, it is a complex matter and as much input as we can have the better.

I wrote to minister Vaile on 6 February outlining the broad principles that the state government wished to see underpinning the negotiations with the US. I can indicate that the correspondence and all other matters can be found on the DFAT web site. I presume that it is already up there; if not, it will be in the near future, as will many other submissions. I think it is important that all members, as much as they can wait for this report, need to understand that this process is dynamic in nature and evolving and that there will be regular opportunities through the web site to see not only what South Australia is saying but also what others are saying, as we identify all those issues around a US free trade agreement.

We acknowledge that the agreement must be comprehensive in scope and include major market access gains in all areas, particularly in areas of manufacturing and agriculture. We acknowledge that Australia's quarantine system must maintain its ability to restrict the introduction of pests and diseases that will impact on agriculture and food industries.

South Australia's image as a clean source of agriculture and food product provides an important competitive advantage in Asian and European markets. The commonwealth government must provide an assessment of the likely gains and losses to individual Australian industries (such as the wine and automobile industries), including potential losses from domestic sales of US goods.

The commonwealth government's enthusiasm for a free trade agreement must be tempered by a realistic assessment of gains and losses. This is a dynamic and ongoing process. Jessie Byrne and her team are engaging, as we speak, with DFAT. The next step is that, along with state trade ministers, I will meet with federal minister Vaile in Perth next Friday. We will be given an update at that time on the process and, again, all of that will be continually available on the web site as we move through this process. In supporting the motion, I need to say that it complements other sources of information as this process evolves. As much as we will be delighted to prepare and publish a report, it will not necessarily be a stand-alone report; it will be just another tool as we continue to contribute as a state and ensure that our specific interests are taken on board and considered at all times along with those of other states as we as a nation prepare a response to the US free trade agreement.

Mr HANNA (Mitchell): I thank members for their contributions. The member for Waite underlined a lot of the concerns that I have. I am sure that we would not share philosophical agreement about some aspects, but this is an issue that does affect all South Australians one way or another, and I think that is reflected in the contributions of the various members.

I very much appreciate what the minister has said in this debate. It is extremely heartening and encouraging to note that the minister has already taken steps to engage South Australia in the national process. I am confident that there will be a positive outcome if the minister continues down that path, keeping a close eye on developments and making strong submissions on behalf of South Australians to the extent necessary. In conclusion, I am pleased to see the support for this motion, and I look forward to keeping in touch with the minister, in particular, about future developments.

Motion carried.

SCIENTISTS' ACHIEVEMENTS

Adjourned debate on motion of Ms Bedford:

That this house recognises the enormous achievement of South Australian scientists and their contribution to the state's economy and wealth through intellectual endeavours that promote industry and employment.

(Continued from 5 December. Page 2170.)

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I rise to support the member for Florey's comments about the need to recognise and applaud the efforts of scientists in South Australia. Traditionally in the community a lot of praise is given to sportsmen, musicians and civic leaders of all sorts but there is scant recognition of the part played not just in our community but in our economy by scientific activity. One of the issues about science that is quite extraordinary is that as people's interest in science fiction and scientific advances grows—and as the debate about scientific issues, ranging from clothing to embryonic stem cell research, GM foods, mad cow disease, nanotechnology and various pieces of IT and computing equipment has grown in the public sphere—the basic understanding and scientific literacy of our community have probably declined to a lower level than one would see comparatively at any time in our history.

Why would this be? First, there is a difficulty in our community in accepting scientific role models. If a group of primary schoolchildren is asked to write about heroes, role models and leaders, the chance of actually finding a child writing about anyone other than a football player or a cricketer is fairly slim. I hazard a guess that in an average class of 25 to 30 children you would be lucky to find one talking about Howard Florey or any of our leaders in science in this state.

How has this come about? It seems to me that the community does not recognise that scientists make an impact and do not understand the career paths that open up for young people should they go into science. One of the reasons for this is that the diversity of science training has reached a level where the naming of degree courses and modules becomes distant from people's everyday experience. A reflection of this is in the number of people taking science in secondary school. Stage 2 science subjects enrolments have declined from 65 per cent in 1996 to 55 per cent in 2001, and there has been an even greater decline in the percentage of students completing stage 1 science subjects (76 per cent in 1996 down to 62 per cent in 2001). This, of course, has a profound impact on the potential not only for people to enrol in science subjects at school but for us as civic leaders to be scientifically literate in discussing the key issues that face our community in the future.

The decline in science in schools is also impacted upon by declining enrolments in universities, because of course to teach science in school you need to have a good science qualification and degree. Figures from the United Kingdom suggest that there is currently a crisis in science education. That is not unique in the world. The figures in the UK suggest that over 80 per cent of physics classes taught in secondary school are taught by people without a degree in physics. You might think that that does not matter and that you could perhaps teach a bit of French without a degree in French, but the concept of an individual trying to instil the excitement and dynamism and challenge of physics without a deep understanding of the subject is quite frightening to say the least. In fact, physics is a fascinating and dynamic subject, but only if taught by someone who actually understands what they are talking about. By the time people go to university you are talking about the future science teachers in our community. Universities have now observed that only 14 per cent of the total first preferences for university enrolments in South Australia are for science courses, and that includes all the traditional sciences such as chemistry and physics as well as ICT and environmental sciences. This is down 8 per cent from last year and continues a downward trend in preferences for science at university.

In order to address some of these issues, the Premier's Science and Research Council has identified science and mathematics education, of course, as a priority issue for consideration. Already, the education department has moved towards improving the take up of science and maths in schools, and has worked directly with Flinders University to develop the Australian Science and Mathematics School (ASMS) as a senior secondary school offering a comprehensive, connected curriculum with a focus on science, mathematics and related technologies. It is a joint venture between

our government and the Flinders University, and its charter is to be a focal point for innovative curriculum professional development and research activities aimed at fostering excellence, innovation and reform in the teaching and learning of science and mathematics.

In addition, the initiatives taken up are in the promotion of science as a teaching career and the considered teaching promotion, where undergraduate mathematics and science students are encouraged to take up a teaching career. The results of the considered teaching promotion are very encouraging. For example, there has been an increase from four chemistry graduates from the University of Adelaide in 2001 to 14 in 2002 who are undertaking a graduate diploma in education with a view to taking a career in teaching. Similarly, at Flinders University, where six undergraduates in 2001 took up teaching, in 2002 this has increased to 20 undergraduates who are taking a double degree in education and mathematics or science. Certainly, those double degrees will have a key part to play in promoting science amongst young people. DECS is also involved in developing a science education strategy for schools. Whilst time does not allow me to go into this in detail, it is quite clear that the status and quality of teaching and learning of science in Australian schools, which is under review following the commonwealth government's work, will allow us to have a blueprint for teaching in the future.

The reason why I am so enthusiastic about the quality of secondary school science teaching and the opportunities for people in careers in science is that there are rapid advances and opportunities for employment, research, training and career paths in biotechnology, information and communications technology, and a range of new industries and research and commercialisation placements in our state. For example, we believe that 2 400 new jobs will be created in the biotech sector over the next 10 years. Already, the state's ICT sector employs approximately 8 000 South Australians in over 700 small and large companies. Notwithstanding the downturn globally in the ICT industry, the opportunity for people with these skills grows as the ICT and electronics industry sector embeds itself as enabling technologies throughout every sector of our community and economy.

Clearly, these issues cannot be addressed, and career paths cannot be developed, without there being a growth in skilled and technologically and scientifically literate members of the community. Teaching science is not just for people intending to take up a science career. Unless our whole community develops a level of science literacy, unless our media develops science promotional enthusiasm, and unless our politicians are able to address the difficult issues that we face, our community will not be served well. I support wholeheartedly the member for Florey's motion, because anything we do in this state to promote the achievements of scientists will help our community, will engender meaningful, critical debate about scientific issues and will improve our government's endeavours to produce employment and opportunity for South Australians.

Motion carried.

STANDING ORDERS SUSPENSION

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I move:

That standing orders be so far suspended as to enable Government Business Orders of the Day Nos 1 and 2 to be taken into consideration forthwith and until 1 p.m.

The ACTING SPEAKER (Mr Snelling): I have counted the house and, as an absolute majority of the whole number of members of the house is not present, ring the bells.

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

Motion carried.

PROHIBITION OF HUMAN CLONING BILL

RESEARCH INVOLVING HUMAN EMBRYOS BILL

Adjourned cognate debate on second reading.

(Continued from 2 April. Page 2728.)

The Hon. W.A. MATTHEW (Bright): It pleases me today to be continuing my remarks at a much more reasonable hour than the time at which I had to commence my remarks last night shortly before midnight. I am pleased that the government finally succumbed and agreed to adjourn the proceedings of the house so that the debate of what are two very important bills could continue at a far more reasonable hour. As I was saying last night, one of these bills in particular opens up the very controversial area of embryo stem cell research. Having spoken to a number of scientists, medical practitioners and people who are concerned about the ethics of such research, I remain to be convinced that there is any need whatsoever for stem cell research to occur.

In fact, not one scientist in the field can assure me that any benefit at all will derive from embryonic stem cell research as distinct from stem cells taken from adults. On that very basis, this parliament must question the need for such opportunity for scientists within our state. As I indicated last night, I believe that the start of life occurs at fertilisation; and effectively the facilitation of one of these two bills is to provide the scientific community with the opportunity to destroy human life, and to destroy human life simply by virtue of the fact that the cells concerned are regarded as 'surplus' or 'surplus embryos'. I find this terminology repugnant, because it describes human life as being disposable, or non-disposable, based on the need for that life at the time of its creation, or after a period of its being frozen for use in whatever way scientists deem fit at a later date.

The minister's second reading explanation of the bill talks about choice and states:

It empowers the couples for whom the embryos were created to determine to what use their excess embryos may be put.

What repugnant terminology about human life: to give the couples for whom they were created the ability to determine whether they are excess and should be cast aside, effectively as a piece of tissue. The dilemma that I see with this bill is that there will be members of this parliament who consider embryos as being no more than surplus tissue because they are unable to argue their case for themselves.

This debate goes to the very core of what is life. What sort of society do we live in? At what point is a human being created; and who ought have the right to determine whether the creation of a human being should then result in the death of that human being on someone's say so? I wonder just what other rights will be given to the couples for whom these embryos—in the minister's words—have been created. Will the couples have a say in how many embryos are so created for the purpose of in-vitro fertilisation? Will the couples be told how many embryos may be surplus or excess in advance

of their creation and what might happen to them if this legislation is to pass? Will the couples be given details as to the way in which the embryos develop and what it means to pass them over to the scientific community for research?

Will the couples be told that the research that is undertaken can equally be undertaken on adult stem cells? Will the couples be warned when embryos are created and are not used for in-vitro fertilisation that they will become an opportunity for research for the scientific community? In the absence of any concrete, certain, indisputable information before this house from the scientific community that they need to be able to undertake research on embryonic stem cells because there is no other adult stem cell use in place of that on which they wish to undertake their research, I do not believe there is a case for stem cell research. I do not believe there is a case for saying that there ought be a right to determine that embryos can be destroyed. I do not believe there is a case before the parliament that the parliament ought confer upon others the right to create or destroy life at will, as the case may be—and that is the power this parliament is being asked to confer on the scientific community.

Make no mistake about it, this parliament is being asked to confer on the scientific community the power to destroy life at will without just cause. That is something that I simply cannot support. In the time available to me, I will put on record some of the breakthroughs that have started to occur in this year alone in the fabulous field of stem cell research—not stem cell research using embryonic stem cells, but stem cell research using adult stem cells. I will go through some of the information that has been sent to members of parliament from the scientific community that is very concerned about the direction in which this debate has been heading in Australia.

On 5 January this year, at the Cedars-Sinai Medical Centre there was a fabulous breakthrough on Parkinson's disease. A Parkinson's patient's own brain stem cells were chemically encouraged to change form. Through this process they became neurons that secrete dopamine, a critical substance lacking in the brain of Parkinson's patients. The patient experienced 80 per cent improvement in mobility. That experiment is at trial stage and expanding, but it is a very encouraging experiment indeed, and one that is using adult stem cells and not embryo stem cells.

On 13 January this year, it was found that a human peripheral blood monocyte-derived subset acts as pluripotent stem cells. That was a finding of the Biochip Technology Centre in Argonne in Illinois. It has identified, cultured, characterised and propagated adult pluripotent stem cells from blood monocytes. There are a number of possible applications, including nerve and liver cells. On 21 January this year, the John Hopkins University School of Medicine in Baltimore made an announcement. They have effectively transplanted bone marrow, which generates new neurons in human brains. That is through a process of adult human bone marrow stem cells entering the brain and generating neurons—again, adult stem cells, not embryo stem cells.

On 30 January, at the Duke University Medical Centre, an announcement was made of an oxygen key switch in transforming adult stem cells from fat into cartilage. Effectively they have created cartilage cells from stem cells taken from adult fat tissue. Low oxygen levels mimicking internal body conditions caused the cells to stop proliferating and begin differentiating into chondrocyte or cartilage cells. In February, the *Journal of Investigative Ophthalmology and Visual Science* detailed non-neural regions of the adult human eye as a potential source of neurons. Lausanne University in Switzerland has undertaken a study which has concluded that the human eye can serve cells that might provide a source of neurons for transportation studies in the retina and other areas of the central nervous system. Again, I remind the house that these examples involve the use of adult stem cells, not embryonic stem cells, and they are marvellous scientific breakthroughs.

No scientist has been able to put forward an argument that can decisively claim that embryonic stem cells would have gained any further momentum in this scientific research. In February, at the National Institute for Medical Research in London, the Division of Neurobiology has undertaken tests on rats with upper spinal cord injury repairs using stem cells from the nose. That is an exciting breakthrough that was able to restore breathing and climbing in the case of the rat with the severed spinal cord. Again, it did not use embryonic stem cell research.

Also in February, the Laboratory of Molecular Endocrinology at Harvard Medical School in Boston undertook studies pointing to adult stem cell use for potential treatment in type 1 diabetes. That is another exciting breakthrough in this research, and it did not use embryonic stem cells.

On 1 February this year, at the University of Bath in the United Kingdom, through a process called transdifferentiation, scientists have been able to turn a tadpole's liver cells into all cell types found in the pancreas, including insulin-producing islet cells. Again, that is another possible application for treating diabetes.

The point that I am making is this: in raising concerns about this bill, in being opposed to the use of embryonic stem cells—in other words, the destruction of human embryos for medical research—I am pointing out to the parliament that this research using adult stem cells is very exciting and it is producing worthwhile results world wide, with great advances in medical technology. There is no need for the scientific community to be able to access embryonic stem cells for their research. There is no need for the scientific community to have the right to destroy human life through having access to what they repugnantly term excess embryos—excess human life, disposal of human life, the leftover human life from the in vitro fertilisation program—to do their will.

I applaud the work of the scientific community in its use of adult stem cells and urge scientists to continue the work in that field. I commend those scientists who have contacted members of parliament expressing their concern and horror at what some of their colleagues want to do with human life. I implore members of parliament to reject the notion of the passage of any bill that will allow the destruction of human life in the name of research.

Mr MEIER (Goyder): I am pleased to have the opportunity to speak to these two bills, which reflect federal legislation. It is interesting to note that, although the federal parliament initially had before it only one bill, which it decided to split into two, two bills came to us and now we have decided to consider them as one. I recognise that we are able to vote independently, and that is very pleasing. I believe I can support the Prohibition of Human Cloning Bill, and I do not have to say much about that. It is fairly straightforward and other members have said a lot about it.

My only comment is that it is a little hard for me to understand to what extent commonwealth powers will be dominant over state powers. I have always been under the impression that commonwealth powers supersede state

powers if and when they both apply in the same situation. However, it appears that state legislation is definitely needed so that all situations are covered. Therefore, I am happy to support the Prohibition of Human Cloning Bill.

However, I will not support the Research Involving Human Embryos Bill. Many of my colleagues have summarised the issue comprehensively, probably better than I could do it. Several members have said that it is a very complicated, difficult issue, and I do not deny that for one moment. In essence, the bill allows only certain embryos to be used for approved applications under specified conditions. It also empowers the couples for whom the embryos were created to determine to what use their excess embryos may be put, and I recognise that the bill is drafted to regulate all embryo use other than for the clinical treatment of patients. For example, embryo use for infertile couples will remain wholly under a different act, namely, the Reproductive Technology Act. I am very pleased that it will not affect infertile couples at all. In fact, if this bill were to affect them, it would make my decision very much harder, and I am pleased that they come under a different act.

It troubles me that this bill identifies that certain embryos can be used for approved applications under specified conditions. My belief is that human life begins at conception. Therefore, it is a great difficulty for me to see experiments undertaken where there is every chance that a human life could have been progressed. Again, arguments have been put forward time and again in this debate, and also in the federal arena, about the whys and wherefores. I recognise that it will continue to be a question that we as human beings will never be able to resolve fully to our satisfaction: it is with a higher being, and I guess we will only find the answer once we leave this world and go on to the next. But we may not be terribly interested in seeking answers to those questions at that stage.

I was taken with a quote in the Southern Cross pamphlet titled 'Human Embryos: a Limitless Scientific Resource? What the Research Involving Embryos and Prohibition of Human Cloning Bill 2002 really allows'. On page 3 of that pamphlet is an article entitled 'Embryo research: the real agenda'. It highlights an extract from a conversation between Senator Harradine and Professor Short, as follows:

> Senator Harradine: You go on, on page 3, to say: 'There are many scientific experiments that need to be undertaken on human pre-embryos. There is no appropriate laboratory animal or subhuman primate for many of these experiments, so great are the differences between species.' Could I ask you a direct question? How often has IVF been undertaken on non-human higher primates?
>
> Professor Short: It has not been undertaken on gorillas, because gorillas are endangered species. It has not been undertaken on chimpanzees, because chimpanzees are endangered species. It has not been undertaken on orang-utans, because orang-utans are endangered species.
>
> Senator Harradine: So, you are able to do it on humans?
>
> Professor Short: We are not endangered.

The issues contained in these bills will continue to be the subject of intense discussion. I do not want to see scientific research limited but, at the same time, I want to do everything I can to ensure that human life, as I define it and as I see it, is protected in all circumstances. I support the Prohibition of Human Cloning Bill. I do not support the Research Involving Human Embryos Bill.

Mrs HALL (Morialta): I rise to make a brief contribution. I put on record my support for both bills before us. As many members in the chamber have already outlined, I very strongly support the bill concerning the prohibition of human cloning. It is relevant to note that neither in this chamber nor in the federal parliament have I heard arguments to try to persuade anyone not to support that bill.

I have some concerns about the Research Involving Human Embryos Bill, but I support the principle that is outlined and contained in all the material that has been provided to members of parliament and, certainly, many of the sentiments that have already been expressed during the debate over the last 24 hours. I shall not repeat much of what has already been said.

A very genuine attempt has been made by all involved in the preparation of these bills to ensure that the regulatory framework, very strict controls and licensing procedures provide the safeguards that all Australians want to see. I believe that they cover adequately many of the concerns that some of us have about aspects of the bill and how far scientific and medical research will take us.

I must, too, record a degree of concern: we started the debate last night at about 8.30, and we are being asked to do in less than 24 hours what the federal parliament took some weeks to do. The importance, complexity and sensitivities of these bills deserved a much better process, and I believe that they deserved more time devoted to them, the second bill in particular.

Like so many parliamentarians in this chamber, I have exercised a great deal of thought over both what I would do and all the implications that I saw that were involved in the provisions of this bill. I have greatly appreciated, as have other members, the enormous effort that has been put into providing us with the material and the information for us to make what we believe to be a considered decision. I am particularly pleased that it is a conscience vote, because these rather sensitive, complicated issues deserve some freedom, given that many people have very firm views—from religious and other aspects.

I want to pay tribute to the guide which has been provided to us and which covers many detailed questions and much technical information about some of the issues with which we must contend. But, on balance, the decision to which I came was, I thought, encapsulated particularly well with a quote from our Prime Minister. I think that Prime Minister John Howard is not on record as being one of our more liberal prime ministers with respect to many of our social issues. Indeed, he has often said, quite proudly, that he considers himself to be one of our most conservative leaders in the history of our country.

I know the Prime Minister relatively well and I know the time he must have spent reaching his decision. I would like to quote four paragraphs of the speech he made in the House of Representatives, because in many ways it encapsulates my views. The Prime Minister said:

> The key fact shaping my view was that at present surplus IVF embryos are disposed of after a set period of time in storage, in consultation normally with the donor, where that is possible, and largely through exposure to room temperature. I could not find a sufficiently compelling moral difference between allowing embryos to succumb in this way and destroying them through research that might advance life-saving and life-enhancing therapies. That is why, in the end, I came out in favour of allowing research involving excess IVF embryos to go ahead. I strongly believe, however, that the special character of embryos warrants a strict regulatory regime for research involving excess IVF embryos. It is also my very strong belief that human embryos should not be created for any purpose other than IVF treatment. Having conscientiously applied myself to this issue, I understand and respect that others in good conscience will come to a different conclusion.

I believe the debate that has so far taken place in this chamber reflects very strongly those sentiments. I do hope that people

who have a strongly differing view from any of us respect that we have our own views and that they also ought to be respected. As has been said on a number of occasions, these issues cover scientific research, ethical and moral questions and many religious questions, but I always believe that these areas need to be approached with caution and a sense of, in some ways, humility because very few of us in this chamber are qualified to speak on many aspects of the technicalities involved in these bills.

