# LEGISLATIVE COUNCIL

**Thursday 5 June 2003**

**The PRESIDENT (Hon. R.R. Roberts)** took the chair at 11 a.m. and read prayers.

## STANDING ORDERS SUSPENSION

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers and question time to be taken into consideration at 2.15 p.m.

Motion carried.

## PROHIBITION OF HUMAN CLONING BILL

Adjourned debate on second reading.
(Continued from 29 May. Page 2492.)

**The Hon. R.I. LUCAS (Leader of the Opposition):** I rise to address the cognate debate on the Prohibition of Human Cloning Bill and the Research Involving Human Embryos Bill. I must say that, in my time in the parliament, normally my views on legislation are formed relatively early, and I then seek justification for whatever view or perspective I have. I can honestly say that, up until dinnertime last evening, I still had no idea how I was ultimately going to vote on, in particular, the human embryos bill. I, together with all other members, appear to be supporting the prohibition of human cloning legislation. However, I must say that I have been genuinely troubled by what my approach would be to the Research Involving Human Embryos Bill. I acknowledge at the outset that in large part it will probably be academic in terms of the eventual fate of the bill, as I understand that clearly a significant majority in both houses of parliament will support the Research Involving Human Embryos Bill. Nevertheless, it still left me in an extraordinarily difficult position in terms of my own perspective.

It was only last evening that I finally, on balance, formed a view. In doing so, as I looked at the contributions in the federal and state parliaments, certainly within my own party—the Liberal Party—it has been a most extraordinary debate. When one understands the various flavours that exist within the Liberal Party in South Australia and nationally, one realises that it is remarkable to see a marriage of views of Christopher Pyne, the member for Sturt, and Senator Nick Minchin from South Australia, agreeing absolutely, and praising each other for their contributions. For those of us who have the delight of being able to watch with interest what occurs in the various flavours of the Liberal Party, it is an eye opening experience to see Senator Minchin and Christopher Pyne agreeing so absolutely on this issue.

It opened up my eyes to the clear facts on this issue within the Liberal Party, and I am sure within the other parties, as well. This issue is not being driven by flavours, factions or whatever. It is very much a conscience vote, where people of similar or different conscience are coming together in all sorts of different ways. The views of Christopher Pyne and Nick Minchin were absolutely opposed by the Prime Minister—a man who has been known, quite proudly, for what he would term his conservative views on many issues. Senator Minchin, in his contribution in the federal Senate, referred to the fact that it was one of the very rare occasions that he not only disagreed but very strongly disagreed with the views of his Prime Minister.

On balance, for the reasons I will endeavour to place on the public record now, I have decided that I will support the Prohibition of Human Cloning Bill and will be opposing the research involving human embryos legislation. I acknowledge the fact that I am sure most members in all parliaments have concerns about some aspects of human embryo experimentation. Whether or not they support this or similar legislation, I am sure most members have concerns and questions about where this will end, and have had to wrestle with their consciences in terms of coming to a final decision on this issue.

The fact that we have some 70 000 frozen embryos in Australia is a fair indication of the extent of the issue and the potential ramifications now and in the future. Of course, that is the most recent estimate I have seen in the literature. It may well be higher now. Clearly, with legislation it may well continue to increase in the future. In a number of pieces of literature provided to me in preparation for this, a number of people have certainly put the view that it does not take much to tweak the current programs to ensure that there are increased numbers of surplus frozen embryos. One does not have to have authorisation for frozen embryo farms—or farming, as it has been referred to—as quite small adjustments to the existing programs of medical specialists can result relatively simply in extra numbers. I refer to one piece of correspondence from a local consultant paediatrician, Dr Robert Pollnitz. I accept that this is his view, and there will be others who have different views. In his letter to me, he said:

There is evidence that some IVF units are already creating 'surplus' embryos for research.