However, I must say that I am convinced that the regulatory controls and the licensing system which are currently in place and which will be put in place should cover the areas about which I have some concerns. But, at the end of the day, the political reality is that legislators must decide what they are going to do and that we know we are accountable for the decisions and the votes that we take in this house, and I am very happy to be involved in that process.

There is one aspect about which I would like to speak, as many members have, namely, the number of future benefits that may emerge from the passage of these bills across Australia. Like many other members, I have watched numerous television programs and documentaries and I have read much of the material that has been provided to us. I must say that I think that there is an exciting future in medical advances when one looks at the potential treatments for Parkinson's disease, Alzheimer's, spinal injury, stroke, conditions related to bone marrow, heart, liver and particularly juvenile diabetes, and other conditions that involve simple organs that will have benefits for thyroid and pituitary problems and adrenal glands.

I think that the barriers medical science will always push are important because, I guess, if one looks at it in a historical context, many courageous medical practitioners, scientists and researchers have probably been ridiculed at the time of some of their breakthroughs, but now we are particularly grateful and many of us see some of the benefits being enjoyed by thousands of people throughout the international community.

Debate adjourned.

[Sitting suspended from 1 to 2 p.m.]

PRIVILEGES COMMITTEE

Mr BRINDAL (Unley): I seek leave to make a personal explanation.

Leave granted.

Mr BRINDAL: On ABC Radio this morning the Deputy Speaker of this place made allegations concerning certain matters in the Privileges Committee. Whilst I do not wish to, and will not, comment on anybody else's integrity, I believe mine was reflected upon. I wish to offer the house the following explanation. In the course of the committee yesterday, a point was reached at which I in front of all my colleagues said to the Deputy Speaker, 'Well, it comes down to this: two members have made their positions clear, we have made our positions clear—will you allow people to be sent for?' While the chair gave good reasons why, the answer was no. I then followed it up with another question saying, 'Well, will you allow papers to be sent for?', and again the chair, giving good reasons why in his opinion, said no. I therefore make this explanation in light of the Deputy Speaker's allegations that there were not specific requests and that the opposition somehow failed in its duty to try to do what you had implored us to do.

The SPEAKER: I make one gratuitous observation arising from that personal explanation, and that is that the committee to which the honourable member for Unley refers is a Privileges Committee. It is not a committee of the government and/or the opposition, but a committee of members of this chamber. All members of such committees, including the standing committees, should remember that their duty and purpose is to serve this chamber and its needs and not those of any organisation or party to which they belong, and that it is therefore not exactly improper but certainly inappropriate for any member of any such committee to regard themselves as having of necessity a loyalty to either the government or the opposition or any other group or party, political or otherwise, in the way in which they then report and refer remarks they make to the chamber.

I am not delivering a rebuke to the member for Unley in making these remarks, but simply pointing out to all honourable members that this house has its duty to the interests of the people of South Australia, not to the political parties—and the tribal behaviour in which they may from time to time engage—of which they may be members when they make remarks to this chamber. The member for Fisher.

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

Leave granted.

The Hon. R.B. SUCH: I wish to make the point that, in reference to the Privileges Committee, no-one moved a motion, no-one moved a resolution—

The SPEAKER: Order! In the first instance will the honourable member please indicate where he believes himself to have been misrepresented?

The Hon. R.B. SUCH: The comments by the member for Unley do not reflect either the spirit or precise wording of the radio transcript. He did not read from it, and I think it is quite—

An honourable member interjecting:

The Hon. R.B. SUCH: No, but you didn't read from it. The inference he is making is quite unfair: that somehow the committee did not attend to the points made. I reiterate that there was no motion by any member concerning any matter other than the report that was tabled in this house.

POLICE NUMBERS

A petition signed by 104 residents of South Australia, requesting the house to urge the government to continue to recruit extra police officers, over and above recruitment at attrition, in order to increase police officer numbers, was presented by Mr Brokenshire.

Petition received.

PAPER TABLED

The following paper was laid on the table:

By the Minister for Education and Children's Services (Hon. P.L. White)—

Senior Secondary Assessment Board of South Australia—Report 2002.

SCHOOL CHOICE

In reply to **Hon. M.R. BUCKBY** (6 August 2002).

The Hon. P.L. WHITE: During Estimates Committee B, I answered a question from the Member for Light related to school choice placement arrangements. Subsequently, another member

wrote to me requesting further information. I therefore provide to the house the following additional information supplied to that member.

The selection of teachers for school choice positions is based upon a banding system of teacher eligibility. This approach ensures that there is an equitable placement process for government schools ensuring that all teachers have the opportunity to move between schools and develop their professional skills.

A teacher, who has been a permanent teacher placed against temporary vacancies for a number of years is the first placed under the school choice placement arrangements.

A teacher with an extended period of country service or who has been placed in hard to fill metropolitan schools for some years would be the next placed, with all other teachers seeking placement the last group placed.

It should be noted that each school choice vacancy has been carefully described by the school and teachers must seek placement at the school based on whether their expertise and experience matches the job description of the vacancy.

SCHOOLS, LOCK AREA

In reply to **Mrs PENFOLD** (17 October 2002).

The Hon. P.L. WHITE: Lock Area School opened its school community Library in 1980, with an allocation of 25 hours of library assistant time.

In 1995, the then Minister of Education and Children's Services, the Hon. R. Lucas, approved a recommendation to bring into line the resource allocation of all school community libraries. The impact for Lock Area School was a reduction of five hours of library assistant time. However, due to a staff permanency entitlement the school retained the hours.

In June 2001, the Hon. M. Buckby, then Minister for Education and Children's Services, approved the implementation of the recommendations of the report of DETE school community libraries to take effect at the beginning of 2003. Once again Lock Area School was allocated 20 hours of library assistant time, and again, the existing additional five hours per week were honoured by the department.

The executive director, human resources, approved the new staffing agreements for school community libraries on 20 August 2001.

The incumbent library assistant resigned in December 2001 and a permanent replacement library assistant was engaged by the department for 25 hours per week on 21 January 2002 contrary to the entitlement under the recommendations approved by the Hon. Malcolm Buckby.

The Department of Education and Children's Services wrote to the chief executive District Council of Elliston on 14 October 2002 and the secretary of the Lock Area School Governing Council on 23 October 2002 informing them that there would be no change to staffing levels for the school community library at Lock Area School in 2003.

FAMILY DAY CARE

In reply to **Ms CHAPMAN**.

The Hon. P.L. WHITE: The government is committed to the on-going operation of family day care.

Commonwealth funding for family day care is provided in two forms. A child care benefit that is paid for each child in family day care and an operational subsidy. The child care benefit is paid in advance that, over time, will balance outlays with receipts. However at any point in time there may be a deficit or surplus depending on the timing of payments or receipts. Consequently in answer to the member's question, there is not a shortfall of $2.4 million.

There is however a potential difficulty with the operational payments. While the commonwealth index the operational payments each year the cost to the state government of meeting operational costs have increased faster than the level of indexation paid by the commonwealth. The state government has met the shortfall created by the inadequate commonwealth funding, however there will need to be a closer examination of the funding arrangements if the operating costs continue to increase at a rate faster than the level ofindexation provided by the commonwealth.

Family day care is a cost effective way of providing support to working families, particularly in rural South Australia, where the provision of a child care centre may be uneconomical. Over 30 per cent of family day care places are in rural South Australia and the cost of servicing the family day care program in rural communities is higher than for the metropolitan area. The commonwealth government must recognise its responsibilities to families and resource the provision of child care adequately, including the cost of maintaining the program.

STATE PROTECTION SECURITY BRANCH

In reply to **Mr BROKENSHIRE** (20 February and 25 March).

The Hon. K.O. FOLEY: As announced by the Premier on 28 November 2002, the government has formed a new state protective security branch of the South Australian Police to specifically deal with counter terrorist activities.

The new state protective security branch will be formed within the existing resources of SA Police, although an additional $300 000 a year in recurrent costs will be required from the beginning of the 2003-04 financial year.

The provision of this additional funding, although approved in principle, is a matter that is currently under consideration in the formulation of the 2003-04 budget.

DETENTION CENTRES

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

Leave granted.

The Hon. M.D. RANN: Last Easter significant destruction and harm was caused by a group of protesters at and around the Woomera Detention Centre. At that time our emergency services personnel were placed in extreme danger by the actions of a minority of violent protesters. I advise the parliament that this Easter the South Australian government has ensured that there will be an increased presence of police and other enforcement personnel at the Baxter Detention Centre. I have great confidence and pride in our police and emergency services, and a significant force with extra resources will be placed to ensure the safety of both the Baxter and Port Augusta communities.

I understand that the commonwealth will also be providing additional support to make sure that there is a strong and secure presence. Last year many of our police suffered physical injuries, while some of the more violent protesters threw urine and other objects at them. At Woomera last Easter there were 48 injuries to police officers, and 29 of these included a communicable disease exposure report. In addition to this was a financial cost to the community of over $500 000.

Decent and respectable South Australian refugee support groups have announced publicly that this year they are not supporting or attending any protest at the Baxter Detention Centre. They say they believe that the protest last year was detrimental to both detainees and, especially, to the community's attitude toward detainees. I agree that the demonstrations at Woomera last Easter and the riots and arson attacks at Baxter at Christmas did enormous damage to the cause of the innocent as well as to the future of those found responsible for this violence.

However, I am greatly concerned that Victorian based groups have stated that they will be organising buses to bring in protesters from interstate and that they plan to march to the front gates of Baxter this Easter. These actions indicate that they clearly have no real commitment to the cause of the detainees. Images of detention centres surrounded by razor wire and pictures of protesters attacking our police are not the images of our Outback and regions that we want to be broadcast around the world.

So, I take this opportunity to appeal to those interstate who may be considering this form of action to think about what happened last year and the terrible impact that the riots at

Woomera had on the detainees—the very people whom they claim to support—let alone the broader South Australian community. I certainly will not and never will condone the type of violent behaviour these protesters displayed last Easter—again, it was a minority of protesters—and I am pleased that South Australian groups have said they will not be involved this year.

Most of all, I am concerned for our police, ambulance and fire officers, and I do not believe they should be abused and placed in danger through the actions of these protesters. Nor do I believe that the children, the women or the men inside the detention centre should be placed in danger and be subject to the horror they experienced last year. It must have been particularly horrifying for small children with the noise and violence they endured around them. Many of these children have in recent weeks begun attending school in Port Augusta, with the support of the local community, and by all accounts are settling in well, happily playing games, including Aussie Rules football with other kids. The South Australian government is continuing to pressure the commonwealth to remove all children and their families from detention as recommended in the Layton review into child protection. I want to reiterate: I urge the protesters to think of our dedicated firefighters, ambulance and police officers. I urge them to think of those they are supposed to be supporting and to think of the children in Baxter. I urge them not to put anyone at risk this Easter long weekend.

CARERS, UNPAID

The Hon. S.W. KEY (Minister for Social Justice): I seek leave to make a ministerial statement.

Leave granted.

The Hon. S.W. KEY: On 22 October 2002 I announced that work would commence on a state carers policy in line with an undertaking the Labor Party made at the last election. The policy will detail the government's commitment to unpaid family carers who provide personal care to family or friends with a disability or to those who are frail and aged, or those with some other condition that requires support. Today I advise that I will be establishing a carers ministerial advisory committee to guide the development of that policy. The responsibilities of the committee will provide: recommendations on the formation and implementation of the state carers policy; advice on ways to engage carers, care recipients, service providers and the wider community in the development of the policy; and advice on any other issues relating to carers.

Advertisements for expressions of interest in serving on the committee will be placed in the *Advertiser* on Saturday 5 April and the *Sunday Mail* on Sunday 6 April 2003. The committee will be established initially for 12 months. It is intended that the broad composition of the committee will include a chairperson with experience as a carer, an indigenous carer, a young carer, a carer of a person with a mental illness, a carer of a person with a disability, a carer of an older person, a carer from a culturally and linguistically diverse background, a carer of a person with dementia, and a carer nominated by the Carers Association of South Australia as the peak body for carers, dealing with issues relating to carers. Appointment to the committee will be based on experience and skills particular carers will bring to that committee.

QUESTION TIME

MINISTER FOR ENVIRONMENT AND CONSERVATION

The Hon. R.G. KERIN (Leader of the Opposition): My question is directed to the Minister for Environment and Conservation. Minister, on 8 August when you determined under the Freedom of Information Act that 11 documents would be withheld and 62 documents would be partially withheld, did you read all the documents you withheld or partially withheld? In reply to an FOI request from the Hon. Rob Lucas in another place on 8 August 2002, the minister's letter made it clear that he personally made the determination. The letter states:

> I have determined to grant partial access to 62 items and not to grant access to 11 items.

The Hon. J.D. HILL (Minister for Environment and Conservation): I think the honourable member is trying to verbal me by using the word 'personally' when in my letter I said 'determined'. I made that determination on advice from the senior FOI officer in my office.

EMPLOYMENT

Mr SNELLING (Playford): My question is directed to the Minister for Employment, Training and Further Education. What is the government doing to assist the unemployed in Adelaide's northern suburbs to find work?

The Hon. J.D. LOMAX-SMITH (Minister for Employment, Training and Further Education): I thank the member for Playford for his interest in employment in the northern suburbs. The government has shown its commitment to those facing relative disadvantage in the northern suburbs, first, by opening the Office of the North and, secondly, by focusing the attention of a ministerial group to lead change in this area. The Social Inclusion Board and the Economic Development Board will be involved in this process, but in this context the government is committed to assisting northern Adelaide residents to gain employment. In addition, we recognise the barriers that the people from this region face in finding work.

The government also acknowledges that the issue cannot be addressed with one simple approach and that tailored solutions are required. Such solutions require collaboration between the government, industry and the greater community. When opportunities present themselves, a quick and flexible response is required. One example of this collaboration is the Office of Employment and the Office of the North's working relationship with the Holden vehicle manufacturing operations plant at Elizabeth. In planning the work force for its recently announced third shift, Holden's has outlined to the Office of Employment its expectation of its new recruits.

Based on this information, the Office of Employment is funding a series of eight-week pre-employment courses for a total of 60 northern Adelaide jobseekers. The course will provide participants with skills considered by Holden's to be critical to sustain employment at the plant. The first of these groups commenced on 17 March. On completion of the course, participants will be assisted to apply for employment with Holden's through its recruitment agency. Other employment and recruitment agencies which service the automotive industry have expressed interest in the employment prospects of participants from this course.

MINISTER FOR ENVIRONMENT AND CONSERVATION

The Hon. R.G. KERIN (Leader of the Opposition): My question is again directed to the Minister for Environment and Conservation. When on 8 August the minister determined to refuse access to documents, was he aware that the FOI Act requires that a determination to refuse access must be based on the contents of a document and that the person making the determination is required actually to examine the document?

The Hon. J.D. HILL (Minister for Environment and Conservation): I will have a closer look at that question, but I refer the Leader to my first answer.

ABORIGINES, HEALTH SERVICES

Ms RANKINE (Wright): My question is directed to the Minister for Health. Has the government introduced a new program to increase the number of Aborigines who are qualified to provide culturally appropriate health services to their own people, and how will they be trained?

The Hon. L. STEVENS (Minister for Health): I thank the honourable member for her question which I am pleased to answer. The state government is providing $126 000 to fund a pilot program to address the shortage of indigenous enrolled nurses in outback South Australia. The Indigenous Enrolled Nursing Pilot Study Program will be delivered by the Spencer Institute of TAFE utilising the Pika Wiya Learning Centre and funded by the Department of Human Services. The 13 Aboriginals students who will start the program this month are predominantly from the Port Augusta area. Students will be provided with support networks that take cultural differences in learning and assessment into account, and they will complete their initial training at the Port Augusta Hospital and several aged care and mental health facilities in the local area.

Research shows that indigenous health and wellbeing improves when indigenous professionals deliver the services, but there has always been a shortage of these people with the appropriate qualifications. It is hoped that, after graduating, some of these students will go on to work in northern and far western South Australia where we are experiencing a shortage of indigenous nurses. This government is committed to rebuilding the nursing profession across the state and creating a sustainable nursing work force for the future. We are also committed to improving and increasing the representation of Aboriginal people throughout our health work force.

MINISTER FOR ENVIRONMENT AND CONSERVATION

The Hon. R.G. KERIN (Leader of the Opposition): My question is again directed to the Minister for Environment and Conservation. Given that the minister has admitted to the house that he has not met his obligations under the FOI Act, will he now admit that he has clearly breached the ministerial code of conduct?

The Hon. J.D. HILL (Minister for Environment and Conservation): The member is trying to verbal me again. I have answered that question.

DETENTION CENTRES

Mr CAICA (Colton): Can the Minister for Education and Children's Services update the house about the situation regarding children from the Baxter Immigration and Detention Centre attending local schools in Port Augusta?

The Hon. P.L. WHITE (Minister for Education and Children's Services): Fifteen children from the Baxter Immigration and Detention Centre started classes on Monday at the Willsden Primary School in Port Augusta. This follows the introduction of 10 secondary school-age students from Port Augusta secondary schools, Stirling and Seaview campuses, earlier in the month. The decision to provide education to students in Port Augusta's public schools was made after a memorandum of understanding was struck between the state and federal governments towards the end of last year. Following that, a consultation process suggested by the Premier, Mike Rann, and led by the federal Department of Immigration and Multicultural and Indigenous Affairs made the decision to place students from the detention centre in public schools in Port Augusta.

In order to ensure the best possible standards of education for those and existing students, the schools are receiving additional leadership support and temporary relief teaching (TRT) time. The children at the Willsden Primary School are of varying ages, and they will be attending classes from reception through to year 7. Last week, the Willsden children had an opportunity to meet their new classmates for the first time at a picnic at Lions Park. The children at the school welcomed their new friends and played together and got to know each other over a game of soccer and cricket.

Earlier, the Baxter children's parents visited the school to meet with staff and ask questions about their children's learning programs and the school in general. They were very thankful to have the chance to talk with teachers and learn more about what the school had to offer. The principal and other staff had visited Baxter earlier in the month to meet with the children and prepare learning plans for the students, and these have now all been finalised.

The introduction of the children follows a comprehensive consultation process amongst the school community. It was led by the federal government steering committee and involved all tiers of government, including local government and representatives of the school communities. During that consultation process, the views of parents, staff, students and the school communities generally were gathered. That consultation process revealed few concerns from the Willsden Primary School community. Out of the 100 families surveyed, 20 responded with the great majority indicating their support.

I am very pleased to announce that the first day of school for those children was a success. The younger children played on the slippery dip and monkey bars, mingling and socialising like any new child at school, and the older children played sport on the oval, including Aussie Rules, so they are slotting well into the new environment. Under the memorandum of understanding between the Department of Education and Children's Services and the commonwealth government, the program will be reviewed at the end of term two (in July), at which time the costs payable by the commonwealth to the state will be calculated.

ESTIMATES COMMITTEES

The Hon. R.G. KERIN (Leader of the Opposition): Will the Premier confirm that the Public Service has been instructed not to prepare estimates briefing notes for ministers this year for estimates committee hearings? The opposition

has been contacted by concerned sources within the Public Service stating that they—

Members interjecting:

The SPEAKER: Order! The leader has the call.

The Hon. R.G. KERIN: The opposition has been contacted by concerned sources from within the Public Service stating that they are being told not to prepare estimates briefing notes this year to avoid FOI applications.

The Hon. M.D. RANN (Premier): I want to say to the Leader of the Opposition that I will answer this in the spirit of the nature of the question, but it is really important for the leader to play the game not the man. I know that the leader was uncomfortable about comments made in the parliament yesterday. I want to assure him of my strong support. I look forward to a continued partnership with him long into the future. However, after the last estimates committee hearings, I said that I got confused between the questions from the opposition and the dorothy dixers. I could not work out which was which. I thought that someone had handed the dorothy dixers to the opposition. I said, 'I do not need briefing notes for the next estimates committee.'

Members interjecting:

The SPEAKER: Order!

MFS-SES STATION, RENMARK

Mrs MAYWALD (Chaffey): Will the Minister for Emergency Services inform the house about the standard of the facilities at the new MFS-SES station at Renmark and the success of the collocation of these two services? On Saturday 29 March, I had the privilege of officially opening the new MFS-SES at Renmark in the presence of the Minister for Emergency Services. This project was initiated by the former government under the guidance of the member for Mawson and supported to completion by the current government.

The Hon. P.F. CONLON (Minister for Emergency Services): I do recognise at the outset that the outstanding facility now officially opened at Renmark was commenced under the previous government. It was my great pleasure—one of the first things that I did as a minister—

Members interjecting:

The Hon. P.F. CONLON: It was budgeted, but there was a little problem with the money; but we will not go there because this is a happy occasion. It was my pleasure to sign off on the $2 million necessary for it. Not only is it an outstanding facility but it is one that allows very substantial capacity for growth in the services in Renmark. I do not think there could be a greater statement of confidence in the future of Renmark. The recent community cabinet meeting in the Riverland area was led through the tremendous growth we are seeing in the region, and the new station is a testament to our confidence in the future with its very substantial capacity for growth. As the member for Chaffey has said, it is the first collocated metropolitan fire service and state emergency service station in the state—

Mr Venning: I hope it is not the last.

The Hon. P.F. CONLON: I hope it is not the last either; I agree with the member for Schubert. One of the important contributions, as I understand it made personally by the member for Chaffey, was that she encouraged a different floor plan from the original station which would have had the people apart and the trucks in the middle. The honourable member encouraged a floor plan with the trucks on either side and the people in the middle and, as a consequence of that, I might say, at the risk of a very bad pun, the MFS and the CFS are getting on like a house on fire.

An honourable member: A very bad pun.

The Hon. P.F. CONLON: It is an appallingly bad pun, and I apologise to the house immediately. The opening ceremony certainly befitted the importance of the new station. It was attended by the Mayor, his worship Rodney Thomas, the Chief Officer of the Metropolitan Fire Service Grant Lupton, and resplendent in full uniform Brian Lancaster, Chief Executive, State Emergency Services.

Mr Brindal: Were you there?

The Hon. P.F. CONLON: I was there. I got to speak fifth, and the member for Chaffey got to speak sixth. The honourable member did not have much left to say by the time we reached her but it was very good, anyway. An honour board of firefighters who have served the MFS in Renmark over the past 105 years, including the current crew, was unveiled at the opening.

I want to thank the employers who support emergency services in that area, in this case particularly the state emergency service of the MFS, the previous government for commencing this project and, having seen the facilities, the architects, contractors and people involved because it is an outstanding facility.

BUDGET CUTS

Mrs REDMOND (Heysen): My question is directed to the Minister for Social Justice. Given the Treasurer's agreement yesterday that the government's budget strategy was at risk because some ministers had not achieved the budget cuts assured in last year's budget, is it correct that the minister will not achieve the $10.8 million in budget cuts required this year?

The Hon. S.W. KEY (Minister for Social Justice): I thank the member for Heysen for her question.

Members interjecting:

The Hon. S.W. KEY: I am very happy; I am a great admirer of the member for Heysen. I will need to check not only the quantum the honourable member has mentioned of $10.8 million but also what the Treasurer said yesterday. I am sorry that I did not take down every word that he said in question time yesterday. So that I can provide the honourable member with an accurate answer, I am more than happy to take that question on notice.

JUDICIAL APPOINTMENTS

The SPEAKER: I call the member for West Torrens.

Mr KOUTSANTONIS (West Torrens): Thank you, sir.

Members interjecting:

The SPEAKER: Order!

Mr KOUTSANTONIS: My question is directed to the Attorney-General.

Members interjecting:

The SPEAKER: Order! Yes, the member for West Torrens. I reassure the honourable member that there is only one member for West Torrens and the other 45 who are pretending to be are quite out of order.

Mr KOUTSANTONIS: And jealous, sir. Will the Attorney-General advise the house whether there has been any appointments so far to the Supreme Court to replace Justice Wicks, who has been forced to retire due to illness?

The Hon. M.J. ATKINSON (Attorney-General): Two judicial appointments were approved by Her Excellency the

Governor in Executive Council this morning. His honour Judge John Sulan has been elevated to the Supreme Court bench after six years service as a judge of the District Court—and I notice the support from the opposition benches; thank you for that support—filling the vacancy created by the retirement of His Honour Justice Wicks. Justice Sulan migrated with his family to Australia in 1949 from their native Prague, Czechoslovakia. He is a graduate of the University of Adelaide, where he took a Bachelor of Laws in December 1967. He served as associate to His Honour Justice Walters and was admitted as a barrister and solicitor of the Supreme Court of South Australia in 1969. He worked in the crown law office—

The SPEAKER: Order! I ask the Attorney-General to pause for a moment. It seems to me that someone has wet themselves, and I would prefer not to be distracted by that whilst I am trying to discover a better understanding of the very pre-eminently sensible reasons why the government has elevated His Honour John Sulan to the bench of the Supreme Court. So I invite all members to please pay attention to this most important piece of information. It is seldom that we make appointments to the Supreme Court bench.

The Hon. M.J. ATKINSON: John Sulan worked in the Crown Law Office as a prosecutor, then for the firm Kelly and Co. and later directed the government investigations section of the Crown Law Department. In 1977 His Honour was seconded to advise the South Australian government on the National Companies and Securities Scheme and was responsible for establishing the Corporate Affairs Commission. He became South Australia's first Commissioner for Corporate Affairs when the commission was created in 1979. In 1981 he joined Thomson, Simmons and Company. After 18 months with them he accepted an appointment as a senior crown counsel in Hong Kong, specialising in the prosecution of commercial crime. He advised the Independent Commissioner against Corruption in Hong Kong in both private and public sector corruption cases. He returned to Australia in 1988 and rejoined Thompson Simmonds.

In March 1990 he was appointed by the Western Australian government to investigate the affairs of Bond Corporation Holdings Limited. Later that year he was appointed one of Her Majesty's counsel. His Honour went to the independent bar in July 1991. On 15 May 1997 he was appointed a judge of the District Court of South Australia.

I am also pleased to advise the house that Dean Clayton, QC, now Judge Clayton, has been appointed to the District Court to fill the vacancy created by His Honour Justice Sulan's appointment to the Supreme Court. Dean Clayton has had a long and distinguished career in the legal profession. His Honour took his Bachelor of Laws at the University of Adelaide in 1964. He served as an associate to the Hon. Justice Hogarth. He was admitted as a barrister and solicitor of the Supreme Court of South Australia in 1966 and joined what was then Finlayson and Company. He served there for 21 years, joining the partnership in 1969. His Honour practised in general litigation and was in-house counsel of that firm before going to the bar in 1988. In 1992 His Honour took silk and served as a member of the Council of the Law Society of South Australia. He has been the President of the South Australian Rowing Association and a member of the Board of Examiners of the Supreme Court.

From 1994 to 1995 he served as President of the South Australian Law Society and to this day he serves as a board member of the Litigation Assistance Fund, as chair of the Professional Standards Committee of the Law Society, as chair of the Law Care Committee and as a board member of Law Guard Management Pty Ltd. Many members would be familiar with his work as the author of the second software centre inquiry report, otherwise known as the Motorola inquiry. Judge Clayton, unlike most lawyers, lives in the western suburbs.

Finally, on behalf of the government, this place and the South Australian public, I place on record my gratitude to Mr Justice Wicks for his distinguished service and extend my best wishes for a long and enjoyable retirement. It has been well earned.

Mr BRINDAL: On a point of order, sir, I just ask you whether the Attorney commenting on where judges choose to live is orderly in the context of his reply?

The SPEAKER: Entirely.

INDUSTRIAL RELATIONS

The Hon. R.G. KERIN (Leader of the Opposition): Will the Minister for Industrial Relations inform the house of the timetable for the long awaited government response to the Stevens and Stanley consultancy reports into industrial relations and workers compensation? I have been contacted by concerned business organisations regarding the recommendations from these consultancies and their impact on the economy and asking whether they would be known prior to the extremely important economic development summit late next week.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I thank the Leader of the Opposition for his question. I have already spoken to the house about the process in regard to the industrial relations review that was undertaken by Mr Greg Stevens. I remind the Leader of the Opposition that, obviously, the report has come down and, as a result of the report, consultation is taking place. Once that consultation has been completed and the major stakeholders have had the opportunity to come forward with their position on the report that has been produced by Greg Stevens, the government will go forward on the basis of that consultation. We will use the same strategy with regard to the Stanley report.

I remind the house that that report looks at workers compensation and occupational health, safety and welfare. We think that in these areas, whether they be traditional industrial relations or workers compensation and occupational health, safety and welfare, it is very important to go through that consultation phase, to involve major stakeholders and get their input about these reports and to provide them with opportunities to say what in the report they believe is workable or not achievable. Those discussions have been taking place for some time with regard to the Stevens report, which was given to the government first.

As the minister, I have given a commitment that I will also provide the opportunity for those major stakeholders to come to me and put forward their points of view. The consultations that are taking place at the moment with respect to the Stevens review are at the officer level, but I have also given a commitment that, beyond that, I will provide opportunities for major stakeholders to come forward and put their position directly to me, and it will be a similar process with regard to Stanley report.

The final part of the Leader of the Opposition's question was whether that detail would be announced before the economic summit. The answer to that is no, because we have not reached that position and I would not want to pre-empt

the consultation phase. That is a very important phase that we are going through deliberately to give the community and the major stakeholders that important opportunity to come to government and have real consultation before the government moves forward.

SUPPORTED RESIDENTIAL ACCOMMODATION

Ms THOMPSON (Reynell): I direct my question to the Minister for Housing. What is being done to address concerns about the future of supported residential accommodation facilities in this state?

The Hon. S.W. KEY (Minister for Housing): I thank the member for Reynell for her question. I know that the issue of supported residential facilities and boarding houses is one that a number of members here are interested in. I know that members are also aware of the contribution made by supported residential facilities to the provision of housing and support to many vulnerable members of our community. They are a valuable part of the broader spectrum of establishments offering affordable, single room occupancy accommodation. There is little doubt, however, that there are legitimate concerns about the ongoing viability of a number of establishments across this spectrum.

Some media attention has focused in particular upon concerns expressed by members of the Supported Residential Facilities Association, which suggests that their businesses are increasingly likely to be non-viable. The reasons stated for this perception range from inadequate access to support services for residents, who have any of a number of medical or social needs, through to competing financial opportunities for owners. This latter factor includes the impact of increasing property values in locations such as beachside suburbs. The issues in this area are complex and not amenable to a quick fix.

A new supported residential facilities ministerial advisory committee will meet on 9 April and provide a focus for discussing and developing options to tackle these viability issues. The committee includes representatives from relevant interest groups and has a critical role to play in helping me chart a course for the future for supported residential facilities.

The committee will consider two major reports on supported residential facilities that have just been finalised. Whatever steps we take will be based on careful and contemporary analysis of both housing and support requirements. I have also requested that the matter of long-term viability of supported residential facilities and similar marginal housing forms be placed on the agenda for the next national ministers' housing meeting on 11 April. This work, combined with the broader issues currently being developed and dealt with through our state planning process, is intended to reverse the neglect this sector has suffered, both for the residents and also for people working in the area.

AUSTRALIAN NATIONAL TRAINING QUALIFICATIONS

Mr BRINDAL (Unley): When will the Minister for Employment, Training and Further Education report to this parliament on the current inquiry into TAFE, and how will the minister assure this house that the integrity of the Australian national training qualifications has not been undermined nor that commonwealth moneys have been misappropriated? The opposition has seen a plethora of documentation, including an incorrect academic record forwarded to a woman in the South-East, accrediting her with undertaking the general access qualification in tourism, hotel and hospitality at the TAFE institute in the grounds of the Kingscote Area School. The woman has not been enrolled in any TAFE institute for some years. I would offer to pass this matter to the minister, but I know that either she or her staff have already been given a copy of the certificate.

The Hon. J.D. LOMAX-SMITH (Minister for Employment, Training and Further Education): Indeed, we have conducted a wide-ranging inquiry that has had involvement and advice from the Auditor-General, the police and an internal audit team supplemented by assistance from Deloittes and KPMG. The information that has been obtained from this inquiry has been placed again in consultation before the police and the Auditor-General. I am awaiting their advice as to how best to release the information. The important thing is that there are obviously confidentiality matters, and I am concerned that the integrity of the inquiry and the names of those people involved innocently in the inquiry are properly disseminated.

AUSLINK

Mrs GERAGHTY (Torrens): My question is directed to the Minister for Transport. What are the implications for South Australia of the federal government's proposed AusLink initiative, and what actions have been taken to respond to it?

The Hon. M.J. WRIGHT (Minister for Transport): I thank the member for Torrens for her ongoing interest in transport. The AusLink proposal is the federal government's national land transport plan. The federal government's AusLink proposal is a direct attack on South Australia and non-eastern seaboard states. Under this plan, funds from the commonwealth for national highway maintenance will be reduced and, we fear, dramatically reduced. This means that already neglected national highways in South Australia will further deteriorate, or the state will be forced to fill the gap. AusLink will limit commonwealth funding to a newly defined but narrow national land transport network. Port Adelaide and Adelaide Airport are excluded from the proposed network for commonwealth funding.

In South Australia, only the rail lines already owned by the commonwealth would be eligible for funding. States are expected to contribute 50 per cent to these capital works and fund the reduction in national highway maintenance. This could impact on the state budget by as much as $35 million per year. South Australia has responded to the green paper, opposing AusLink in its current form on the basis that it is not strategic, not equitable nor sustainable and will result in cost shifting and continue to bias funding allocations against the smaller and less wealthy states.

South Australia currently receives only about 5.5 per cent of commonwealth allocations for both local roads and national highway capital works, yet it has about 7.8 per cent of the population, 11.7 per cent of Australia's local roads, and 14.9 per cent of the national highway. The Premier and I have written to all South Australian federal parliamentarians informing them of these issues and the consequences for the state. Information and briefings are also being provided to key industry players.

The issues raised by AusLink will also be vigorously discussed at the next joint meeting of state and federal transport ministers to be held on 23 May. Bipartisan support

for the government's total rejection of the commonwealths AusLink proposals would go a long way toward protecting South Australia from injustice. This issue has to be bigger than politics. The AusLink document is a political document not a policy position.

TAFE

Mr BRINDAL (Unley): My question is again directed to the Minister for Employment, Training and Further Education. How many staff at the Marleston Institute of TAFE have been sent a memo asking them to undertake a doctor's examination and to have scans undertaken at the government's expense, and for what reason has this extraordinary measure been undertaken?

The Hon. J.D. LOMAX-SMITH (Minister for Employment, Training and Further Education): This is an extraordinary piece of information. I have no idea of the reason for this request. I have not seen the piece of paper, but I would be very pleased to look into the matter and get back to the member immediately.

ABORIGINAL RIGHTS

Ms BEDFORD (Florey): My question is directed to the Minister for Consumer Affairs. What is the Office of Consumer and Business Affairs doing to help inform the indigenous community about their rights as consumers?

The Hon. M.J. ATKINSON (Minister for Consumer Affairs): The Office of Consumer and Business Affairs has established links with the Aboriginal Education Unit within the Department of Education and Children's Services to deliver consumer education in Aboriginal and mainstream schools. The office presented a workshop entitled '$pend-well' (an online consumer education program) at the Aboriginal Schools Conference at Port Augusta last month. This workshop focuses on developing consumer education programs linking consumer education that the South Australian curriculum standards and accountability framework and with the literacy and numeracy requirements of the Aboriginal Education Plan.

The office also held a consumer education workshop for Aboriginal education workers attending the Aboriginal Schools Conference. The workshop will also be offered to Aboriginal education workers in other areas. The office staff are also working in partnership with Ernabella TAFE to include details about the rights and responsibilities of traders in vocational training programs for indigenous students.

The office has established a partnership with the Australian Competition and Consumer Commission and ATSIC to educate indigenous communities about their rights as consumers. As a result of this partnership with ATSIC, the Consumer for Consumer Affairs has organised and conducted five workshops on the Associations Incorporation Act for indigenous community groups in Port Augusta.

In conjunction with several other agencies in the justice portfolio, the Office of Consumer and Business Affairs has begun crafting an approach to the preparation of education and information initiatives that are sensitive to indigenous needs and culturally appropriate. This approach will be piloted with selected metropolitan and country indigenous groups and, if successful, will be adopted generally.

ELECTRICITY, INTERCONNECTORS

The Hon. W.A. MATTHEW (Bright): I ask the Minister for Energy: what quantifiable benefits does he believe will be delivered to South Australians by the SNI or Riverlink project and who quantified these benefits for the minister, or is his government's legal pursuit on the project's behalf simply a political exercise?

An honourable member: Good question!

The Hon. P.F. CONLON (Minister for Energy): Someone on the other side said that was a good question, and there is no better an indication of how easily pleased they are. For the benefit of the member for Bright, I will in a moment run through what benefits there are through strong interconnection with New South Wales. I again stress the point that the member for Bright and his party probably need to sort out where they stand on this interconnector, because we would appreciate some bipartisan support for improving the position of South Australian consumers of electricity in the national market.

As I have said, the opposition first supported it; then they opposed it to get extra money for the assets; then they supported it again; then they asked me why I had not got it built yet; and then they asked me how much I am spending to try to get it built. Now they are asking me whether I think we should be building it at all. In fairness, the opposition needs to go away during the break and work out what they do think about the interconnector. Very simply, the benefits—

The Hon. W.A. Matthew: It is a political exercise.

The Hon. P.F. CONLON: It is not a political exercise. The member for Bright knows so little about the energy market, so little about the problems we face, and so little about the complexities of the demand profile in South Australia that only he—supposedly the opposition's spokesperson on energy—could believe it is a political exercise. The simple truth is that South Australia has a very volatile electricity demand.

That electricity demand is met on average by base generators, which are the cheapest generators to run. When energy demand in South Australia (and it is the most peaky demand in Australia and perhaps in the world) goes up very high, you need other generators to supply a much more expensive to run peaking plant. A further option is to tap into a jurisdiction which has base generators (cheap coal burning generators) and you tap into their electricity supply when their peaks and demands are not matching yours, and you get their cheaper electricity flowing into South Australia.

It is actually the idea that underpins the entire logic of the national electricity market. Strong interconnection is the fundamental concept of the national electricity market. It is not a political idea: it is the simple underlying concept of the national electricity market, and it is why states move to a national electricity market. It pains me to be doing what I would call Energy One for the shadow minister, but that is the simple truth. As to quantifying it, if the member knew anything about the subject matter, he would know that there is a regulatory test to quantify the benefit.

The Hon. W.A. Matthew interjecting:

The Hon. P.F. CONLON: The regulatory test, as the member knows, was met, but it was then appealed. We did not believe there was substance to that appeal: we joined it, and we won. It has been appealed again, and we are frustrated by that. We will continue to pursue strong interconnection with New South Wales for the reasons I have set out, because it is the fundamental benefit in a national electricity market.

All we are getting out of the national electricity market, largely because of the inactivity of this sad opposition, are problems with the pricing system; problems with generators gaming; and problems with very high risk margins because of the volatility in demand. But we are not getting what the market should have delivered: strong levels of interconnection. That is what we are pursuing. It is not a political idea. The job has been done to quantify it. If the member had undertaken an iota of research, he would know that. We do not apologise for the position, and we will continue to try to improve the national electricity market for South Australians.

The Hon. W.A. MATTHEW (Bright): My question is again directed to the Minister for Energy. In view of the minister's answer to my previous question, will he make a submission to the ACCC to refute the submission lodged on 13 March 2003 by the Essential Services Commissioner, Mr Lew Owens, claiming that the regulatory test for interconnectors, such as SNI, should not have an economic benefit test applied to them because 'decisions on interconnectors between jurisdictions are political decisions'? In a letter to the ACCC, the Essential Services Commissioner also states:

> ESCOSA was party to modelling at SNI benefits which could be set at whatever level we wished. Whilst engineers and economists may be convinced that modelling is the solution, it is my experience that it is a dangerous diversion. I have come to the conclusion that it is time to recognise that decisions on interconnectors between jurisdictions are political decisions.

The Hon. P.F. CONLON (Minister for Energy): Really, the standard of this man's questions! The decision to set up a national electricity market was a political one—

An honourable member: Paul Keating.

The Hon. P.F. CONLON: They say it was Paul Keating, yes, but it was not Paul Keating who established the dreadful pool system from which we suffer. It was Jeff Kennett, their colleague in Victoria, who gave us the worst aspect. It was his political decision to give us the worst aspect of the national electricity market. As I say, the very—

The Hon. W.A. MATTHEW: Mr Speaker, I rise on a point of order. My point of order is in relation to relevance. The minister was asked a very specific question and he is not answering that question.

The SPEAKER: I ask the minister to address the matter of the question.

The Hon. P.F. CONLON: There is no doubt that I have been striving much harder, I must say than the previous minister, to improve planning in transmission. It has been identified both in the Parer report and in the work of the national electricity ministers that we do need to improve planning in transmission. I am on the record as saying that it is has been disappointing. The difficulty is in establishing proper regulatory tests for transmission. It does not contradict the point that I thought would have been clear even to the member for Bright by now; that is, the fundamental concept underlying a national electricity market is strong interconnection. It is similar to suggesting a national rail system where all the rail lines end at state borders. You cannot have a national electricity market without strong interconnection: it is absolutely obvious.

The Hon. W.A. MATTHEW: Mr Speaker, I rise on a further point of order. The minister is defying your ruling. He was asked whether he will be making a submission to the ACCC. He is avoiding answering the question.

The SPEAKER: I point out to the minister that standing order 98, headed 'No debate allowed', states:

> In answering such a question—
>
> as in standing order 97 put by another member—
>
> a minister or other member replies to the substance of the question and may not debate the matter to which the question refers.

I trust that that will assist him in the expedition of his answer.

The Hon. P.F. CONLON: Sir, I am aware of the comments made by the Essential Services Commissioner. I do not recall when reading them having any difficulty. We are dealing with much bigger issues than simply a submission to the ACCC. We are dealing with the entire regulatory network at the moment. I met the member for Bright's colleague, the federal minister, just last week. We are addressing a much bigger issue; that is, the overall regulatory planning system and reform of the regulatory planning system of the entire national electricity market.

HOSPITALS, FLINDERS MEDICAL CENTRE

Ms THOMPSON (Reynell): My question is directed to the Minister for Health. How will a new 12-bed unit attached to the emergency department at Flinders Medical Centre operate to help patients who are assessed in the emergency department as needing short-term observation or treatment?

The Hon. L. STEVENS (Minister for Health): The new emergency extended care unit at the Flinders Medical Centre will provide care for patients who are assessed in the emergency department and need observation or treatment for less than 24 hours. By reducing bed block, there has been an improvement in the movement of patients through the emergency department because the hospital is able to free emergency beds by admitting patients who require a short stay in hospital to the EECU. Four of the 12 beds are dedicated to the care of patients experiencing acute mental health problems until they are further assessed.