As I said, I accept that others in their contribution will produce, argue or assert differently from the view that Dr Pollnitz put to me in relation to the issue. Nevertheless, there is a significant number of frozen embryos already, and that is a fair indication of the size and extent of the issue that confronts us as members. There is no doubt, on the other hand, as I said, while most members would have some concerns about what the boundaries for human embryo experimentation might be, and what might happen in the future, there are considerable attractions for most, if not all, members in relation to the potential benefits of stem cell research.

What was guiding my thinking in the early stages was: is it possible, in essence, to have our cake and to eat it, too? Is it possible to have most, if not all, benefits of stem cell research, in terms of the wonderful potential advances there might be in the treatment of major diseases and ailments, but at the same time cater for those in the community who have concerns about experimentation on human embryos? In considering whether it is possible to have both, I want to address, in the first instance, some of the literature that I have read in relation to adult stem cell research, because, clearly, one line of argument is that we can have the advantage of stem cell research, but we can do that, not through embryonic stem cells but, rather, adult stem cells.

Representatives from Bresagen, one of our biotech companies, made a presentation to members earlier this year and provided their summary as a company wanting to see support for this legislation. Bresagen's tear sheet listed the advantages and disadvantages, as they saw them. The advantages for adult stem cell research included that there are

no ethical issues and stem cells do not form tumours or teratomas. The disadvantages included that they were not identified or defined for most organ systems; most cannot be practicably accessed; they cannot be expanded indefinitely; and they do not make all 200-plus tissue cell types.

There are two or three other issues, as well, in terms of the disadvantages. I place on the record, also, Bresagen's view in relation to embryonic stem cells. The advantages include: can be practicably accessed; do grow indefinitely and controllably; and make all 200-plus tissue cell types. In relation to the disadvantages, they acknowledge ethical sensibilities for some; the potential to form tumours or teratomas; and rejection, which they say is also an issue for allergenic adult stem cells. They say that human embryonic stem cells were only discovered in 1998; therefore, scientific development is incomplete and may take years to produce patient benefit. Bresagen is a company which is lobbying for support for the legislation. On balance, members can see from the advantages and disadvantages, it is arguing that embryonic stem cells are to be preferred to adult cells; or they would support access to embryonic stem cells for research, in addition to adult stem cells, but they acknowledge some of the disadvantages of embryonic stem cells—and I will address those shortly.

In relation to adult stem cells, when we look at some of the disadvantages of embryonic stem cells, part of the argument in relation to embryonic stem cells is that it is at an early stage, whereas adult stem cell research is more advanced and at the stage where verifiable and quantifiable improvements have been demonstrated. I place on the record some of the information that Christopher Pyne provided to the federal parliament in his contribution in relation to information that federal committees, and others, had gathered on adult stem cells as follows:

> However, right now, today, as we speak, adult stem cells are being used following research to benefit the injured, the diseased and those people who are disabled. Adult stem cell research is being used right now as we speak to help humankind. The potential of it is even greater but in fact adult stem cell research is making the breakthroughs that those proponents of embryonic stem cell research claim may be possible in the future.
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> Let me give you some examples. In July 2001, German doctors used stem cells taken from a patient's own bone marrow to regenerate heart tissue damaged by heart attack, successfully improving his coronary function. American doctors have reimplanted stem cells taken from the brain of a patient with Parkinson's disease, resulting in an 83 per cent improvement in the patient's condition. The Washington Medical Centre treated 26 patients with rapidly deteriorating multiple sclerosis with their own stem cells, stabilising the condition in 20 patients, improving the condition in the other six. Israeli doctors implanted adult stem cells taken from a paraplegic woman's blood into her spinal cord, allowing her to regain bladder control and the ability to move her own toes and legs.
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> In Canada ,another paraplegic had movement in her toes and legs restored after stem cells from her immune system were implanted in her severed spinal cord. Surgeons in Taiwan have used stem cells taken from a patient's eyes to restore vision. In the US adult stem cells have been used to treat sufferers of the sickle blood cell disease. Stem cells taken from umbilical cord blood have allowed doctors to restore the immune systems of children which were destroyed by cancer. In the UK, a 3-year old boy was recently cured of a fatal disease by the use of stem cells extracted from his sister's placenta. American doctors have reported that adult stem cells have been used to improve the condition of 15 people with insulin dependent diabetes. Blood cells have been used to repair gangrenous limbs. Adult stem cells have been used to repair the cornea of an eye to restore sight and at Cedars-Sinai in LA adult stem cells have been found to treat Parkinson's disease.
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> The University of Minnesota has published research in the last three months that shows that adult stem cells are as versatile as embryonic stem cells, meaning that the only feature of embryonic stem cells which was regarded as unique to embryonic stem cells—being their versatility and their ability to change into many different organs of the body—has been swept away by the fact that adult stem cells have now been shown in recent research from the United States to be able to be as versatile as embryonic stem cell research without the disbenefit of being rejected by the immuno system and requiring major immunosuppressant drugs.