An increased number of patients are presenting with mental health problems, and this facility is far more appropriate to their needs. The unit features a patient lounge, private interview space and an assessment room. It operates 24 hours a day seven days a week. The EECU provides care for patients requiring observation, further assessment or treatment for up to 24 hours, including patients with acute mental health problems awaiting further psychiatric assessment or transfer to another facility, patients with a minor head injury requiring observation, those acutely affected by drugs and alcohol, those with gastroenteritis requiring re-hydration and patients with renal colic, post-spider bite effects and migraines.

POLICE NUMBERS

Mr BROKENSHIRE (Mawson): My question is directed to the Minister for Police. Why has the minister changed his mind on the number of police that he believes SAPOL requires, and does he now admit that he is responsible for police resources? The government in this house has advised members that its policy is to recruit at attrition. However, at a Police Club luncheon, when he was the shadow minister, the current police minister said that a future Labor Government would increase police numbers by 200 in real terms, that is, in addition to replacing police numbers lost through attrition. He also said that he would regard anything short of success in meeting this target as a failure on his part.

The Hon. P.F. CONLON (Minister for Police): I stand by everything I said on that occasion. If the shadow minister would care to see the date, the reason I stand entirely by what

was said at the time is that we were right in one of those troughs when the former government would not recruit against attrition, when the numbers were some—we estimated at that point—200 fewer. A year before there had been 300 fewer police. We have the figures—300 fewer police. I stand by what I said. We have kept our word on every aspect of this issue.

Consistently in opposition we said that we would return at least to the 1993 numbers that we had when last in government. We said that would include an extra 200 police. We campaigned in opposition for that. As a consequence of campaigns by the opposition and by the Police Association, the heat got too great for the previous government, and it did recruit before an election. It actually put in the 200 police that we said were necessary to get the figure up. We are now recruiting against attrition on those numbers. We have kept every millimetre of our promise to the people of South Australia, and I do not apologise for that.

COUNTRY FIRE SERVICE

Mr BROKENSHIRE (Mawson): My question is directed to the Minister for Emergency Services. Given the government's rhetoric that it is an open and accountable government, why are gags being put on CFS staff and volunteers? A CFS circular dated 7 March 2003 on media management states:

> When issuing a statement to the media, nothing shall be divulged that criticises other emergency services or government authorities.

In advice to volunteers and staff, the circular also states:

> Do not go down the track of the interviewer: bring the question back to your agenda.

The Hon. P.F. CONLON (Minister for Emergency Services): I take great umbrage at the suggestion that I have sent that minute. It is absolutely untrue: it is absolutely untrue that the government has anything to do with that minute. Not only did we have nothing to do with that minute but also we do not advise the media unit—I assume the honourable member is talking about the CFS—how to do its job. It is an absolutely outrageous and untruthful allegation that this government has sought to gag any volunteer. They can say whatever they want. One thing we stopped doing was writing into funding arrangements with them that if they got funding they were not allowed to—

The SPEAKER: Order! I draw the attention of the photographer in the gallery to the circumstances under which permission to use a camera or any other similar recording device is provided, that is, that the images so produced shall be those of the member addressing the chamber at the time and not pics and happy snaps or any other kind of snaps of members around the chamber. Permission will be denied, and anyone who offends against it removed in the event that it is discovered that those conditions are being breached.

The Hon. P.F. CONLON: One of the things I certainly do not do that was done by the previous government that I am aware of is give money to agencies and then sign them up to a contract that says that if they take the money they are not allowed to criticise us. We do not do that; we have removed those clauses that used to exist in the funding arrangements under the former minister. I say to the member for Mawson: go and find a shred of evidence that I have sought to gag any volunteer in this state or a shred of evidence that anyone in this government has sought to or come back and apologise.

TAFE

Mr BRINDAL (Unley): Will the Minister for Employment, Training and Further Education advise why the financial reports of TAFE debt, on an institution by institution basis, have not yet been released for the annual year 2002? In the *Advertiser* of 11 March a report referring to remarks made by the minister states:

> Financial reports showing the position of each of the state's eight institutions are expected to be finalised within the next few weeks. Further, the chief executive of the minister's department had publicly promised that the reports in question would be released publicly by the end of last month.

The Hon. J.D. LOMAX-SMITH (Minister for Employment, Training and Further Education): The member for Unley is quite right to point out that the TAFE institutes do run on the calendar year rather than the financial year period, and that produces a challenge in that originally some of the debate in the media was related to the financial year rather than the calendar year. As members will recall, the Kirby report commented on some of the difficulties in the accounting and governance of our TAFE institutes and clearly they are not as effective in producing data as we would like, but I will note the honourable member's comments and bring back those reports and release them as soon as possible.

DOMESTIC CO-DEPENDENTS BILL

Mr SCALZI (Hartley): Will the Premier investigate whether any Labor member of parliament has requested a conscience vote on the domiciliary co-dependents bill? A number of government members, when directly asked to support the bill, have stated that it is not a conscience vote. The member for Florey said in a radio interview with Father John Fleming on 17 November:

> This issue is being treated as part of party platform, with all the votes of members of the Labor Party in parliament.

The SPEAKER: Order! On my understanding of standing orders neither the Premier nor any other minister is responsible to this place for the manner in which any honourable member will vote. That is for them alone to determine whenever any such vote is taken. Accordingly, since it is not within the domain of the responsibility of a minister under the terms of the oath of office they have sworn, I rule the question out of order.

COUNTRY FIRE SERVICE

Mr BROKENSHIRE (Mawson): I seek leave to make a personal explanation.

Leave granted.

Mr BROKENSHIRE: With regard to the last question I asked the Minister for Emergency Services in the house today, I wish to qualify the point that I do not believe the minister understood the nature of my question, given his response.

The SPEAKER: Order! The minister and all other members have given the member for Mawson leave to make a personal explanation. The member for Mawson is exercising that leave now. He may proceed.

Mr BROKENSHIRE: The question was why, given the government's rhetoric on open and accountable government, had the CFS in a circular of March this year attempted to gag the volunteers and paid staff of the CFS.

The SPEAKER: Order! The member for Mawson may continue the personal explanation. I was unable to hear the last paragraph at least as a consequence of the noise emanating from the general area of the middle benches of the government.

Mr BROKENSHIRE: The CFS was gagging the volunteers and paid staff. I certainly was not implying that this minister was so doing.

WILTON, Mr A.

The Hon. J.D. HILL (Minister for Environment and Conservation): I seek leave to make a ministerial statement on behalf of my colleague the Minister for Aboriginal Affairs in another place relating to the death of an Aboriginal elder.

Leave granted.

The Hon. J.D. HILL: The state government was saddened to learn of the passing of Adnyamathanha elder, Mr Artie Wilton, and extends its condolences to Mr Wilton's family and the Adnyamathanha people. He was a much respected member of the Aboriginal community and was the last Wilyaru or fully initiated man under Adnyamathanha cultural traditions. With Mr Wilton's passing an important cultural link to the past is lost. The government recognises that this is a difficult time for all Adnyamathanha people, who not only have lost a friend and respected leader of the community but who also feel a sadness over the dislocation from their sacred law, culture and traditions of the past.

Mr Wilton was a man committed to the preservation of Aboriginal land, heritage and culture and was therefore a great advocate for the Aboriginal community of South Australia, particularly those living in the Flinders Ranges region. The state government believes that South Australia is the poorer for Mr Wilton's passing and only hopes that this will be a reminder to all South Australians to appreciate the diverse cultures we are fortunate enough to have in our community. In particular, now is the time for the state to redouble its effort to support and preserve a culture and tradition that enriches us all.

SCHOOLS, BRIGHTON SECONDARY

The Hon. P.L. WHITE (Minister for Education and Children's Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P.L. WHITE: Today, students from Brighton Secondary School, who were on their way to China, returned to their families in Adelaide. The students are members of the school's choir, which had embarked on a three week trip to China and were due to return on Wednesday 23 April. The decision to recall the group was made yesterday after upgraded travel advice concerning the risk presented by severe acute respiratory syndrome (SARS) in China. That decision was taken in the best interests of ensuring those children's safety. The health and safety of students has to be of paramount importance. Obviously the students were disappointed at having to have their trip curtailed. However, I am pleased to advise the house that I was able to greet the children as they arrived at the airport this morning and delivered the news that the state government had stepped in and will guarantee another trip to China for the group after the health risk in that country has abated.

Mr Brindal: That's one good thing you've done.

The Hon. P.L. WHITE: Thank you, member for Unley. The Department for Education and Children's Services had issued a circular to all public schools on Monday 31 March that travel to countries affected by SARS be deferred wherever possible. Parents of children planning to travel to China were informed of the risks associated with SARS at a meeting on the night of Tuesday 1 April. The majority of parents chose to continue to send their children on the trip, and the group set off for China. At that meeting the Principal indicated that if the situation changed with regard to the SARS risk in China the children would be recalled.

Unfortunately, that situation did arise. In addition to the cancellation of this trip, the Chief Executive of the Department of Education and Children's Services has today advised all schools that departmental travel to China, Hong Kong, Singapore, Vietnam and Toronto in Canada will not proceed until further notice. Despite the obvious disappointment that students may feel at having their plans cancelled or curtailed, at the end of the day there is nothing more important than their health and safety. I can report to the house that there were very many relieved parents at the airport this morning when their children returned home safe and sound.

HEALTH, MINTABIE CLINIC

The Hon. L. STEVENS (Minister for Health): I seek leave to make a ministerial statement.

Leave granted.

The Hon. L. STEVENS: On Tuesday 1 April 2003 the shadow minister asked me a question about plans to relocate a health clinic building owned by Frontier Services from Mintabie to Marla. The Claris McGaw Health Clinic at Mintabie was established approximately 10 years ago with funding from a bequest of Ms C. McGaw, and the Marla Health Clinic was set up in 1992 by Frontier Services. Frontier Services has been running the Mintabie Marla clinics at a loss of approximately $180 000 per annum. In order to alleviate some of this loss Frontier Services has decided to consolidate its operations. With a decreasing population at Mintabie and expanding community at the new opal fields on Lambina Station and the demands of road trauma at Marla, Frontier Services wants to consolidate clinical facilities at the central location of Marla, with visiting outreach services to Mintabie and Lambina Station. The population at Mintabie has declined from about 1 500 to about 200, while the population at the new opal fields on Lambina Station is currently about 400.

Under the previous government there was a budget of $120 000 to assist Frontier Services with the removal of the two transportable buildings in Mintabie to Marla, effectively closing the Mintabie service and relocating to Marla. However, because of the community reaction to this move, the current plan is to purchase a house at Marla and relocate one transportable from Mintabie. Under this plan the existing levels of service provided at Mintabie would continue without change in the remaining building.

My officers had discussions with Ms Anne McGovern representing the Mintabie community, Ms Rosemary Young, the National Director of Frontier Services, which operates the service, and have also spoken with Mr Bevan Francis, the Regional General Manager of the Northern and Far Western Health Services. I have been informed that Frontier Services

personnel are visiting Mintabie tomorrow to consult the community, and I have directed my department to consult the community about its concerns on the suitability of the remaining building that is proposed to be used as a clinic. I am also informed that a further meeting has been organised by Frontier Services with the Mintabie Miners Progress Association for Wednesday 9 April 2003 to discuss the frequency of visits to Mintabie when considering service delivery to other outlying areas. They will also be discussing models of service and they will be there to answer any concerns that may be raised.

The Hon. Dean Brown: Does that mean the building won't be shifted this weekend?

The Hon. L. STEVENS: At this point; that will rely on discussions tomorrow.

MINISTER OF ENVIRONMENT AND CONSERVATION

The Hon. J.D. HILL (Minister for Environment and Conservation): I seek leave to make a personal explanation.

Leave granted.

The Hon. J.D. HILL: Yesterday during the debate on the Privileges Committee I made a statement in which incorrectly I said:

> If I had read this document why would I not have hidden it?

It should have been:

> If I had read this document why would I have hidden it?

I seek to correct the record in this way.

GRIEVANCE DEBATE

TAFE

Mr BRINDAL (Unley): I have not often grieved in this place of late but I consider the issue of TAFE important enough to draw to the house's attention. All members would be aware of some extraordinary headlines in the February period in the Adelaide *Advertiser* and be more bemused because of the fact that allegedly some of those headlines were enabled in the *Advertiser* by the cooperation of the AEU, an organisation not necessarily noted for these sorts of tactics. The minister said at one stage on 22 February that all of the state's eight TAFE institutes had been implicated in an alleged funding fraud racket. She went on to say that because of this it would imply that across the whole TAFE system all the institutes were colluding or being involved in the same rort or cooking the books in some way. The minister then went on to say, quite rightly, that you cannot take any of this sort of information without realising that it is serious.

At that time I and my colleague, and I hope developing friend, Kate Reynolds, member of the Democrats in another place, called on the minister to institute an impartial and separate inquiry separated from her own resources and from the resources of this government. We did so for reasons I need not explain to you, sir, because you carefully explained to the house the same sort of logic in connection with the Privileges Committee and other matters concerning the house. It is difficult to be both the person affected by the judgment and one of the judges in the event.

It is important, because in at least two other jurisdictions similar practices have been found to have occurred. In the case of New South Wales the matter was immediately put in the hands of, I believe, the New South Wales Fraud Squad, and I am led to believe prosecutions have resulted, so we are not talking about something that may have been isolated in one state but something that, perhaps because of something inherently wrong in the system, has occurred across several jurisdictions. I remain of the belief that it was important that the review be conducted impartially without fear or favour. In fact, Whistleblowers Australia condemned any investigation 'which was not completely autonomous to TAFE and the education department', and the President said it would be much more likely to become a cover-up putting forward a contrived conclusion. I am concerned that what this has all done is affect the morale of very many good, honest TAFE workers throughout the sector who are diligent and honest and whose dedication to training and the sector generally should never be questioned.

The need for an inquiry remains important to them as well as to those who might be guilty as well as to the government and the people of this state who have a perfect right to see that their money is properly applied. The minister chose to ignore my advice, and that is most unfortunate, because if she was a wise minister she would listen to a wise man, but she chose not to do so in this case, and that may well prove to be a problem to her. She said today, if I am correct, in her answer to the question that, following the investigations—I presume it must be following the investigations, because before the investigations started she referred the matter to the police and Auditor-General.

One is forced to the conclusion that something has been discovered. South Australia needs to know what has been discovered and TAFE lecturers and TAFE institutes need to know immediately what action is to be taken. This sort of ongoing speculation is harmful to government, TAFE institutes, the integrity of the system and people's belief in training generally, and this government should be more open and accountable and more swift and decisive in its action. If she cannot get the information out of TAFE institutes then, with a plethora of people at the government's disposal, let it send in the experts and let the experts sort out the mess. I am not saying this in a partisan way. If we were in government, we would have the same problem, and it would be the duty of that minister to stand up and question me on exactly the same problems.

ST PETERS BILLABONG WETLANDS

Ms CICCARELLO (Norwood): Today I would like to talk about a function I attended last Sunday morning at the St Peters Billabong Wetlands. The minister for Environment and Conservation, the Hon. John Hill (although he did have some other distractions on Sunday morning), came along and performed the official opening of the wetlands. The minister expressed his surprise and delight at seeing the billabong, because it is truly one of our well-kept secrets in South Australia. I would like to encourage as many people as possible to look at the wetlands, which are only about five minutes from the CBD. It behoves people to see the wonderful wildlife there.

Particular acknowledgment needs to be given to the Friends of the St Peters Billabong who for many years have been working hard towards creating this wetland. They also sat on the reference group and provided invaluable local knowledge to this project. The billabong is a key project in the Torrens catchment. We know that wetlands are the only way to clean up stormwater once it is polluted, and opportuni-

ties to provide wetlands are indeed rare in today's highly developed urban area.

The billabong captures all the catchment area of Second Creek and comprises more than 10 per cent of the total urban catchment for the River Torrens. This wetland's outlet is near Second Creek, so it offers a great chance to improve water quality from a considerable portion of the catchment before it enters the River Torrens. It not only improves the water quality but also provides a variety of habitat for native flora and fauna, and much of that was obvious on Sunday morning. Original species of native vegetation and wildlife have been maintained and reintroduced into the area.

Night herons nest just downstream, and there are coots—and that is not the Koutsantonis type. Native ducks, moor hens, black swans, pelicans, reedwarblers and kookaburras have all been sighted around the billabong. Also, special breeding, pebble beach areas have developed on the edge of the wetlands to nurture native fish. In addition, there are deep water zones, reed beds and sunken rocks, all of which provide areas for a variety of aquatic life to live and breed in.

On Sunday morning, the minister also reintroduced into the billabong a number of flat-headed gudgeons. They are one variety of the small number of native fish species which still survive in the Torrens catchment. They are tolerant of the much changed water quality and habitat conditions in the river.

This project effectively demonstrates the way that the catchment board works with local government and local communities to improve the health of the River Torrens and its tributaries. It is part of the Torrens board's catchment wide approach which includes: riparian restoration projects in cooperation with landholders in the rural area of the catchment; the installation of trash racks to capture hard rubbish at strategic locations along the waterways; supporting 'Our Patch' volunteer community groups to rehabilitate and revegetate sections of the waterways; stormwater pollution prevention projects with industries and small business targeting source control of pollution; community education programs; and planning initiatives with councils on a whole catchment basis to implement appropriate development controls, water sensitive urban design and flood mitigation projects.

Once again, I would like to congratulate the Norwood, Payneham and St Peters Council, along with the Torrens Catchment Water Management Catchment Board, and in particular the Friends of the Billabong, for this wonderful project, the St Peters Billabong Wetlands, which will hopefully improve the quality of the water going into the Torrens.

DEFENCE FORCE RESERVES WEEK

Mr HAMILTON-SMITH (Waite): I rise on the subject of community and state government support for the defence force reserve. In doing so, I note that tomorrow is the launch of Defence Force Reserves Week, which will be celebrated at Government House and which will be attended by members of the community and, I hope, by representatives from the government. I will certainly be there. I also will be talking about the Defence Reserves Support Council and the Prince of Wales Awards.

Last week, on 27 March, I asked the Premier why he had not responded to several approaches in writing from the Defence Reserves Support Council, and I understand that contact has now been made. However, before addressing the council, I want to make note of some comments made by the Premier on 27 March. In particular, he made some remarks along the lines of making a joke of the fact that I had been a serving soldier and a lieutenant-colonel in the army, saying that he was an honorary colonel himself. It was said with mirth and as a bit of a joke, and I took it as a dismissive and light-hearted crack at me.

Later, the Premier got up in answer to a question on the Broughton Arts Society and continued the cracks in the form of a backhanded apology. He went on to talk about how I should not feel intimidated because he is a colonel and I was a lieutenant-colonel and all that sort of thing. The general tone of the remarks was dismissive and almost derogatory. It was meant to make a joke of the fact that I am an ex-servicemen. At the time I almost took a point of order but decided against that. I have since been approached by a number of people who have the *Hansard*.

I make the point that those sorts of comments are uncalled for. To my knowledge, the Premier has not served in any of the three services, either here or in his native New Zealand, and holds no rank and has held no rank, except that I gather there is some sort of joke there about some sort of honorary rank he may hold in some odd organisation overseas, or something.

Nevertheless, it is out of order to be dismissive of ex-service people in any context, and I caution members opposite not to persist with that line of belittlement, because I will take it up most earnestly if it occurs again. We should be proud of our defence force reserves. In particular, the state government should be supporting the Defence Reserves Support Council. The organisation, based at Keswick, is part of a national network. It flows from a defence white paper in December 2000, which led to its creation.

Its mission statement is simply to enhance the availability of the reserves component of the ADF 'by promoting the benefits of reserve service to and by establishing a flexible partnership with the community in general and employers in particular'. The state government is a key employer of defence force reserves. The roles of the DRSC are many, but they involve improving those linkages between employers and the reserves so that the two work smoothly together.

The structure of the DRSC is that it is all inclusive. There is a national executive and a national secretariat. There is also a national council. Membership of the national council includes wide-ranging representation but is not limited to the ADF reserve policy staff—namely, Navy, Army and Air Force reserve organisations, state/territory committees, their relevant chambers of industry, the ACTU, the Australian Industry Group, the Council of Small Business Associations and many others.

The Defence Reserve Support Council is also involved in the Australian defence force reserves national Prince of Wales awards—I attended them last year, and they were successful—and Exercise Executive Stretch, a program designed for leaders in industry to acquaint them with aspects of military service. I call on the government to support the Defence Force Reserves, particularly in these times. The state government should be involved in encouraging a cooperative relationship between employers—

Time expired.

PALESTINE

Mr HANNA (Mitchell): I rise today on a matter of international significance. This issue will also reflect on the

internal processes of the Labor Party. I refer to the issue of Palestine or, rather, the lack of a Palestinian state. I say, first, that I am pleased to have recently joined with some of my colleagues in this parliament in a Palestinian parliamentary friendship group. I acknowledge the work of the Minister for Social Justice (Hon. Stephanie Key) in assisting the formation of this group.

A meeting held last week was attended by representatives of four different political parties in this parliament, and there was an atmosphere of sincere inquiry and goodwill. Of course, participation in such a group in no way detracts from the friendship and goodwill that we also feel for the Jewish community in Adelaide or anywhere around the world. However, the Jewish community and the actions of the Israeli government are two different things.