It is fair to say that there will be many others with views different from Chris Pyne who, equally, will have eminent medical professionals who will argue differently from that. Certainly, Bresagen as a commercial company, and the people representing them, will disagree with the last conclusion of the University of Minnesota and Chris Pyne, that adult stem cells are as versatile as embryonic stem cells, but I place on the public record the fact that this is not a one-way street.

For every eminent medical professional arguing the one case, there are eminent medical professionals arguing the other side in relation to the advantages of adult stem cells; and at this stage they are able to demonstrate adult stem cells are being used to improve and treat patient conditions. I think everyone acknowledges—I have not heard a different argument in state parliament—that embryonic stem cells are still at a very embryonic stage in terms of research and development. The potential that is being claimed is enormous but, at this stage, based on the literature, they are not being used in the same way as adult stem cells to treat patients. Kevin Andrews, in his contribution to the debate federally, touched on this general issue as follows:

> Throughout this debate, and indeed in the evidence before the parliamentary committee, the use of embryos has been argued on the basis of their potential benefit in the discovery of cures for a range of human diseases. Scientists have been using mice embryonic stem cells for decades, and human embryonic stem cells for a number of years, but all they can point to is the potential benefits. Therapies using embryonic stem cells have cured no-one. To the contrary, they have demonstrated two worrying properties in experiments to date. The first is the significant predisposition to become malignant. As an editorial in the scientific journal *Stem Cells* stated:
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> > . . . prior to clinical use of embryonic and foetal stem cells, it will be necessary to thoroughly investigate the malignant potential of embryonic stem cells.
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> Secondly, the potential use of embryonic stem cells is severely limited by tissue rejection. These problems, I believe, should be addressed with the thousands of existing stem cells before more embryos are destroyed. By contrast, I am informed that research involving adult stem cells is already producing cures. Bone marrow stem cells have been used to regenerate heart tissue. Brain stem cells have been used to treat Parkinson's disease. Multiple sclerosis has been stabilised in patients using adult stem cells. Spinal cord damage has been repaired using blood stem cells. Adult cells have been used to restore vision. Sickle cell blood disease has been treated with adult stem cells. Placental stem cells have been used to restore immune systems destroyed by cancer, and diabetes sufferers have had their condition improved using adult stem cells. The successful use of adult stem cells goes on and on. Recently the so-called bubble boy was restored to health with gene therapy using adult stem cells.'

Mr Andrews' contribution goes on to list further argument in support of adult stem cells. Suffice to say that, with those extensive quotes from those contributions by Christopher Pyne and Kevin Andrews, I place on the record at least part of the body of research evidence supporting the value of adult stem cell research, again trying to highlight the fact that, at least in the case of adult stem cell research, it is being used at the moment to treat patients. We are not talking about the potential value at some stage in the future. I return again to the Bresagen presentation to some South Australian members of parliament. Even they acknowledge that with embryonic stem cells it may take years to produce patient benefit. So, even the proponents of the legislation are acknowledging that

it may take years—although the critics will say even longer—in terms of producing patient benefit.

As I looked at this legislation, since we are largely looking in the immediate future (some amendments are talking about the next three or four years), one of the guiding influences for me was: what is it that we ought to be doing? What should I as a individual legislator be trying to do in terms of the next few years? Is there the capacity for continuing with stem cell research and seeing that develop without us in South Australia having to commit ourselves to supporting this legislation? The next issue is: are there enough embryonic stem cell lines in existence already to allow companies to continue sufficient research in terms of embryonic stem cells? Again I refer to the contribution made by Kevin Andrews, as follows:

> There are currently thousands, if not tens of thousands, of embryonic stem cells available for research. Indeed, scientists keep telling us that they can be replicated forever. Then let us see some real results before we agree to destroy more embryos. The case for the use of embryos is built on shifting sands. Scientists like Alan Trounson have continually changed the goalposts to suit their case. Let me illustrate. In his submission to the parliamentary committee inquiring into cloning and stem cell research, Dr Trounson stated:
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> > If we want to derive four new lines of embryonic stem cells we would theoretically use eight embryos and we would not really want to use any more ever again. We would have enough cells there to supply all the research institutes in Australia and probably worldwide. . .

I reiterate that Dr Alan Trounson is one of the leading research practitioners in this field, and this was his original evidence to the federal committee looking at this whole issue of stem cell research. He was saying that we would have enough cells to supply all the research institutes in Australia and probably worldwide. Kevin Andrews continued:

> This was reinforced months later when Dr Robert Klupacs, CEO of Dr Trounson's company, ES Cell International, told the committee:
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> > Our position is that we do not think we will ever have to go back to derive another embryonic stem cell line.
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> Dr Trounson reinforced his statement on ABC radio:
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> > Mind you, I think we may never actually use another embryo again for the work. Because the cells that we currently have are immortal. They grow, actually forever, in the laboratory. So we probably have enough for all the research we need to do, for the present time, worldwide, here in the laboratory. Here in Melbourne.

To be fair to Dr Trounson's view of the world, at a later stage he changed his evidence on this. I am not sure how he is recanting on his old evidence, but he is now arguing that we do need more embryonic stem cell lines. The evidence that he presented to the federal parliamentary committee and that of the CEO of his company is absolutely unequivocal. It is not 'we think' or 'maybe': it is absolutely absolutist, if I can use those two words. As I understand it, some of the debate now says that we need variety, versatility and a variety of other issues, which Bresagen touched on in some of the advantages they claim for embryonic stem cell research and the disadvantages for adult stem cell research.

But as an individual legislator and as I looked at my position, for me it became more and more persuasive, this view that what we have in existence is more than enough in terms of ensuring that embryonic stem cell research can continue. I acknowledge that there is an issue in relation to who controls some of the embryonic stem cell lines. When you talk to some of the other commercial companies there is an issue of the commerciality and the commercial marketplace of who controls the embryonic stem cell lines. Dr Trounson's company and related companies might be able to service all of Australia's needs and the worldwide needs, so there are competition issues, perhaps, if one can be as crass as that in relation to this issue, and I do not want to be.

But I acknowledge that from a commercial viewpoint there might be some companies concerned about who controls the embryonic stem cell lines. To me that is not the overriding issue. To me it is: can we have our cake and eat it too? Can adult stem cell research continue? Clearly, it can. Can embryonic stem cell research continue? In my judgment, in the end, it can. So, this is not an issue about asking whether we are going to stop embryonic stem cell research: we may well limit its growth and its breadth, but I do not think that anyone can argue that in this legislation we are going to stop embryonic stem cell research.

I acknowledge that we may well restrict its length and breadth and who might be able to do it, but I do not think people can say that, if this bill were not to go through, all of a sudden that would be the end of the potential benefits of embryonic stem cell research or stem cell research. If people want to make that argument, in my view they certainly have not done so in either the federal or the state debate so far.