This is a matter of genuine concern for anyone who believes in social justice at a national level. To give members a snapshot of the problems faced in that part of the world, I quote from a prominent Palestinian scholar living in America. His name is Edward Said, and in October last year, while making a comparison between the current situation and the Israeli incursions into Lebanon in 1982, he said:

> . . . the Palestinians now being victimised and besieged are in Palestinian territories that were occupied in 1967 and where they have remained despite the ravages of the occupation, the destruction of the economy, and of the whole civilian infrastructure of collective life. The main similarity is of course the disproportional means used to do it, for example, the hundreds of tanks and bulldozers used to enter towns and villages like Jenin or refugee camps like Jenin's and Deheisheh, to kill, vandalise, prevent ambulances and first-aid workers from helping, cutting off water and electricity, etc. All with the support of the US whose president actually went as far as calling Sharon a man of peace during the worst rampages of March and April 2002. It is significant of how Sharon's intention went far beyond 'rooting out terror' that his soldiers destroyed every computer and then carried off the files and hard drives from the Central Bureau of Statistics, the Ministry of Education, of Finance, of Health, cultural centres, vandalising offices and libraries, all as a way of reducing Palestinian collective life to a pre-modern level.

I was pleased that on 27 March this year in the federal parliament the Leader of the Australian Greens (Senator Bob Brown) moved:

> That the Senate supports the establishment of a free, viable and independent state of Palestine.

This is a moderate proposition. It is directed towards peace in the area. It is not radical; it is part of the road map to a peaceful Middle East endorsed by the US government. Labor's national policy on this is:

> Labor supports the right of self-determination for the Palestinian people including their right to their own independent state.

That was adopted at the ALP National Conference in 2000, yet when the vote was taken Labor voted against the proposition. I say: shame on the Labor members present, particularly those who were in the more progressive part of the party. I was particularly disappointed to see that one of my former colleagues in progressive politics (a young woman recently elected to the Senate) was among those who voted down the concept of a free, viable and independent Palestinian state. This is an issue of international significance, and it is really a dreadful shame to see internal Labor Party number crunching and party politics coming into an issue of justice.

ELECTRICITY, SNI INTERCONNECTOR

Mrs PENFOLD (Flinders): I am pleased to see that the Minister for Energy is present. As members would be aware, great changes have occurred in the power industry recently. They bring into question the benefits of a 250 megawatt regulated interconnector from New South Wales, a line referred to as Riverlink or SNI. The changes make it imperative for South Australia to take another look at the industry (especially SNI) before we are made the patsy and have to pay for power generated by dirty coal-fired stations as well as $60 million for an unnecessary second transmission line which will, at times, not be able to transmit any power into South Australia.

The minister himself acknowledged that SNI provides no benefit to South Australian consumers when he stated in February that 'if Heywood and MurrayLink were fully despatched you would not be despatching any power down SNI'. For New South Wales, this is a contract made in heaven. It is in my view one that puts South Australia at the other extreme—in hell.

The proposal to build SNI was put forward at a time when this state looked as if it would be short of electricity. A total of 960 megawatts of new baseload (including Pelican Point which the present government opposed when it was in opposition) has been developed in this state since 1998. A private company, TransEnergie Australia, has since built a transmission line from Victoria at no cost to the South Australian taxpayers. In fact, interconnectors with Victoria deliver power eastward from South Australia into Victoria (according to figures established by ElectraNet SA) for more than 25 per cent of the time. All this is certainly a change from when SNI was first mooted.

Sustainable generation of power from renewable energy sources that put no (or only minute) greenhouse gases into the atmosphere are also coming onstream. South Australia's first wind farm at Lake Bonney has recently contracted to sell all its energy to the New South Wales government. The Essential Services Commission of South Australia (ESCOSA) concluded in its Third Annual Performance Report on Regulated Electricity Businesses in South Australia 2001-02:

> SNI would provide a small boost to competition in the generation sector, limited benefits to South Australian consumers and only a small enhancement or reliability and security of supply to South Australia.

The Riverlink/SNI connector will see South Australian consumers paying for an investment which benefits the highest emitting coal generators in New South Wales. To again quote the Minister for Energy in his response to my estimates question:

> . . . fully utilised the SNI interconnector would result in about 2.1 million tonnes of carbon dioxide emissions. . .

In addition, I understand it is proposed to bring this line aboveground across the Bookmark Biosphere through fragile terrain. How is that for environmental destructiveness of the worst kind, since it is all avoidable? Barring environmental damage, a cost of $110 million in the first instance (and goodness knows how much by the time it is amortised over 20 years) for a useless white elephant called Riverlink/SNI is a heavy cost. Compare this with the MurrayLink interconnector buried underground and taking a route that minimised environmental impact to such an extent that I believe it has taken out two national and two state awards (one in Victoria and the other in South Australia) for being environmentally friendly and on which the Labor government has been spending thousands more of taxpayer dollars to fight it in the courts.

This is the kind of economic foolishness that saw the former Labor government almost bankrupt this state. The

Premier was a minister of that government. As the Industry Regulator says in a letter on the web:

I have come to the conclusion that it is time to recognise that decisions on interconnectors between jurisdictions are political decisions and if the two jurisdictions want such facilities, that should be sufficient. The ballot box can decide if the decision was correct or not.

Is this why the government is supporting SNI and will not support a regulated line to connect the proposed wind power on Eyre Peninsula into the grid? One thousand megawatts equates to $1 billion worth of private enterprise venture capital in a new industry that would help to open up Eyre Peninsula.

A recent report by Deloitte Touche Tohmatsu titled 'Wind Generation Development on the Eyre Peninsula—Economic Impact Analysis' outlines in scenario 5 a total economic impact of local manufacturing activity during the construction phase of $4.72 billion to this state. The acquired quantities of 1 000 megawatts on the Eyre Peninsula and 500 megawatts in other South Australian regions are already being planned.

Time expired.

RIVER RED GUMS

Mr O'BRIEN (Napier): Earlier this week, on 31 March to be exact, the Minister for Environment and Conservation stated in answer to a question about the state of the red gums along the River Murray that 80 per cent of the trees in South Australia were stressed, with 20 to 30 per cent extremely stressed. The minister stated that unless flooding occurred naturally or was induced within the next 18 months, we stood to lose a significant number of red gums along the length of the river.

At this point, I congratulate the minister for his initiative in holding the recent summit on the River Murray and the role of the Premier in his opening address to the summit in highlighting the dire predicament facing the river red gums. The poor health of the gums is symptomatic of the health of the river and the basin as a whole.

Recently, an event occurred in the Barmah forest that should be celebrated not only in its own right but also as a possible predictor of the future. High regulated flows were passed from the Hume Dam through the Barmah forest in late 2002 in order to add additional water resources to Lake Victoria. This was done to ensure that New South Wales, Victoria and South Australia could be supplied during the remainder of the 2002-03 drought for their irrigation and domestic water requirements.

A consequence of this flow is what the Victorian Department of Primary Industry reported on 27 March as a successful water bird breeding event. While most of the nation was experiencing the worst drought in a century, the Barmah forest experienced a flood-induced water breeding event, the most successful in over 30 years. The department counted over 750 ibis nests and 50 spoonbill nests, each of which raised two or more young. More than 2 000 sacred ibis chicks were hatched and, more importantly, 100 royal spoonbills also hatched. The royal spoonbill is classified as a vulnerable species. The spoonbill has had less than a handful of successful breeding events in the Barmah forest in the past three decades.

The Hon. P.F. Conlon interjecting:

Mr O'BRIEN: Yes, they certainly have. Many other wetland plants and animal species also benefited from the managed flow. In 2000, a massive environmental water allocation of 340 gigalitres sent water flooding into the Barmah forest, fostering the most successful water breeding season in the region since early 1970. In comparison, the latest breeding event was triggered by a mere 300 megalitres of water.

This event shows that judiciously applied environmental flows can have a profound impact on the health of the rivers. It also highlights the possibility of replicating, through human intervention, the natural choke that occurs at the Barmah forest so that the river can be flooded in a strategic, staged fashion at various locations along the river, maximising the impact of water dedicated for environmental flows.

Such a choke does not occur naturally within the river other than at Barmah forest and, consequently, we do not have a number of them to assist the recovery of the river red gums. It is my hope that this or another system with identical outcomes will be agreed by the basin council and that the funding will be secured to undertake such a major national project.

What is the consequence of doing nothing? The scientific advisers to the Murray-Darling Basin Commission found:

Doing nothing more than maintaining the current Murray-Darling Basin cap on diversions, and maintaining current river operations, will lead to a continuing decline in ecological condition. If no further imposts on the river. . . are allowed (i.e., no increases to water abstraction, no more dams, no worsening of water quality, no more exotic pests) then ecological conditions will stabilise at a level worse than today within a few decades.

Doing nothing is also costly. The continued degradation of river health and water quality will cut into agricultural production, recreational activities, fishing, tourism, cultural and social values.

The impact on the nation and South Australia in doing nothing will be nothing short of catastrophic. The river gums are the first sentinels.

STATUTES AMENDMENT (GAS AND ELECTRICITY) BILL

The Hon. P.F. CONLON (Minister for Energy) obtained leave and introduced a bill for an act to amend the Gas Act 1997, the Gas Pipelines Access (South Australia) Act 1997, the Electricity Act 1996 and the Local Government Act 1999. Read a first time.

The Hon. P.F. CONLON: I move:

That this bill be now read a second time.

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

Leave granted.

The Government is again delivering on a key election commitment by introducing major new legislation that consolidates economic regulation of the gas industry with the Essential Services Commission. Last year the Government met another key election commitment in establishing the Essential Services Commission as a powerful new industry regulator.

This Bill also gives effect to the introduction in 2004 of gas full retail competition to domestic, commercial and industrial customers.

The Government is obligated under the 1997 COAG Natural Gas Pipelines Access Agreement to facilitate gas full retail competition. While a legal framework has been in place for gas full retail competition since 1 July 2001, under the *Gas Act 1997*, only 150 large businesses using more than 10 terajoules gas per annum have been able to switch gas retailers due to a number of technical and administrative reasons.

Thus new retailers have effectively been prevented from entering and competing in the gas market for domestic, commercial and

smaller industrial customers who are currently only able to purchase gas from the incumbent gas retailer, Origin Energy. On the other hand, the electricity market has been open to full retail competition since 1 January 2003. Electricity consumers are able to choose a retailer, other than AGL. As there is a strong degree of convergence between gas and electricity into an energy market, it is necessary to remove any constraints to effective competition between gas and electricity.

This legislation gives effect to the removal of the last of the barriers to gas market competition through the establishment of a legal framework for a retail market administrator and the associated market rules and business information systems. Greater convergence between gas and electricity will be facilitated, competition between gas and electricity retailers will be on a more equal footing and the Government's competition policy commitments with respect to gas reform will have been fully satisfied. Dual fuel products, offering both gas and electricity, are expected. Gas consumers will be able to choose to receive their gas and electricity requirements from the one company and pay one energy account.

Given this convergence in gas and electricity markets, one of the key principles underpinning this legislation is convergence of gas and electricity regulation. This principle flows through into ensuring that the regulatory frameworks governing the gas and electricity industries are the same, as far as possible.

Further, gas is an essential service that impacts upon the daily lives of all South Australians. Reliable supply of gas at reasonable prices is essential to the community and to the ongoing competitiveness of South Australian businesses, small and large. There are over 340 000 gas consumers in South Australia. Consumer protection is another key principle underpinning this legislation.

In terms of the new regulatory framework, the gas industry licensing functions of the Technical Regulator will be transferred to the Essential Services Commission. The Technical Regulator will continue to administer safety and technical standards in the gas industry and the electricity industry.

The Essential Services Commission will subsume the regulatory responsibilities for third party access to the gas distribution network, which is currently undertaken by the South Australian Independent Pricing and Access Regulator. Further consistency between gas and electricity industry regulation will be achieved through adopting a common appeal body as in the *Essential Services Commission Act 2002*. The South Australian Gas Review Board will be dissolved and replaced by the District Court supported by a Panel of Experts.

It must be emphasised that none of the amendments to the *Gas Pipelines Access (South Australia) Act 1997* change the effect, scope or operation of that Act. The regulatory environment with respect to third party access to the gas distribution network remains unchanged.

Gas industry participants will be required to participate in an Ombudsman scheme approved by the Essential Services Commission, as already applies to electricity industry participants. It is expected that the new Ombudsman will build upon the existing Electricity Industry Ombudsman. Gas consumers will thus have access to mediation of customer disputes, such as billing, through the Ombudsman scheme. These mediation functions will be transferred from the Technical Regulator.

These amendments build on the consumer protection provisions that were adopted in amendments last year to the Electricity Act.

The incumbent gas retailer, Origin Energy, will be obliged to offer a 'standing contract' for all customers taking less than 10 terajoules per annum from the commencement of gas full retail competition. It is planned that these standing contracts will be phased out so that customers, taking 1-10 terajoules of gas per annum, would benefit from 18 months protection, while the smallest customers, taking less than 1 terajoule of gas per annum, would benefit from 30 months protection of the standing contract. These customers will have a retail contract, even if they have not entered into a new contract with Origin Energy or any other retailer of their own accord.

The gas retailer will be required to publish the tariff that the customer will be charged under the standing contract, and a justification of that price. The Essential Services Commission will assess the price and its justification and, if it considers the prices are not justifiable, set an appropriate price.

Default contracts will apply and will be subject to a price justification regime imposed by the Essential Services Commission. Default contracts are deemed to apply where a customer moves into new premises, or enters a fixed term contract that subsequently expires without a replacement contract being entered into, so that the customer will continue to receive gas from the retailer with responsibility for those premises.

There will need to be recovery of the additional costs involved in overcoming the technical and administrative barriers to gas full retail competition. The costs of the retail market administrator and the gas distributor will be subject to close examination by the Essential Services Commission under a price determination process. Only prudent and incremental costs will be recovered from consumers.

The Government will have the ability to specify the processes that should be followed for cost recovery, if this is considered necessary. Similarly, the Government will also have the ability to specify the distributive impacts of cost recovery, if this is considered necessary. The major principle that will drive the Government's consideration of these matters in the future will be consumer protection, particularly of domestic households and small businesses. Further, if a particular regional area does not achieve full retail competition, the Government will have the ability to exclude that region from cost recovery and the consumer protection provisions of standing contracts will continue until the Government is satisfied that there is retail competition in that region.

Nevertheless, price determination powers remain with the Essential Services Commission.

The functions of the retail market administrator are to support meter registration, to effect customer transfers and to undertake balancing, apportionment and reconciliation of gas supply between retailers. All gas retailers and the gas distributor, Envestra, will connect their information systems into those of the retail market administrator.

A non-profit, privately owned retail market administrator, called REMCo, has been established by gas industry participants to manage both the South Australian and Western Australian gas retail markets. A combined market of almost 800 000 customers would benefit from economies of scale and lower costs to consumers. Accordingly, the Government has given its in principle support for REMCo.

Licence conditions applicable to electricity entities have been applied to the gas industry except to the extent of different technical characteristics, customer contractual relationships or other legislative requirements. In view of its crucial role in facilitating gas full retail competition, the retail market administrator will be licensed and will be subject to the scrutiny of the Essential Services Commission.

A firm date for the commencement of gas FRC is yet to be settled. The Government will have the ability to specify the 'go live' date as a licence condition, if this is considered necessary. If an industry participant fails to meet that date, it would potentially be subject to the penalties in the Essential Services Commission Act for failure to comply with a licence condition.

As a transitional arrangement prior to the establishment of gas full retail competition, gas retail prices of the incumbent retailer will continue to be set by the Minister for Energy during 2003, although it is intended that advice will be sought from the Essential Services Commission in reaching any transitional price decisions.

This legislation introduces the same range of penalties to the gas industry that are applicable to the electricity industry. In instances of a primary Code or licence breach, a maximum penalty of $1 million will be applied. Penalties for breaching a price determination issued by the Essential Services Commission will attract a maximum penalty of $1 million, as specified in the Essential Services Commission Act. In instances where a Code or licence breach does occur, the Bill includes a comprehensive process for rectification, to be utilised by the Essential Services Commission, involving the issuing of warning notices and the entering into of statutory undertakings.

Overall, these enforcement provisions will be a substantial incentive to industry participants to comply with the Commission's determinations.

The approach of linking the Essential Services Commission legislation with the relevant industry Act, and stronger enforcement powers, has been followed with the gas industry. The regulatory regime is sufficiently directed and powerful to protect consumers when gas full retail competition commences and ensure effective oversight of the gas industry.

Other miscellaneous amendments include an exemption from payment of Council rates to the gas distributor, Envestra, as currently applies to the electricity distributor, ETSA Utilities.

The penalties appropriate to breaches of the gas rationing provisions have been considered. In circumstances of temporary gas rationing, penalties will be increased to a maximum of $250 000 for failure by a person, eg, a gas retailer, to comply with a Ministerial direction. To ensure that large gas consumers have the same incentive to comply, they will also be subject to the same maximum

penalty. There are a number of other minor amendments, by way of clarifications, to other various safety and technical matters.

I commend the bill to honourable members.

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 Gas Act 1997

Clause 4: Amendment of section 4—Interpretation

Amendments are made to definitions to bring about consistency with corresponding definitions in the *Electricity Act*. Retail market rules are defined as rules relating to interactions between licensed gas retailers, distribution system operators and the administrator of the rules—the retail market administrator. The amendments provide for initial approval of the rules by the Minister and a process for their subsequent amendment.

Clause 5: Insertion of Division A1 of Part 2

Division A1—Essential Services Commission

6A.Functions and powers of Commission

The Essential Services Commission (the 'Commission') is to have (in addition to its functions and powers under the *Essential Services Commission Act*) licensing, price regulation and other functions and powers under the *Gas Act*.

Clause 6: Amendment of section 7—Technical Regulator

As in the *Electricity Act*, the Technical Regulator under the *Gas Act* is to be appointed by the Minister, rather than, as at present, the Governor.

Clause 7: Amendment of section 8—Functions of Technical Regulator

The Technical Regulator's functions are varied to reflect the transfer of licensing and related functions to the Commission.

Clause 8: Amendment of section 10—Technical Regulator's power to require information

This amendment is consequential on the transfer of licensing and related functions from the Technical Regulator to the Commission. The clause also increases the maximum penalty for an offence against subsection (2) to the level for the corresponding offence in the *Electricity Act*.

Clause 9: Amendment of section 11—Obligation to preserve confidentiality

These amendments are consequential on the Commission's proposed new role, including its proposed new role in gas price regulation.

Clause 10: Repeal of sections 12 and 13

As in the *Electricity Act*, provision for executive and advisory committees is to be in a new Division 2 of Part 2 (*see* clause 11).

Clause 11: Substitution of Division 2 of Part 2

Division 2—Advisory committees

15.Consumer advisory committee

The consumer advisory committee, which is to assist the Commission with advice relating to the gas supply industry, may be the same committee as that established under Division 4 of Part 2 of the *Electricity Act* if the Commission so determines.

16.Technical advisory committee

There is to continue to be a technical advisory committee to assist the Technical Regulator.

17.Other advisory committees

Other advisory committees may be established by the Minister, the Commission or the Technical Regulator.

Clause 12: Insertion of Division A1 of Part 3

Division A1—Declaration as regulated industry

18B.Declaration as regulated industry

The gas supply industry is declared to be a regulated industry for the purposes of the *Essential Services Commission Act*. The main consequence of the declaration is that provisions in that Act relating to price regulation, industry codes and rules and information gathering by the Commission will apply to the gas supply industry.

Clause 13: Amendment of section 19—Requirement for licence

A licence will also be required under section 19 for carrying on the business of a retail market administrator. The maximum penalty for not having a licence as required under the section is increased to $1 million, the level fixed for the corresponding offence under the *Electricity Act*.

Clause 14: Amendment of section 20—Application for licence

Clause 15: Amendment of section 21—Consideration of application

The amendments made by these clauses are consequential on the transfer of gas licensing functions from the Technical Regulator to the Commission or required to achieve consistency with corresponding *Electricity Act* provisions.

Clause 16: Insertion of section 21A

21A.Licences may be held jointly

As in the *Electricity Act*, provision is made for licences to be held jointly.

Clause 17: Substitution of section 23

23.Term of licence

The new provision relating to the term of a licence is consistent with the corresponding *Electricity Act* provision.

Clause 18: Amendment of section 24—Licence fees and returns

These amendments are consequential on the transfer of licensing functions from the Technical Regulator to the Commission or required to achieve consistency with corresponding *Electricity Act* provisions.

Clause 19: Substitution of sections 25 and 26

The provisions relating to licence conditions are made to correspond (with necessary differences) to those in the *Electricity Act*.

25.Licence conditions

Every licence is to be subject to conditions determined by the Commission relating to—

- compliance with applicable codes or rules under the *Essential Services Commission Act 2002*
- compliance with specified technical or safety requirements or standards
- the gas entity's financial and other capacity to continue operations
- auditing and reports to the Commission
- notification to the Commission of changes in officers and major shareholders of the gas entity
- provision of other information required by the Commission
- compliance with schemes by the Minister for customer concessions or the performance of community service obligations
- other matters required by regulation or considered appropriate by the Commission.

26.Licences authorising operation of distribution system

A licence authorising the operation of a distribution system is to be subject to conditions determined by the Commission relating to—

- compliance with applicable retail market rules
- safety, reliability, maintenance and technical management plans
- accounting practices
- participation in an ombudsman scheme applying to regulated industries under the *Essential Services Commission Act 2002*
  - monitoring and reporting on service performance
  - rules governing disconnection of gas supply to customers
  - a process for resolution of disputes between the gas entity and customers as to the supply of gas.

26A.Licences authorising retailing

A licence authorising the retailing of gas is,if the Minister so determines, to confer an exclusive right to sell gas as permitted under the Franchising Principles of the *Natural Gas Pipelines Access Agreement*.

A retailing licence is to be subject to conditions determined by the Commission relating to—

- compliance with applicable retail market rules
- if the gas entity sells gas to customers of a prescribed class—accounting practices
- the provision of pricing information to enable small customers to compare competing offers in the retailing of gas
- standard contractual terms and conditions to apply to the sale or supply of gas to small customers or customers of a prescribed class
- minimum standards of service for customers
- rules governing disconnection of gas supply to customers
- a process for the resolution of disputes between the gas entity and customers as to the sale or supply of gas
- if the gas entity sells gas to customers with an annual gas consumption level of less than the level prescribed—participation in an ombudsman scheme applying to regulated industries under the *Essential Services Commission Act 2002*

26B.Licence authorising business of retail market administrator

A licence authorising the business of a retail market administrator is to be subject to conditions determined by the Commission relating to—

- compliance with applicable retail market rules
- accounting practices
- separation of the gas entity's business as a retail market administrator from any other business of the gas entity
- publication of the retail market rules and the entity's constitution
- securing the Commission's approval for amendments of the retail market rules
- provision of information about the terms on which the entity's services are provided (including its charges for the services)
- the granting to other gas entities of rights to use or have access to the entity's retail market business systems (on non-discriminatory terms) for the retailing of gas
- the resolution of disputes in relation to such rights and consultation processes generally.

Clause 20: Amendment of section 27—Offence to contravene licence conditions

The maximum penalty for the offence is increased to $1 million, the level set for the corresponding offence in the *Electricity Act*. As in that Act, the offence may be prosecuted as a summary offence, in which case the maximum penalty is $20 000.

Clause 21: Repeal of section 28

Section 28 deals with notification of licensing decisions. This matter is to be dealt with in proposed new section 30B (*see* clause 24).

Clause 22: Amendment of section 29—Variation of licence

Clause 23: Amendment of section 30—Transfer of licence

These clauses make amendments that are consequential on the transfer of licensing functions from the Technical Regulator to the Commission or required to achieve consistency with corresponding *Electricity Act* provisions.

Clause 24: Insertion of sections 30A and 30B

30A.Consultation with consumer bodies

As in the *Electricity Act*, the Commission is required to consult with the Commissioner for Consumer Affairs and the consumer advisory committee about licensing decisions.

30B.Notice of licence decisions

Proposed new section 30B deals with notification of licensing decisions in the same way as under the *Electricity Act*.

Clause 25: Amendment of section 31—Surrender of licence

Clause 26: Amendment of section 32—Register of licences

These clauses make amendments that are consequential on the transfer of licensing functions from the Technical Regulator to the Commission or required to achieve consistency with corresponding *Electricity Act* provisions.

Clause 27: Substitution of Part 3 Division 2

Division 2—Price regulation

33.Price regulation by determination of Commission

The Commission is empowered to exercise its price-fixing powers under the *Essential Services Commission Act 2002* in relation to—

- the sale and supply of gas to small customers or customers of a prescribed class
- services provided in accordance with applicable retail market rules by a distribution system operator to a retailer.
- services provided by a retail market administrator to another gas entity
- the sale and supply of gas by a gas entity to customers of another gas entity in accordance with a condition of the entity's licence imposed under Division 3B (the retailer of last resort scheme)
- other goods and services in the gas supply industry specified by the Minister by notice in the *Gazette*.

The Minister may, by notice published in the *Gazette*, direct the Commission about—

- factors to be taken into account by the Commission
- the distributive effect of the Commission's determinations as between classes of customers
- the period over which cost recovery may occur.

The provisions allowing the issuing of such directions by the Minister will expire on a day to be fixed by proclamation.

33A.Recovery of prices for services provided in accordance with retail market rules

Provision is made for a distribution system operator to recover from retailers prices for certain services not contracted for but required under the retail market rules. The prices must match the prices fixed by the Commission for those services under proposed new section 33.

Clause 28: Amendment of section 34—Standard terms and conditions for retailing of gas

Amendments are made to this section to make it consistent with the corresponding *Electricity Act* provision. However, a change is made which will be matched in the *Electricity Act* (*see* Part 4 of this Bill) to relieve entities of the need to publish their standard terms and conditions in full in a newspaper.

Clause 29: Insertion of Part 3 Divisions 3A and 3B

Division 3A—Standing contracts and default contracts

34A.Standing contracts

A retailer determined by the Governor will be compelled under its licence conditions to sell gas to small customers or customers of a prescribed class in cases where customers have not made alternative contracts for their gas supplies. The 'standing contract' price and conditions will be subject to oversight by the Commission. This provision will expire on a day to be fixed by proclamation.

34B.Default contracts

Provision is made for a 'default contract' to apply where gas is consumed at premises after the departure of the customer who previously contracted for the gas supply to the premises. The default contract applies for a limited period until an alternative contract is made. The default contract price and conditions will be subject to oversight by the Commission.

Division 3B—Retailer of last resort scheme

34C.Retailer of last resort scheme

Regulations may be made for a scheme (to be imposed by licence conditions) whereby a particular gas entity specified in the regulations must take over the role of selling and supplying gas to customers of another entity in the event that the other entity cannot do so through financial or other failure.

34D.Minister's power to require information

The Minister is empowered to require information from the Commission and gas entities for the purposes of the retailer of last resort scheme.

Clause 30: Amendment of section 37—Temporary gas rationing

The maximum penalty for non-compliance with a gas rationing direction of the Minister is increased from $50 000 to $250 000. Such an offence is allowed to be prosecuted as a summary offence, in which case the maximum penalty is $5 000.

Clause 31: Amendment of section 37A—Minister's power to require information

The provision for the Minister to require information for gas rationing purposes is amended so that it is clear that the power extends to information required for planning for future gas rationing. The maximum penalty for non-compliance with a requirement of the Minister is increased from $10 000 to $20 000 in line with other similar offences in the *Electricity Act* and *Gas Act*.

Clause 32: Amendment of section 38—Suspension or cancellation of licences

Clause 33: Amendment of heading to Part 3 Division 7

Division 7—Commission's powers to take over operations

Clause 34: Amendment of section 39—Power to take over operations

Clause 35: Amendment of section 40—Appointment of operator

Clause 36: Repeal of Part 3 Division 8

These clauses make amendments that are consequential on the transfer of functions from the Technical Regulator to the Commission or required to achieve consistency with the corresponding provisions of the *Electricity Act*.

Clause 37: Amendment of section 42—Appointment of gas officers

As in the *Electricity Act*, the Minister may determine conditions subject to which a gas entity may appoint a gas officer.

Clause 38: Amendment of section 44—Gas officer's identity card

A gas officer must return his or her identity card within 2 days (rather than, as at present, 21 days) after ceasing to be a gas officer. The identity card must be in a form approved by the Minister. These changes achieve consistency with the *Electricity Act*.

Clause 39: Amendment of section 47—Power to carry out work on public land

Certain provisions relating to delegation by the Minister are deleted in consequence of the inclusion of a general delegation power for the Minister in Part 8 (Miscellaneous) (*see* clause 55).

Clause 40: Amendment of section 55—Responsibility of owner or operator of infrastructure or installation

The maximum penalty for an offence under this section (compliance with prescribed technical and safety requirements and maintaining safety in relation to gas infrastructure and installations) is increased from $50 000 to $250 000 in line with the penalty for the corresponding offence under the *Electricity Act*.

Clause 41: Amendment of section 57—Power to require rectification, etc, in relation to infrastructure or installations

This clause also makes amendments to achieve consistency with the corresponding provision of the *Electricity Act*.

Clause 42: Insertion of section 57A

57A.Prohibition of sale or use of unsafe components for infrastructure or installations

A new provision is added that would allow prohibition of the sale or use of unsafe components for gas infrastructure or installations. The proposed new section corresponds to section 61 of the *Gas Act* which relates to gas appliances.

Clause 43: Amendment of section 61—Prohibition of sale or use of unsafe gas appliances or components

Section 61 of the *Gas Act* is widened in its scope so that it applies to components for gas appliances as well as gas appliances themselves.

Clause 44: Insertion of Part 6 Divisions A1 and A2

Division A1—Warning notices and assurances

61A.Warning notices and assurances

61B.Register of warning notices and assurances

Division A2—Injunctions

61C.Injunctions

These proposed new Divisions enhance the enforcement powers of the Commission and the Technical Regulator. They correspond to Divisions A1 and A2 of Part 7 of the *Electricity Act*.

Clause 45: Amendment of section 62—Appointment of authorised officers

These amendments are consequential on the transfer of functions from the Technical Regulator to the Commission.

Clause 46: Amendment of section 63—Conditions of appointment

The Minister (rather than the Technical Regulator) is to determine conditions subject to which an authorised officer may be appointed.

Clause 47: Amendment of section 64—Authorised officer's identity card

These changes correspond to changes made by clause 38 in relation to gas officers and their identity cards.

Clause 48: Amendment of section 67—General investigative powers of authorised officers

These amendments are consequential on the transfer of functions from the Technical Regulator to the Commission.

Clause 49: Amendment of section 68—Disconnection of gas supply

The maximum penalty for unauthorised reconnection of gas supply is increased from $10 000 to $50 000 in line with the corresponding provision in the *Electricity Act*.

Clause 50: Amendment of section 69—Power to make infrastructure or installation safe

A similar increase in penalty is proposed for the offence under section 69.

Clause 51: Amendment of section 70—Power to require information

The maximum penalty for non-compliance with an authorised officer's requirement for information is increased from $10 000 to $20 000 consistently with the corresponding provision in the *Electricity Act*.

Clause 52: Substitution of Part 7

Part 7—Reviews and appeals

71.Review of decisions by Commission or Technical Regulator

72.Appeal

73.Minister's power to intervene

The provisions of Part 7 are redrafted to reflect the transfer of functions from the Technical Regulator to the Commission and to achieve consistency with the corresponding provisions of the *Electricity Act*.

Clause 53: Substitution of section 77

77.Power of exemption

The exemption power is redrafted to reflect the transfer of functions to the Commission and to achieve consistency with the corresponding *Electricity Act* provision.

77A.Register of exemptions

As in the *Electricity Act*, there are to be publicly accessible registers of exemptions kept by the Commission and the Technical Regulator.

Clause 54: Amendment of section 78—Obligation to comply with conditions of exemption

The maximum penalty for non-compliance with a condition of an exemption is increased from $10 000 to $50 000 consistently with the corresponding *Electricity Act* provision.

Clause 55: Insertion of sections 78A and 78B

78A.Delegation by Minister

A general power of delegation is provided for the Minister.

78B.Gas infrastructure and liability to council rates

A gas entity is excluded from liability to council rates in respect of land where its infrastructure is situated except where the land is owned by the entity or subject to a lease expressly granted to the entity.

Clause 56: Amendment of section 86—False or misleading information

Imprisonment for not more than 2 years is added as an alternative penalty for an offence of knowingly providing false or misleading information. This is consistent with the corresponding *Electricity Act* provision.

Clause 57: Amendment of section 87—Statutory declarations

The section is amended consequentially on the provision of information gathering powers to the Commission and the Minister in addition to the Technical Regulator.

Clause 58: Amendment of section 90—Continuing offences

The daily penalty for a continuing offence is increased to make it consistent with the corresponding *Electricity Act* provision.

Clause 59: Substitution of section 91

91.Order for payment of profit from contravention

As in the *Electricity Act*, a court convicting a person of an offence is to have power to order the convicted person to pay to the Crown any 'profit', that is, the court's estimate of any monetary, financial or economic benefits acquired, accrued or accruing as a result of the offence.

Clause 60: Amendment of section 92—Immunity from personal liability

This amendment is consequential on the introduction of the Commission as an additional person engaged in the administration of the *Gas Act*.

Clause 61: Amendment of section 93—Evidence

These amendments are also required to reflect the role of the Commission in the administration of the *Gas Act*.

Clause 62: Amendment of section 94—Service

This amendment is consequential on the replacement of the *Corporations Law* by the *Corporations Act 2001* of the Commonwealth.

Clause 63: Amendment of section 95—Regulations

A regulation making power is added to deal with matters relating to the operation of a transmission pipeline (within the meaning of the *Petroleum Act 2000*) insofar as the operation affects a gas retail market.

Clause 64: Insertion of Schedules 2 and 3

Schedule 2—Temporary price fixing provisions

1.Interpretation

A definition is provided of the gas pricing provisions (Division 2 of Part 3 of the *Gas Act*) which are to be repealed by this Bill (*see* clause 27).

2.Fixing retail gas prices

This provision replicates section 33 of the *Gas Act*. It is to coexist with the new price regulation functions of the Commission under the proposed new Division 2 of Part 3 (*see* clause 27). However, this provision and the other provisions of this Schedule will expire on a day to be fixed by proclamation.

3.Minister's power to require Commission's advice

The Minister is empowered to require the Commission's advice on the performance of the Minister's price fixing functions under this Schedule.

4.Minister's power to require information

5.Statutory declarations

The Minister may require information (to be verified by statutory declaration if the Minister so requires) reasonably required for the performance of the Minister's price fixing functions under this Schedule.

6.Obligation to preserve confidentiality

The Minister must preserve the confidentiality of information so obtained that is commercially sensitive.

7.Expiry of Schedule

As mentioned above, this Schedule is to expire on a day to be fixed by proclamation.

Schedule 3—Appointment and selection of experts for Court

The Administrative and Disciplinary Division of the District Court is, when it hears an appeal under Part 7 (other than an appeal limited to a question of law) to sit with expert assessors with knowledge of, and experience in, the gas supply industry.

Part 3—Amendment of Gas Pipelines Access (South Australia) Act 1997

Clause 65: Amendment of section 9—Interpretation of some expressions in the Gas Pipelines Access (South Australia) Law and Regulations

Changes are made to definitions for the *Gas Pipelines Access (South Australia) Law*. The Essential Services Commission (the 'Commission') is to become the local regulator instead of the South Australian Independent Pricing and Access Regulator. The Administrative and Disciplinary Division of the District Court is to become the local appeals body instead of the South Australian Gas Review Board.

Clause 66: Amendment of section 17—Functions and powers conferred on South Australian Minister, Regulator and appeals body

These amendments are consequential on the change in the local regulator and local appeals body.

Clause 67: Repeal of section 29

The provision providing for the former local regulator (the South Australian Independent Pricing and Access Regulator) is deleted.

Clause 68: Amendment of section 30—Functions and powers

Clause 69: Amendment of section 31—Independence of local Regulator

Clause 70: Substitution of sections 32 to 39

These clauses make amendments consequential on the change in the local regulator.

32.Certain provisions of Essential Services Commission Act not to apply

This proposed new section makes it clear that section 6 of the *Essential Services Commission Act 2002* and Part 5 of that Act do not apply when the Commission is acting as the local regulator. Section 6 sets out certain general objectives of the Commission which might conflict with the objectives of the National Third Party Access Code for Natural Gas Pipeline Systems set out in Schedule 2 of the *Gas Pipelines (South Australia) Act*.

Part 5 of the *Essential Services Commission Act* contains provisions relating to the collection and use of information by the Commission. These provisions should give way to the information gathering and confidentiality provisions, sections 41 to 43, of the *Gas Pipelines Access Law*.

Clause 71: Amendment of section 40—Annual report

This clause allows the annual report required from the local regulator to be incorporated with the Commission's annual report under section 39 of the *Essential Services Commission Act*.

Clause 72: Amendment of section 41—Immunity

This amendment is consequential on the change in the local regulator.

Clause 73: Substitution of sections 42 to 46

These amendments are consequential on the change in the local appeals body from the South Australian Gas Review Board to the Administrative and Disciplinary Division of the District Court.

42.Experts to sit with District Court as assessors

The District Court is, when hearing proceedings (other than an appeal limited to a question of law) as the local appeals body under the *Gas Pipelines Access (South Australia) Law* to sit with expert assessors.

43.Certain provisions of District Court Act not to apply

Various provisions that apply generally to the Administrative and Disciplinary Division of the District Court are to give way to provisions contained in the *Gas Pipelines Access (South Australia) Law* relating to proceedings of the appeals body.

Part 4—Amendment of Electricity Act 1996

Clause 74: Amendment of section 36—Standard terms and conditions for sale or supply

This clause makes an amendment to the *Electricity Act* to correspond to an amendment made by clause 28 of the Bill to the *Gas Act*. Under the amendment, an electricity entity fixing its standard terms and conditions for the sale or supply of electricity is relieved from the requirement to publish them in full in a newspaper.

Part 5—Amendment of Local Government Act 1999

Clause 75: Amendment of section 217—Power to order owner of infrastructure on road to carry out specified maintenance or repair work

Section 217 of the *Local Government Act* empowers a local council to require the owner of electricity, gas or other infrastructure situated on, over or under a road to carry out specific work or to move the infrastructure. The section provides for the Essential Services Commission to override such a requirement if it considers there are reasonable grounds for doing so. This overriding power is presently limited to electricity and public lighting infrastructure. The amendment extends its operation to include gas infrastructure.

Part 6—Transitional provisions

Clause 76: Provisions relating to Technical Regulator and ESC under Gas Act

Appropriate transitional provisions are made for the transfer of functions from the Technical Regulator to the Essential Services Commission under the *Gas Act*.

Clause 77: Provisions relating to SAIPAR and ESC under Gas Pipelines Access (South Australia) Act

Similarly, transitional provisions are made for the transfer of functions as the local regulator from the South Australian Independent Pricing and Access Regulator to the Essential Services Commission under the *Gas Pipelines Access (South Australia) Act.*

Clause 78: Acts Interpretation Act

The *Acts Interpretation Act 1915* will, however, apply, except to the extent of any inconsistency with the provisions of this Part, to the amendments effected by the measure.

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

PROHIBITION OF HUMAN CLONING BILL

RESEARCH INVOLVING HUMAN EMBRYOS BILL

Adjourned cognate debate on second reading (resumed on motion).

(Continued from page 2742.)

Mrs HALL (Morialta): Prior to the lunch break, I sought leave to continue my remarks, but I am very aware of the time constraints that we are now looking at. I am conscious that the minister is anxious to proceed into committee. So, in concluding my remarks, I make mention of the number of amendments that have already been foreshadowed, particularly one foreshadowed by the member for Enfield that deals specifically with the sunset clause and the relationship between complementary national legislation and the legislation that we are currently debating here in South Australia. It is one of the amendments for which I indicate my support.

I am conscious, though, of the additional amendments that will be dealt with during the committee stage, and I am sure that each and every amendment will deserve our serious consideration. I look forward to participating in that debate and, as I said at the beginning of my remarks, I look forward to supporting both bills.

Ms THOMPSON (Reynell): It was not my intention to participate in this debate. I thought that the issues had been well canvassed at the federal level and well reported in the media, and that members have had many months to think about the issues involved in this important legislation. The minister has set up briefings over many months, and we have now had the exact words of the bill to consider for some six weeks, but I hear that members opposite find that they have not yet prepared themselves to make this decision. I would not like to say 'all' members opposite, but some members opposite have been saying that they have not yet prepared themselves.

I have also noticed that, in the debate, we have not actually heard from the families who are involved in making this important decision. I have obtained the consent of one of my brothers and his wife to share their experience with the house in the hope that this would assist some members of the house who have not yet made up their mind to reach a conclusion.

I do not really enjoy doing this because it is a matter that is personal to them and other members of the family, but just as they eventually decided that their excess embryos should go to research for the benefit of others, they also accept that my talking about their experience may also benefit others, and I admire and thank them for this.

My brother and sister-in-law have said that, throughout the process of the in-vitro fertilisation of their three children, they were kept completely informed. They were well counselled before they engaged in this process. They talked about the likely impact on their marriage. They talked about the likely impact on their family. They discussed whether or not they would engage in this process with other members of their extended family because they knew it was something different. They knew it was not the natural way things went. They knew that, when you start bringing science into some of nature's gifts, there are difficult decisions to confront. However, they decided that they wanted to go ahead and take advantage of the technology that was available in order to have a family, which they otherwise would not be able to do.

The consent process that they then engaged in went all the way through. They were informed at every step of the process. They were informed how many eggs had been harvested. They were informed how many embryos had been created. They were informed about what the options were in terms of any embryos surplus to their requirement. They had three children as a result of this process and, after that, there were five embryos in storage. They realised that they had to make a decision about the future of those embryos because they saw them as parts of them, but not children. They saw them as having the capacity to be children, but they did not see them as their children sitting in storage. They saw them as something that had been created from parts of their bodies and something that they needed to treat with respect and responsibility.

They decided that, having had three children, this was the extent of the family that they were able to support financially. My brother only works part-time; my sister-in-law is a care attendant in a nursing home: their financial circumstances are limited. They would like to have had more children, but they simply could not see how they could do so and give them the sort of life that is required in today's social times, although they do not place great value on economic issues. They place greater value on their life as a family, but they had to be realistic about it. It took them a while to come to the decision, that, yes, they had completed the formation of their family. They then saw that they had a responsibility for the embryos that were being held in their name for their future.

They also knew that both of them had to decide on what this future would be. They saw it as a very important decision, so they asked me to witness their decision. They decided that they would make the decision to donate their embryos to research. In the words of my sister-in-law: 'These embryos were a part of us, but there is a better purpose for them.' They saw them as human embryos. I asked them very clearly about that today. 'Did you see these embryos as human embryos?' My sister-in-law said, 'They weren't dogs, were they? They were human embryos, but they were not a human being.' I think that my sister-in-law was very clear and enlightened.