Leading now into the issue of embryonic stem cell research, I have acknowledged that the general view seems to be that there are many potential benefits which at this stage are not being actively used to assist patients. I refer to the contribution of Senator Nick Minchin in the federal parliament when he referred to some of the issues relating to the potential benefits from embryonic stem cell research as opposed to adult stem cell research. This is Senator Minchin's summary. Having quoted Mr Pyne's earlier, I think it is only fair to put on the record Senator Minchin's views on this particular aspect of the debate. He said:

> The proponents argue that embryonic stem cell research will lead to a cure for Alzheimer's, Parkinson's, motor neurone disease, diabetes, quadriplegia, etc. I find it quite repugnant that sufferers of many of these conditions are being misled by the proponents of embryonic stem cell research, who say that a cure is around the corner. I think the Senate Community Affairs Legislation Committee report on this bill does an excellent job of exposing this myth. Expert after expert, professor after professor, is quoted in the report admitting that the benefits of embryonic stem cell research have been oversold. Professor Peter Rowe, Director of the Children's Medical Research Institute in Sydney, said:
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> 'I think the public. . . has been grossly misinformed as to the potential. . . I feel that there is a lot of work that could be done on human embryonic stem cells, but to what end? Because I do not think we are ever going to use them in any form of treatment, not in the next foreseeable 20 or 30 years, if even then.'
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> In June, Professor Rowe told the *Australian*:
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> '. . . some stringent rules have to be applied to restrict the activities of individuals, often with doubtful scientific credentials, who will be seeking to gain commercial benefit from their work while claiming to pursue altruistic goals.'
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> The committee's very good report deals with the practical difficulties associated with embryonic stem cell research. The cells are at risk of immunological rejection by a recipient's immune system, and Professor Michael Good makes a very strong case on that ground. Embryonic stem cells can cause cancer—they do have a predisposition to become malignant. On this matter, Dr David Prentice, the American expert who visited Australia earlier this year, said:
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> 'Embryonic stem cells have not yet produced a single clinical treatment; there are few and limited successes in animal models; and problems of immune rejection, tumour formation and genomic instability continue to be unresolved.

I again acknowledge that the supporters of embryonic stem cell research will be able to produce eminent medical professionals who will disagree strongly with Professor Rowe, the Director of the Children's Medical Research Institute in Sydney or support him. As I have said, at least in my view, this is not a black and white issue.

The last major issue that I want to address is the fact that this bill is not just about what some of the proponents have talked about. As Senator Minchin said:

> The proponents argue that embryonic stem cell research will lead to cures for Alzheimer's, Parkinson's, motor neurone disease, diabetes, quadriplegia, etc.

Again I refer to Senator Minchin's analysis of the federal legislation, which has been largely replicated here. He states:

> The second myth I would like to touch on is that the bill is only about embryonic stem cell research. As shown in the paper from the Southern Cross Bioethics Institute which I referred to earlier, this bill does not actually directly cover embryonic stem cell research; it sets out the circumstances in which embryos can be experimented on and, in many cases, destroyed. It will actually permit the destruction of embryos for far more reasons than just embryonic stem cell research, much of it under the vague heading of 'diagnostic testing'. Permissible experimentation will include vitrifying, freezing and thawing, a process in which many embryos are killed. It permits micromanipulation—lasering, cutting and dissecting embryos—which will often kill them. Embryos can be analysed for different characteristics, such as through electron microscopy, and that is often fatal to the embryo. Embryos could be exposed to various chemicals to test the effect on their survival, growth and development.
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> The Southern Cross Bioethics Institute warns that there is nothing in the legislation that 'would directly restrict the broader use of human embryos to direct application in pharmaceutical testing or in toxicological testing.' Professor John Hearn from the ANU, for whom I have a high regard, has counselled against embryos being used for this sort of testing, which this bill will allow. Proponents point to the claimed benefits of embryonic stem cell research, but you do not hear them talking about all the other things that under this bill will be allowed to be done to embryos.