My brother and sister-in-law are churchgoing Christians, so not only had they thought and talked about their decision-making process but I am confident that they had prayed and reflected on it as well. They knew that the embryos they were contributing would be used for research into reproductive technology. I asked whether that in any way influenced their decision to donate these embryos for research. Would they have been prepared for those embryos to be used for other forms of research? My sister-in-law said, 'If those embryos could have helped to cure Laura's asthma, that would have been a great gift indeed.' I also asked whether they were fearful that too many embryos had been created in order for them to go to research.

I know that, under the current bill, we are not talking about future creation of embryos that might be able to be used for any other purpose. Nevertheless, given the airing that this issue has had in this chamber, I asked that question. My sister-in-law said that she was aware all the time of all these numbers: that, if there was an option to contribute to research without in any way affecting the purpose of the creation of the embryos—that is, for them to create a family—they would have been prepared to do this. Their view is that they have benefited from science and that, if they were in any position to in any way contribute to the greater advancement of science, which, in turn, was contributing to the greater good and well-being of human kind, they would like to do their bit.

As I said, these are ordinary Australians who have had to face many difficult decisions over the last 10 years in which they have been involved in this process. They have had to subject themselves to fairly humiliating procedures, but they have done so because they knew what they were doing and why they were doing it. They did not feel as though they were being jostled and jolted about in the whole medical system. They had complete respect for the doctors, nurses and technicians involved in the process and they felt as though they also were respected. These are the sorts of circumstances with which we are dealing. We are not dealing with some weird situation of scientific invention with unscrupulous doctors and parents not having regard for the fact that this is not just any part of the body, that there is something special about the tissue that is created from the union of men and women, but they recognise that that sort of tissue is created many times and that we do not know about it.

We do not know how many embryos are lost in menstrual blood. We do not know what happens in our bodies on many occasions. In this case, we are in a situation where parents, a man and a woman, do know what has happened in relation to their reproductive processes and are in control of them. On occasions, they decide that they want to contribute to the community in the same way as the community has contributed to them. The bills before us, first, prevent cloning: I think that is very clear. I do not think there is much debate about that. We will all support that bill. However, the issue of the way in which embryos can be used for research is one about which I consider an extraordinarily cautious approach has been taken as a result of much debate and discussion at a national level, refined through the discussion in the commonwealth parliament, which, as we know, went for many hours.

There was abundant airing of the many issues that are involved. In the commonwealth parliament, a number of contributors were able to talk about their personal experiences and how they felt about the important process they had been through and the responsibilities they had in relation to surplus embryos and their future destination. Unfortunately, we have not had this benefit in this parliament, which is why I asked my brother and sister-in-law whether I could share their experiences in the hope that it would bring some practicality to this debate and allow us to look more carefully at the

careful codification that is laid down in the bill for responsible handling of embryonic tissue. As a community we do need to progress. I think that other members have referred to the fact that, many times over history, when new scientific breakthroughs have been made people have been very cautious about the moral and ethical implications. We look back now and think that this was very strange indeed.

But we also respect members of our community who have particular feelings about blood transfusions, for instance. Most of us may not agree that they are making the right choices, particularly for their children (in fact, in some instances the law has intervened to say that they are not making the right choices for their children), but, nevertheless, most of us respect the fact that these people hold these views and do so in full knowledge of the consequences. However, most of us have moved on and accept the changes that have been made over time. I think that what we are doing here is accepting them very cautiously because we recognise that we are dealing with new frontiers and that often our whole community's ethical debate in many fields of medicine and science has not kept up with the advances in technology.

So, we are being cautious. I expect that we will be revisiting what will be an act at some not too distant time in the future to see whether the many protections and constraints included in this bill are still appropriate. I support both bills, and I recognise that my family's experience has been that the researchers involved in these types of processes have been very careful and very respectful of those engaged in the process, and very respectful of the fact that they are dealing with special tissue the stance of which we have not quite sorted out in the community's view.

We are working with the scientific community to deal with this appropriately in the hope that we will find ways of curing some of the many ailments that exist in this world. My sister-in-law talked about childhood diabetes. If childhood diabetes could be cured through stem cell research she would find any difficult decision she had made extremely worthwhile.

The Hon. L. STEVENS (Minister for Health): I begin by thanking all members for their contribution to this debate. I have been present in the house for the duration of the second reading contributions. It certainly has been interesting to hear the range of issues raised by members. I thank them for that and I will now attempt to sum up the main issues raised knowing, of course, that there may well be more issues and more questions as we move through committee. I begin by asking the following questions: why do we need South Australian legislation? The Prohibition of Human Cloning Bill 2003 and the Research Involving Human Embryos Bill 2003 have been drafted to reflect the Council of Australian Governments (COAG) Agreement of 5 April 2002, the commonwealth legislation and also to build in South Australian legislative requirements.

The COAG agreement reflects the decision of all states and territories and the commonwealth that national consistency is needed in this area, and that is a very important point. All members need to remember that, with respect to the bills coming before all parliaments in Australia, a major objective is to achieve national consistency in dealing with these matters. It is intended that, once the bills are passed, the resulting South Australian acts will become part of the national regulatory scheme with the commonwealth acts to address ethical and other concerns about scientific developments in human reproduction and the use of human embryos.

The commonwealth legislation in this area was passed in December 2002 after very lengthy debates. The commonwealth acts are limited in their application under the constitution and do not cover those people working in state public sector agencies or private individuals. There now needs to be South Australian legislation to enable South Australia to be a party to the national scheme for regulating research on human embryos and prohibiting human cloning and to ensure that all such activity is covered anywhere in this state. What do the bills achieve?

These bills give effect to the COAG agreement for a national scheme to regulate the use of excess assisted reproductive technology (ART) embryos consistently across all states and territories in Australia. They allow us to set limits on what is permitted to be done with embryos and what is not, and which embryos can be used and under what conditions. They provide for safeguards and mechanisms of oversight. They ensure that all researchers across Australia are bound by the same rules and are subject to the same oversight—all part of the national consistency principle. What safeguards are put in place by the bills?

These bills take a very conservative approach. They place the same strict limitations on embryo research as the commonwealth scheme. They ban the creation of embryos for research. They prohibit both reproductive cloning of whole human beings and therapeutic cloning for treatment of patients. They allow only certain embryos to be used for research, teaching, quality control or commercial application under certain conditions. They empower the couples for whom the embryos were created to determine to what use their excess embryos may be put. The definitions are the same as those in the commonwealth legislation.

The definition of a 'human embryo' is designed to be broad and to capture somatic cell nuclear transfer (therapeutic cloning techniques using human ova and somatic cell DNA) and parthenogenesis (triggering a human ova to develop in a similar way to an embryo without fertilisation by a sperm) and sufficiently inclusive so as to capture emerging technologies. The Prohibition of Human Cloning Bill contains bans on both reproductive and therapeutic cloning and on many other practices that I am sure we all want to see prohibited.

Recognising the seriousness with which we regard reproductive cloning, the penalties attached to those clauses are 15 years, compared to 10 years for other clauses. The Research Involving Human Embryos Bill, I stress, is not a bill to regulate just the creation of embryonic stem cells. Rather, it deals broadly with research and other uses of embryos that have been declared to be excess to treatment by the couples concerned. It is likely that more embryos will be used for research to help infertile couples than will be used for stem cell research.

The bill requires a licence from the NHMRC to use excess embryos to conduct research, teaching and training, audit, quality control and a commercial enterprise. The licence will be a licence under both commonwealth and state legislation. This is similar to the scheme in the South Australian Gene Technology Act. The bill puts a system in place to regulate uses of human embryos that are not related to treatment. Clinical treatment of infertile couples will remain wholly under the Reproductive Technology Act.

The bill also describes certain clinical uses of embryos that do not require a licence. It allows diagnostic testing of embryos to help determine for a couple why their treatment has been unsuccessful and what different options can be offered to increase the likelihood of a pregnancy. Although

other states have been able to offer such support to infertile couples, this has not been available to South Australian couples under our existing legislation. The bill enables inspectors appointed under the commonwealth act to inspect premises covered by the state or commonwealth legislation, and to monitor the use of embryos to ensure prohibitions are enforced and, where appropriate, licences are sought and complied with.

Why does the commonwealth legislation override? I have sought formal advice from the Crown Solicitor's Office on this question. In brief, that advice is that state legislation may be rendered invalid by the operation of section 109 of the commonwealth Constitution. Section 109 of the Constitution makes invalid and inoperative any law of a state that is inconsistent with the law of the commonwealth to the extent of that inconsistency. South Australian courts have applied this rule for many years. The commonwealth Prohibition of Human Cloning Act is already promulgated, and the commonwealth Research Involving Human Embryos Act comes into full effect in June this year.

One good effect of that is that the out-of-date ban on cloning in the regulations under our Reproductive Technology Act, which has not in fact been updated as that process was awaiting this national scheme, has now been overridden by the commonwealth legislation, and other prohibitions in the state legislation have been similarly updated by the commonwealth legislation overriding them.

As to corresponding legislation, the commonwealth act empowers the commonwealth minister to determine whether a state act is a corresponding act. If the commonwealth minister believes that the amendments made in this parliament render the South Australian act so different as to be no longer corresponding, then under the commonwealth act the NHMRC licensing committee would not be able to operate as the licensing authority under our act. This would mean that research conducted under the state act could not be licensed by the NHMRC licensing committee and we would need to consider as a parliament how we would address that.

What are the differences between these bills and the equivalent commonwealth acts? Both bills reflect to a great extent the commonwealth acts, given that they are part of the same national scheme. In particular, prohibitions and definitions are the same, and the South Australian bill provides for the licensing body established under the commonwealth act to license research under the state bill. Most of the differences relate to administrative and technical rather than policy related aspects. For instance, the commonwealth has a criminal code and we do not, so aspects of that needed to be incorporated into the South Australian bill.

We have based the powers of inspectors on the commonwealth act, but we have strengthened them to ensure a proper inspection regime more similar to that in the gene technology act. It is important that we achieve national consistency. This includes restrictions on which types of research can be conducted and the same embargo date applying in every state. We need the same high standards operating across Australia to protect the embryo parents who generously provide their embryos and also to protect the researchers. Multi-state projects are common in this field, and they need to be licensed the same way in all states.

What is the view of the South Australian Council on Reproductive Technology on this bill? I am advised by my department that the South Australian Council on Reproductive Technology has been extensively consulted about both the commonwealth legislation and the state bills and has discussed at length the proposed amendments to the reproductive technology act and their role. Although members of the council are not unanimous in their support for embryo research per se, reflecting the divergent views held in the community, and some members of council are emphatically opposed to it, council members have agreed that there should not be a dual licensing system for embryo research and that, where licensing is provided for under the reproductive technology act but not under the NHMRC licensing regime, human research ethics committee approval is considered sufficient, as it is in other states. This applies to research using gametes and clinical trials where the embryos are intended to be implanted. The council would still need to monitor the use of embryos and gametes in South Australia and report to the parliament.

How significant is legislation in this area for South Australia? South Australia is a significant player in the field of human embryo research, both nationally and internationally. As many of you already know, we have highly respected reproductive medicine units at both the Women's and Children's Hospital and the Flinders Medical Centre. Repromed has recently relocated from the Queen Elizabeth Hospital to the Women's and Children's Hospital and new premises on Fullarton Road. Repromed won an SA Great award in 2002 for its work in reproductive health, as well as a multi-million dollar research grant to continue that work.

Embryonic stem cell research is being conducted in Australia but with cell lines created overseas. BresaGen is a South Australian biotechnology company which conducts embryonic stem cell research with cell lines created in the United States. BresaGen has four of the world's 12 to 15 viable embryonic stem cell lines that meet strict national institutes of health criteria in the United States. These corporations are covered by the commonwealth act.

At this stage, we are unaware of any researcher in the state public sector who intends to pursue human embryo research, but that may change in the future. However, given the speed with which developments occur in the biotechnology sector, it is important that we provide researchers with clear legislative boundaries and a consistent set of rules across Australia.

Finally, aspects of the debate that pertain to particular clauses will be addressed in the committee stage, but it is important to bear in mind that this bill is about embryo research: it is not a stem cell bill. Although there is much that can be said in favour of adult stem cells, it is not relevant to this debate. Likewise, it is not about reproductive technology clinical practice. The bill covers concepts on which the community, like the parliament that represents it, holds a range of views. It is important that we remain tolerant of differing views that are sincerely held and may be passionately defended.

I thank all honourable members for their contributions to the debate. I also pay tribute to members of the community and the Council on Reproductive Technology for their good work. Other members of the scientific and ethical communities in South Australia—Professor Grant Sutherland has been mentioned, and Father John Fleming and others—willingly gave their time to provide information to members in order that people would understand the wide range of complex issues that confront us in dealing with these matters.

With those words, I close my contribution to the second reading debate and I ask that honourable members support both bills.

Prohibition of Human Cloning Bill read a second time.

The house divided on the second reading of the Research Involving Human Embryos Bill:

AYES (28)

Bedford, F. E.	Buckby, M. R.
Caica, P.	Chapman, V. A.
Ciccarello, V.	Conlon, P. F.
Geraghty, R. K.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L. J.
Hanna, K.	Hill, J. D.
Kerin, R. G.	Key, S. W.
Lomax-Smith, J. D.	Maywald, K. A.
McFetridge, D.	O'Brien, M. F.
Penfold, E. M.	Rann, M. D.
Rau, J. R.	Stevens, L. (teller)
Such, R. B.	Thompson, M. G.
Venning, I. H.	White, P. L.
Williams, M. R.	Wright, M. J.

NOES (10)

Atkinson, M. J.	Brindal, M. K.
Goldsworthy, R. M.	Kotz, D. C.
Koutsantonis, T.	Matthew, W. A.
McEwen, R. J.	Meier, E. J.
Scalzi, G.	Snelling, J. J. (teller)

PAIR(S)

Majority of 18 for the ayes.

Second reading thus carried.

The SPEAKER: Order! I ask members to resume their seat or leave the chamber. My own position on this measure is, quite simply, in the first instance, that, while I support the proposition which has passed the chamber on the voices, nonetheless, I would be disturbed if it were extended to exclude the production of organs or other tissues required by any one individual for their own purposes of repair where injury or disease may have otherwise removed those organs or other body parts, which we know can now be produced in a laboratory and not on oneself, the host of those parts. My concern is that it is not addressed in the legislation and it is an open question.

In the second instance, I am with the noes in that I am opposed to the use of human embryos for research on the grounds that there is, I am told by competent professional people, adequate material already available for that kind of research and that no further use needs to be made of any existing embryos, regardless of their age, for the purpose. Even though I have not sought it vigorously, nonetheless, I have sought advice. I have had no advice that the contrary case is so. Accordingly, and until such time as I am given scientifically sound advice that would enable me to come to an alternative conclusion, I remain of the view that it ought not to pass. Let me repeat that my purpose in making these remarks is not to bore members but, rather, to ensure, more particularly, the public in general, and especially the public in my electorate, know how I would have voted had I had the opportunity to do so.

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

That the time for moving the adjournment of the house be extended beyond 5 p.m.

Motion carried.

Prohibition of Human Cloning Bill. In committee.

Clauses 1 and 2 passed.

Clause 3.

Mr KOUTSANTONIS: Will the minister please give me a definition in relation to this bill of what is a human embryo?

The Hon. L. STEVENS: For the purposes of this bill, 'human embryo' means 'a live embryo that has a human genome or an altered human genome and that has been developing for less than eight weeks since the appearance of two pronuclei or the initiation of its development by other means'. That definition is in clause 3 of the bill. This clause clarifies what entities may be regarded as human embryos for the purposes of the legislation. This is not strictly a definition of an embryo—it essentially states that an embryo is an embryo; it is, however, a description of what would be regarded as an embryo under this legislation.

This was the subject of much debate when the commonwealth legislation was drafted. Experts advised that a very broad definition was required to ensure that, in the future, new techniques that might be developed did not produce an entity that was essentially an embryo but fell outside the scope of the definition. The phrase 'the initiation of its development by other means' will capture techniques of which we may not yet be aware.

Experts have advised that defining the embryo in other terms ran the risk of limiting what can be regarded as an embryo under the legislation, and creating a potential loophole. A human embryo is defined to mean a live embryo that has a human genome, that is, human DNA and human genes, whether or not it has been altered, that has been developing for less than eight weeks since the appearance of two pronuclei or the initiation of development by other means.

The DNA, or genes, are contained in the nucleus of a cell. Pronuclei are early stages in the formation of the nucleus. Both the sperm and the egg have a nucleus, and these come together when the two cells merge during fertilisation. The bill relies upon the appearance of two pronuclei to establish the existence of a human embryo that has been created by the fertilisation of a human egg by human sperm. Pronuclei are relatively distinct and easy to see in the cell, and their appearance indicates that the nuclei from the sperm and the egg are aligning. I know this is really technical, but I think it is important to get it on the record. If they progress to the next stage, they fuse to form a combined nucleus with genes from both the sperm and the egg. It is important to bear in mind that fertilisation is a process, not an event. It takes time, and follows a series of steps once the sperm enters the egg.

At eight weeks of development, the entity is defined as a foetus. The eight weeks is taken to start with the appearance of two pronuclei, or with the initiation of development by other means. For the purposes of the definition of 'human embryo', in working out the length of time a human embryo has been developing, any period when its development is suspended (which would happen if it was frozen) is not included. For example, if an embryo is frozen and stored two days after fertilisation and is held frozen for 10 weeks, it is still considered to be a two-day old embryo in terms of its development. So, it stops at that time.

The legislation does not rely on defining when fertilisation commences or is complete. This definition is intended to include a human embryo created by the fertilisation of a human egg by human sperm; a human embryo that has had its development initiated by any means other than by the fertilisation of a human egg by human sperm. It is intended that the definition include the following types of embryos: a human egg that has had its nucleus replaced by the nucleus of a somatic cell (that is a cell from anywhere else in the

body) by the process referred to as somatic cell nuclear transfer. This is the process used in therapeutic cloning—and that, of course, was notable for creating Dolly the sheep. The definition also includes 'parthenogenetic human embryo'. It is possible that a human egg could be mechanically or chemically stimulated to spontaneously divide and behave like a fertilised human egg without any sperm being involved. A parthenogenetic human embryo has the capacity to continue its development in a similar manner to a human embryo created by fertilisation.

These procedures are provided as examples only, as there may be other ways in which an embryo may be developed. But the important thing is that the definition is as broad as possible to capture all possibilities. That is a long answer to a relatively short—but complex—question.

Mr KOUTSANTONIS: I seek some clarification. If the embryo is frozen at a point in time after fertilisation, the clock, as it were, for the act that counts down to eight weeks is also frozen, I imagine. Does that mean that, for the purposes of this bill, the eggs are held for a period of, say, five years?

The Hon. L. STEVENS: Yes, it is still.

Mr KOUTSANTONIS: Is there a clause in this act that sunsets that storage period?

The Hon. L. STEVENS: In South Australia, that sunset clause, in terms of how long a frozen embryo is kept, belongs to the South Australian Reproductive Technology Act. In South Australia, it is 10 years.

Mr KOUTSANTONIS: Does that mean, though, that after 10 years it can be used for cloning?

The Hon. L. STEVENS: No; it does not.

Mr RAU: My question really follows on from the questions asked by the member for West Torrens. In that definition it talks about a live embryo. As I understand it, there is no definition of 'live' within the bill, at least not that I can find. It seems to me that, as a matter of commonsense, it is difficult to characterise something which is frozen in liquid nitrogen as 'live'; viable it might be but live I have my doubts about. The point of that observation is that, if it is anything other than live, it is not covered by the definition. For example, if it were in truth simply viable rather than live, the definition would have no application to it. The point that follows from that, if it is not going too far, is to say that, if at some point it is live, then ceases to be live and becomes live again, the timetable is interfered with because live starts at the beginning and runs through a certain period of time. So, I guess I am focusing on the period when it is in the deep freeze and how the minister is able to be confident that it is live.

The Hon. L. STEVENS: An embryo can only be live or dead; it cannot be live then dead and then live again. So, it is either live or dead, but when it is frozen—

The Hon. D.C. Kotz interjecting:

The Hon. L. STEVENS: Yes; it is in suspended animation. When it is frozen it is still live; that is why there is no definition of 'live'. We are talking about live embryos, and while they are frozen they are still live and not dead.

Mr RAU: Obviously, I am not a scientist, but I am applying what seems to me to be commonsense in the sense that if I took my cat and put it in liquid nitrogen for a period of time and then took it out again, I would expect that it would remain as it was once it reached a certain temperature in the fridge, namely, dead; and, presumably, that any of the outward signs of life, such as metabolism or dividing of cells—or meowing in the case of the cat, but in the case of the cell cluster, any form of activity whatsoever—would be non-existent. That is where my question was coming from.

The Hon. L. STEVENS: My advice is that you can snap freeze bacteria, cells, embryos—simple organisms—and they will regenerate. However, at this point in time, with our scientific knowledge, when you freeze complex organisms such as a cat—and I hope the member for Enfield has not actually tried to carry this through with his pet cat—I am afraid that is it! If you freeze a cat, I am afraid that is it!

Members interjecting:

The CHAIRMAN: The possibility of freezing a few people is very tempting. The member for Newland.

The Hon. D.C. KOTZ: I presume at this point that the interpretation provisions are open to debate. My question concerns the definition of 'human reproductive material'. I notice that there are some foreshadowed amendments to the other bill, but I do not know whether there are any to this bill. The definition of 'human reproductive material' is:

(a) a human embryo; or
(b) a human sperm; or
(c) a human egg; or
(d) a thing declared by the regulations to be human reproductive material.