Senator Minchin goes on to make further statements in this particular area. In his contribution to the federal parliament, Mr Andrews makes the following comment:

> Many members have said in this debate that they would not allow any further use of embryos, yet the bill already allows for a range of uses beyond research into the treatment of sick human beings. Toxicology studies on live human embryos and the testing of new drugs on humans rather than on animals will be permissible under this legislation. Indeed, the financial incentives driving stem cell research are not just about finding cures for diseases such as Parkinson's but about providing a new human medium for the testing and development of pharmaceutical products.

We have had a long and ongoing debate in Australia about the ethics of testing pharmaceutical products on animals. It is interesting that in this particular debate this has not been a prominent issue. There has been understandable concentration on the potential for embryonic stem cell research to assist the sufferers of various ailments but, as some of the federal legislators have highlighted, this bill does not allow just that; it allows the testing of pharmaceutical products, toxicological testing—

**The Hon. Nick Xenophon:** That's not widely known.

**The Hon. R.I. LUCAS:** As the Hon. Mr Xenophon indicates, it is not widely known, and that is the point I am making. Understandably, the proponents will not highlight that because, given the concerns in the community from some about the testing of pharmaceutical products and chemicals on animals and the ethical questions involved in that, they obviously would not want to see a debate highlighting this aspect of the legislation that we are being asked to support. Pharmaceutical and toxicological testing of chemicals on human embryos is part of the commercial business of a number of these companies. I am sure that some of these companies will argue passionately that it is important that we do have human embryos on which we can test new pharmaceutical products, that there will be research benefits in being able to do that, but again I personally have some concerns about that.

In conclusion, I indicate again that, for me—as I am sure for most members—this has been an extraordinarily difficult issue. On balance, at this stage, I indicate my support for the Prohibition of Human Cloning Bill and my opposition to the Research Involving Human Embryos Bill. For me, this is not a black and white issue. This is my judgment at the moment. I have an open mind on this issue and, if involved in future debates in the parliament on this issue—as I suspect I will—I indicate to those who are either happy or unhappy with the judgment I make on this occasion that I will retain an open mind and make a judgment, which might be the same or which might be different, based on the merits of the case as I see them at the time.

**The Hon. T.G. CAMERON:** I have decided to make a brief contribution at the 11th hour. I would not pretend for one moment to be across this issue as some members of the council are, and I am probably not completely across all the scientific arguments in relation to this but, in relation to the human cloning bill, I guess one would only have to cast an eye around this chamber to convince oneself that one should oppose human cloning—not that I am looking in any direction, of course.

*The Hon. Nick Xenophon interjecting:*

**The Hon. T.G. CAMERON:** The Hon. Nick Xenophon interjects and says, 'Stop cloning around,' and I thank him for his one liner. Seriously, the thought that one day you may be able to go off to your doctor and have yourself cloned does not even bear thinking about, so on that note I indicate that I will definitely be supporting the human cloning bill. I do not intend to make a long speech about human embryos; as I indicated, am not completely across that issue. At the end of the day I will not be supporting that bill, based on the simple premise that I believe that life starts at conception.

**The Hon. NICK XENOPHON:** I indicate that I will be supporting the Prohibition of Human Cloning Bill and, for the reasons I will outline shortly I will oppose the Research Involving Human Embryos Bill. This is a difficult ethical issue; it is an ethical minefield. I note that the Prime Minister dealt with this in the federal legislation by taking the view that embryos that were to be discarded in any event could be used for research purposes. I understand that position and how the Prime Minister and others who supported him came to that view. My principal concern relates to the use of human embryos for purposes other than the derivation of stem cells which would clearly be used for treatment purposes or for which the intention is that they be used for treatment and research.