I notice that the same terminology is used in the other bill and that, under the definitions in that bill, mention is made of HRM, which is human reproductive material, and the definition equals 'thing'. I do not know whether there is some legal definition of the word 'thing' and whether it has anything to do with the commonwealth act of which I am not aware. Why was that particular word chosen, because in terms of the bill, to me it is an extremely offensive use of the word. Can I have an explanation?

The Hon. L. STEVENS: I have the commonwealth act in front of me and it uses the same terminology under 'hybrid embryo', namely:

a thing declared by the regulations to be a hybrid embryo

It does sound respectful, just as the honourable member mentioned, but it is a legal term intended to have a wide scope. It covers developments that may proceed in the future; for example, a process or technique applied to a human egg that renders it strictly no longer an egg but leaves it able to be developed to produce something very similar to an embryo. It also gives the state an opportunity to capture such developments in regulations and make the legislation apply to it. I take the point that it sounds offensive, to use the honourable member's word—I used the word disrespectful—but that is why the word was used, and it is also used in the commonwealth legislation.

The Hon. D.C. KOTZ: I understand the minister's explanation, for which I thank her. However, just to be totally clear, for any changes that may occur in the future that we cannot determine at present, regulations will be used to extend the interpretations that we have now. The word 'thing' is the optimum use to gather up the broader aspects of what may occur in the future. The minister said that this is now a legal term. I thought a legal term was something that had to be tested and explained in a far better way than perhaps suggesting off the top of one's head that it might be a legal term.

The Hon. L. STEVENS: I have been advised—and I am happy to clarify this—that it is not strictly a legal term, so I correct what I previously said. However, the advice is that it is a term that the commonwealth is now using in a number of pieces of legislation to describe anything you can think of. In other words, it comes back to the honourable member's point

about being a broad term to encapsulate anything that might eventuate.

The Hon. D.C. KOTZ: I thank the minister for clarifying that. I now refer to a comment that the minister made in her second reading speech. As well as asking for tolerance of opinions across the board (with which I totally agree), the minister also commented that this is not a bill about embryos: it is a bill about the technical aspects of licensing and other procedures. We all understand where this bill leads, but one of my objections—and I think other members as well—is that in the so-called democracy that we apply to our states, federalism and the third sphere of local government, we usually believe that we are given an opportunity to make a difference in terms of our debate.

In this instance, we are not being asked to address the bill before us in the first instance; that is, whether in fact this research will take place. We are addressing a bill in which that determination has been made for us. We have been discussing the terminology and the use of the word 'thing', which, at present, is not a legal term even though the commonwealth apparently now uses that terminology. On the understanding that we have foreshadowed some amendments which address this point, and considering that the state parliament of South Australia in its own right has the right to use terminology to suit its own purposes, will the minister think about supporting an amendment to change this particularly offensive and disrespectful term? It is a minimal aspect of this bill but it is quite significant. Our own state parliament rarely has the opportunity to do very much with such a bill, but, in this instance, I believe that we would at least be seen to be doing something which is within its own circumstances and its own rights and which addresses something that we both regard as inappropriate.

The Hon. L. STEVENS: If I recall my comments, I said that it may seem disrespectful, and I then talked about why the commonwealth had used the term and why it is in the bill. I am happy to give consideration to the member for Newland's suggestion. For my part, I need also to be very careful that we keep it within the bounds of being acceptable in the national scheme, but I am certainly happy to give consideration to the member's suggestion.

The CHAIRMAN: On that point, the word 'something' instead of 'a thing' sounds softer. I do not know whether that is something to be considered.

The Hon. L. STEVENS: I agree that 'something' sounds softer, but let me take that on board and see what we can do.

Mr SNELLING: I am not terribly distressed about the use of the word 'thing'. The other legislation consigns these embryos to experimentation, so I do not think that they will be too worried about how they are referred to in the bill, whether it be 'thing', 'embryo', or anything else. It is just sophistry. This clause and the definitions do not refer to an embryo as a 'thing'; a human embryo is covered elsewhere. It merely provides that anything else, other than an embryo, can be picked up under the definitions. So, I am not at all distressed, because it is not talking about an embryo as a 'thing': it is talking about things other than a human embryo, a human egg or human sperm. It is merely trying to pick up anything else that might not come within those three classifications to allow whatever else might be envisaged to be picked up by the regulations. I find this all sophistry. I would prefer that we moved to some of the more offensive parts of the bill, rather than getting caught up on the word 'thing'.

Mrs HALL: Can the minister provide some information concerning the definition of 'human embryo' that she has detailed to us? I seek information concerning that definition in the international community, and I do so on the basis of Australia's significant position in the international community of research. Is the definition, as outlined to us today, the same type of definition, or significantly the same definition, used in other countries with which we operate in terms of exchange of information and research?

The Hon. L. STEVENS: My advice is that, in drafting this bill and these definitions, certainly consideration was given to what is happening elsewhere. It was clear that it was a bit of a movable feast, because everybody is doing the same thing at the same time—trying to come up with a definition that gives the widest scope for the future and yet still captures what they are talking about. There was consideration in terms of what is happening internationally, but it is a movable feast. I guess that is something that, as time goes on, we will strengthen or change as we learn more about what we are including.

Mrs HALL: As a follow-up question, and I accept the minister's response, given the stem cell lines that are developed (again, in the international exchange of research and information), can the minister expand on any potential difficulties of a different definition here in Australia compared with other countries?

The Hon. L. STEVENS: The bill and the national framework that is being debated across the country is regulating what is happening in Australia. I am happy to take that question on notice and, when we return to the debate, provide some information for the honourable member.

Ms BEDFORD: Clause 3(1) contains the definition of an excess embryo. Why are their excess embryos, how are they determined to be excess and who decides what happens to them?

The Hon. L. STEVENS: The definition relates only to those embryos that are excess to treatment. Clinical treatment using embryos is not part of this national scheme and is regulated by state legislation, and in South Australia that is the Reproductive Technology Act of 1988. An excess assisted reproductive technology embryo is one where the embryo is created by assisted reproductive technology for use in the treatment of a woman, most commonly for infertility treatment but sometimes to avoid a genetic defect being passed onto a child, and the embryo is no longer needed for treatment of the woman for whom it was created and her spouse/partner.

Determining whether an embryo is excess to the needs of the woman and her spouse is covered by clause 3(5). If the couple is separated, the person who was the woman's spouse at the time the embryo was created would have to be consulted about whether the embryo is no longer needed for treatment. This makes sure that the people for whom the embryo was created decide what happens to it. There have been reports of thousands of excess embryos being available for research, but this is not the case. A national project is expected to report soon on the actual number of embryos that are excess and available for research.

There are some 70 000 stored frozen embryos across Australia. The vast majority of these are not excess embryos. They are not available for research: they are being stored for future treatment cycles for infertile couples and it is fervently hoped by these couples, of course, that those embryos will become children in the future. When embryos are created at the outset of treatments, the number of embryos relates to the number of eggs available. Fewer embryos are being implanted now. This has reduced from three or four per cycle a

decade ago to one or two now because the success rates we are achieving are improving and clinicians try to avoid producing multiple births.

The embryo parents are always aware of the number of embryos that are created. When a couple has completed their family or have decided not to continue treatment when they have not been successful in having a child, their remaining frozen embryos will be stored. Those for whom the embryos were created decide what happens to their excess embryos. Mostly, couples decide to let them die. Some couples donate them to other infertile couples, some donate them to research. Generally, the embryo parents consider donating their embryos to research that might help conditions that affect them or their family.

So, most embryos are donated to research into infertility. I must stress, though, that the embryo parents are in control. No research can occur without their express, informed consent, and they think very carefully, obviously, about this decision. This has been the case under our Reproductive Technology Act and it is further strengthened in this bill. The research must comply with very strict criteria to be licensed and the licensing committee must be satisfied that the research is of value, will add to knowledge, uses a minimum of embryos and could not be done without using human embryos. It is unlikely that the embryo parents would consent to their embryos being used in research that was not worthwhile or that would needlessly harm an embryo, or where an alternative to an embryo is possible.

In South Australia, of the nearly 6 000 embryos currently stored on behalf of people participating in ART, only about 700 are designated as excess to their requirements by the couples that they were created for. Most of these have been made available for consideration for use in a future research project by the embryo parents. This is the first stage for the couples concerned. As is evident from the South Australian Council on Reproductive Technology annual reports to parliament over the last few years, due to the ban on detrimental research very few embryos are ever used in research. Many are discarded.

At present, about 10 couples have moved to the second stage and agreed specifically to their embryos being used in a non-destructive protocol. This is a very conservative and restrictive regime. The NHMRC guidelines are strict and they are strictly implemented. The reporting requirements are transparent and rigorous. Every embryo must be fully accounted for. The embryo parents determine whether they are prepared to donate their embryos to research, and just what kind of research they are prepared to donate their embryo to.

Mrs HALL: Following the minister's response to the member for Florey, is she able to provide us with any information on the numbers that we may be talking about where donor consent could be given. The reason I ask the question is that I have a fear that there is a perception in the community that we are dealing with possibly thousands of embryos that are going to be put in the rubbish bin or used in research. Can the minister give us an indication—and I understand that it would only be an indication—of the numbers that we may actually be talking about?

The Hon. L. STEVENS: I have been informed that a piece of work looking at just that question is now being undertaken by the commonwealth. It is actually a multijurisdictional work, a national project, to get some handle on just that question. It is going to report fairly soon, so I do not think it would be appropriate just to hazard a guess. Certainly, that is being considered, because that then will impact on any decisions in relation to proceeding further.

Dr McFETRIDGE: When are the negotiations or discussions to decide the future of embryos undertaken? Are they undertaken before the couples or individuals entering an ART program go on to any particular stages of the ART program, or is it once the eggs have been flushed and the embryos created? At what stage, as that would be a significantly different emotional circumstance into which you are putting people, similar to the situation of surrogate babies?

The Hon. L. STEVENS: This will probably come up again under consent clauses, but my information is that they are not asked for their consent until they have completed their treatment and decided that their embryos are excess embryos. Perhaps we can come back to that when we get to clause 14.

Ms CHAPMAN: To clarify a matter arising out of the question by the member for Morialta, I am aware that there is a program under way to try to identify an estimate nation wide of the number of embryos currently held in storage that may be available. Is the minister aware of how that will be identified? We are told there are 70 000-odd in storage and that a good number of them annually are used by the couples for the purposes of their own infertility treatment, and that a certain amount are disposed of by virtue of their lapse of time. However, we never know at this stage, other than for those who have given consent for embryo research in the non-destructive way allowed in some of the states, how many of those will attract consent from the parents. We do not know whether they will have any left, when they will stop their own treatment and all those sorts of things. Will the minister clarify it? I asked this question in the course of the initial inquiry because it seems that it cannot yet be identified, and it may be that there is every likelihood that only a very small number will be left, and that may be one of the issues that will challenge the time limits. Perhaps there is more advanced knowledge on that.

The Hon. L. STEVENS: As the member for Bragg has pointed out, when we take into account the embryos that are being set aside and stored for future fertility purposes of the couple, and we take them out of the equation and take out the embryos that are discarded because the time has elapsed, it is likely that there will be only a relatively small number available for research. That is one of the issues that will come into consideration in terms of the embargo and how we would move forward. That is part of the work to which I just referred being done now for consideration in a couple of months, when it is due to be finished.

Mr KOUTSANTONIS: I realise that standing orders do not allow for hypothetical questions, so I will phrase it in a way that is not hypothetical. This bill, which I support, puts a prohibition on human cloning but, given what we have seen in the media internationally on human cloning and on claims made by some people, if one were to illegally clone a human and insert that fertilised embryo into the womb of a woman for the purposes of its growing within the womb and being born, is the position of the government, after having prosecuted those offenders, if caught, to terminate that pregnancy?

The Hon. L. STEVENS: My advice is that the law does not make the baby illegal; it makes the act of producing it illegal, so I would say the answer to your question is no. But I am happy to seek further advice.

Mr KOUTSANTONIS: So that my understanding is clear, if people are in breach of this act, apart from the consequences of penalties applying, which are imprisonment for a maximum of 10 years and a fine of $5 000, is that

cloned foetus subject to any provisions within any other commonwealth or state acts regarding its future? Another question is: what if the people who are guilty of the offence are the parents of the cloned baby? Who has rights in that child: the original donors of the embryo who was cloned or the person into whom the embryo was implanted?

The Hon. L. STEVENS: I will answer these complicated hypothetical questions in stages. My advice is that the Family Relationships Act would cover the issue of the parentage of the clone. I ask the member to restate the questions one at a time.

Mr KOUTSANTONIS: Are there any commonwealth or state acts governing the treatment and rights of a cloned foetus?

The Hon. L. STEVENS: My advice is no; it would be covered in other legislation if such a thing occurred—if it got to be a baby.

Mr KOUTSANTONIS: I think you have answered it by saying that it would be covered by the family act. I presume that if the people who are in breach of the act are indeed the parents of the child then it is dealt with by the family legislation.

The Hon. L. STEVENS: If the people who did this were the parents, they would be prosecuted under this act. It is unlawful. We are making that unlawful under this legislation; that is the purpose of it, hopefully.

Dr McFETRIDGE: I notice you used the term 'people'. That is the question: does the clone have mother, father, brothers and sisters? A clone is a clone.

Mr Snelling interjecting:

The Hon. L. STEVENS: That is true. The member for Playford is correct. Identical twins are clones; they are natural clones so, yes, a clone is a person.

Dr McFETRIDGE: If I were to decide to go to Italy and have myself cloned—

Members interjecting:

Dr McFETRIDGE: —you should be so lucky—that clone is not my brother, it is not my son: it is me.

The Hon. L. STEVENS: No, it is not you. The answer is in relation to the legislation we have before us. Family relationships are not sorted out in this legislation; we are talking about the act of human cloning, which we are making unlawful in this bill.

Mr SNELLING: I find it hard to believe that someone with any experience in science, and a former veterinarian, would find this issue so difficult to deal with. Just because a clone is made from you does not mean that that clone is not a separate individual. It is like saying that two identical twins, who are natural clones, are somehow not two separate individuals—of course they are two separate individuals—and, if you are able to get yourself cloned, the child which is the result of that cloning would be a separate individual with separate rights and so on. You would not retain some sort of ownership over that person just because they have been cloned from you. They would be a separate individual. So I am not sure what the member for Morphett is getting at or why he finds this issue so difficult. It is quite simple. Just because a clone is made of another being does not mean that that clone is not a separate person.

Dr McFETRIDGE: The member for Playford has exactly illustrated the point. He used the term 'separate individual'. I have not said that a clone is not a separate individual. I was just carrying on from what the member for West Torrens said—that is, what would the clone be under the Relationships Act?

Mr SNELLING: I can answer that.

Dr McFetridge: I do not think you can.

Mr SNELLING: The Relationships Act would look at the birth mother, so the birth mother would be the mother of the clone. I do not know how the father would be defined, but presumably the father would be the person from whom the somatic cell DNA was taken. Fortunately, this has not happened in Australia yet, but certainly for the purpose of the federal act the birth mother would be considered, in law, the mother of the clone.

Ms CHAPMAN: I rise on a point of order. Mr Acting Chairman, for fear that we may be straying from the relevance of this debate, I wonder whether you would rule—

The ACTING CHAIRMAN (Mr Rau): I uphold the point of order.

Ms CHAPMAN: —that we get back to clause 3.

The ACTING CHAIRMAN: I thank the member for Bragg. I think we are straying into the field of Asimov or something and that it would be useful if we moved past definitions.

Clause passed.

Clauses 4 to 16 passed.

Clause 17.

Dr McFETRIDGE: In the same way that we prosecute paedophiles who go overseas and commit crimes, if someone was to go overseas and in another country legally procure a clone and have it implanted, would they be breaking the law when they came back to Australia?

The Hon. L. STEVENS: Would you repeat the question so that I can be clear?

Dr McFETRIDGE: If someone went from Australia to Italy, or to some other country where cloning is undertaken, cloned themselves, had that clone implanted into a female's reproductive tract, in the uterus, and came back to Australia, would they be guilty of an offence?

The Hon. L. STEVENS: My advice is that, if the clone was not implanted here, it would not be an offence under this act.

Mr KOUTSANTONIS: Does that mean that people could undertake this research outside Australian waters—outside our boundaries, somewhere relatively close—and Australian citizens could travel backwards and forwards to this place and get involved in human cloning?

The ACTING CHAIRMAN: I take it the member for West Torrens has an answer.

Mr KOUTSANTONIS: Yes, sir.

Clause passed.

Clauses 18 and 19 passed.

Clause 20.

Ms CHAPMAN: I move:

Page 11—Line 7—Leave out "anything" and insert:
any human reproductive or other material, or thing,
Line 16—After "equipment or" insert:
material or
Page 12—Line 15—After "or other" insert:
material or
Line 17—After "embryo" insert:
, material
Line 31—After "equipment" insert:
, material
Line 32—After "equipment" insert:
, material

I will comment generally on the bill in relation to my amendments. As I outlined in my second reading contribution, to describe embryonic tissue or human material as a 'thing' to me is offensive; others have described it as

disrespectful. Either way, it is incumbent upon us, where possible, to come up with a more appropriate reference to the material, tissue or matter to which we are referring. In relation to this bill, as distinct from the research bill, some would say that to describe matter, material or tissue as human would be offensive, because we are trying to exclude these rather non-human aspects or hybrids as they are perhaps not deserving of respect. I suggest it is appropriate for both bills that we accommodate where possible a more appropriate term. In most clauses dealing with 'material' or 'thing' I seek to better represent that by having only 'material' included.

Some other references to 'thing' have been used to describe pieces of equipment and objects of property as they relate to taking possession of equipment by inspectors for any potential prosecution or other purposes in the act. Then the appropriate dealings with those property objects, restoration and return, and so on, flow. I am seeking to change the definition in two areas, namely, in clause 20, replicated on pages 11 and 12, as indicated. Essentially it is to insert the word 'material' where indicated, and I am happy to go through and identify them. I have written those into a draft if that is sought. However, there is some indication that the minister is happy with that, so I will not detail this any further.

The Hon. L. STEVENS: I accept that, and I am happy with the member for Bragg's amendments. Of course, this is a conscience bill so, as an individual, I am happy with the honourable member's amendments. It will be tested on the voices.

Mr SNELLING: I am rather touched by the concern the member for Bragg has for the finer feelings of embryos and the offence she takes at their being called things. It is a pity she did not show a similar amount of concern on the second reading of the Research Involving Human Embryos Bill. She has this opinion that she is quite happy to consign them to experimentation, but does not want them called things. I look forward to changing her vote on the third reading of the Research Involving Human Embryos Bill.

This is just sophistry at its very worst. If the minister is happy, I do not have any problem with supporting the amendment, but I think something peculiar is going on with the member for Bragg. As I say, she is so offended by embryos or other reproductive material being called things yet she is happy to have them sent off to be experimented on.

Amendments carried; clause as amended passed.

Clauses 21 and 22 passed.

Clause 23.

Ms CHAPMAN: I move:

Page 13—
Line 18—Leave out 'a thing' and insert:
equipment or other facilities
Line 18—Leave out 'the thing' and insert:
the equipment or other facilities
Line 19—Leave out 'the thing' and insert:
the equipment or other facilities
Line 22—Leave out 'the thing' and insert:
the equipment or other facilities
Line 26—Leave out 'the thing' and insert:
the equipment or other facilities

For reasons I have outlined, these amendments refer to compensation for damage to personal property that is taken or seized and then the return thereof. It separates off to provide, essentially, where it applies, equipment or other facilities.

Amendments carried; clause as amended passed.

Clause 24.

Ms CHAPMAN: I move:

Page 13—
Line 29—After 'seizes any' insert:
material or
Line 31—After 'unless the' insert:
material or
Line 33—Leave out 'a thing' and insert:
any material or thing
Line 34—Leave out 'the thing' and insert:
the material or thing
Page 14—
Line 2—Leave out 'the thing' and insert:
material or thing
Line 3—Leave out 'The thing' and insert:
The material or thing
Line 7—Leave out 'a particular thing' and insert:
any material or thing
Line 9—Leave out 'the thing' and insert:
the material or thing

Amendments carried; clause as amended passed.

Remaining clauses (25 to 31), schedule and title passed.

Progress reported; committee to sit again.

SCHOOLS, RIDGEHAVEN

The Hon. P.L. WHITE (Minister for Education and Children's Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P.L. WHITE: I have previously reported to the house that work has been done within my department to improve practices in the delivery of building works. On 27 November 2002 I reported to the house that I had awarded the tender for the reconstruction of Ridgehaven Preschool following a fire last year to a company called Partek and that that work would be done in time for the start of the school year. This was the department's written advice to me at the time my approval was sought.

Upon inquiring about the progress of that work today, it was brought to my attention by my department that, whilst my approval was for the Child Parent Centre to be ready for occupation at the beginning of the 2003 school year, that was not achieved and the work was completed on 17 March 2003. The Principal of the Ridgehaven Primary School where the CPC is collocated has decided that, rather than move the children into the new facility now, it would be less disruptive to make the move over the coming school holidays and to commence in the new facility from the start of term 2. I have asked my department for an explanation of why this work was not completed within the timeline anticipated.

ELECTRICITY (PRICING ORDER) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

ADJOURNMENT

At 5.54 p.m. the house adjourned until Monday 28 April at 2 p.m.