As the Hon. Robert Lucas pointed out, it is not commonly known that the destructive use of embryos can go beyond that. I note that the explanatory guide to the Human Cloning and Research Involving Human Embryos Bill 2002 issued by the Parliament of the Commonwealth indicates that it is broader than that. I am concerned that it can involve the testing of pharmaceutical products on embryos, and to me that goes beyond the bounds of what I think is reasonable, given the ethical dilemmas involved here. I think we all ought to be mindful of the controversy involving Professor Trounson and his research involving the mouse that walked as a result—

*The Hon. T.G. Roberts interjecting:*

**The Hon. NICK XENOPHON:** As the Hon. Terry Roberts says, the mouse that walked but did not roar, but I think there was a considerable roar when it was discovered

that members of parliament were misled over what was actually done. Some would call it a case of immaculate deception on the part of Professor Trounson, but it was not reasonable to mislead members like that. I note from commentary in the financial press, for instance, about the potential conflict of interest that Professor Trounson had concerning the research budget allocated to him and his commercial interests, and I do not think that is satisfactory.

My principal concern is that the use of embryos goes beyond what is commonly accepted in the general public involving stem cells for medical research in curing hitherto incurable conditions. I can understand that; I can understand the rationale and I am very sympathetic to that but, when it goes beyond that—as it does, and the explanatory memorandum and other material indicate that this bill goes beyond that—that is where I think we ought to draw the line. I must also comment on the amendment moved by the member for Enfield, Mr John Rau, in the other place which in effect would ensure that, rather than this parliament rubber stamping COAG, any changes would be brought back to the state parliament.

**The Hon. T.G. Cameron:** Hear, hear!

**The Hon. NICK XENOPHON:** The Hon. Terry Cameron says, 'Hear, hear!' and I think it is a very important issue in terms of state sovereignty. I know there are some in this and the other place who say this is not the appropriate bill to deal with that. My view is that it is as appropriate as any other bill, and perhaps more appropriate, given the issues involved. I believe that the reasoning of the member for Enfield has been impeccable in that regard and for those reasons I will be opposing the government's amendment that would delete or alter the effect of the member for Enfield's amendment.

This is a difficult issue. Time will tell how useful this research will be. I am concerned that, as it is currently drafted, it is simply too broad and potentially can be open to abuse. I think time will tell, but I urge members, whatever their views on this, to continue to support the views of the member for Enfield. It is important that on an issue such as this, state parliament ought not to be rubber stamping what COAG wants.

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** These bills are part of a national scheme to ban human cloning and regulate what can be done with human embryos. The national scheme was agreed by COAG in April 2002, and it has certain objects. Science and technology usually run well ahead of legislators. The way in which we legislate tends to be in part retrospective, which in some cases is a sound way to legislate once we are far enough down the road to make some observations about where we may be in 10 to 20 years. In other cases some of the legislation that we introduce never catches up with the direction that science and technology are leading the community debate. Sometimes the ethics questions related to science and technology are left out of the debate. The commonwealth has put together a program negotiated with the states to try to get a degree of uniformity in approach so that we have a truly national scheme. States rights in some cases can advantage individual states at the expense of others and in other cases, with regard to taxation laws, for instance, they can put some states in front of others.

This national scheme was agreed by COAG in April 2002 and is designed to set limits on what is permitted to be done with embryos and what is not and which embryos can be used under what conditions; provide for safeguards including informed consent, strict licensing criteria and monitoring; and ensure that all researchers across Australia are bound by the same rules and are subject to the same oversight. These bills take a very conservative approach and place the same strict limitations on embryo research as the national scheme. They prohibit both reproductive cloning of whole human beings and therapeutic cloning for treatment of patients. They ban the creation of embryos for research. They allow only certain embryos to be used for research, teaching, quality control or commercial applications 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 Research Involving Human Embryos Bill has been incorrectly referred to as a 'stem cell bill'. However, it regulates a broad range of uses of human embryos that are excess to treatment, including both fertility research and embryonic stem cell research. The South Australian bills, in the main, reflect commonwealth legislation already passed that comes into effective operation in mid June 2003. The state act is needed to extend the coverage to state public sector laboratories and unincorporated individuals who are not covered by the commonwealth act. However, most activities using excess embryos are likely to be conducted by researchers licensed under the commonwealth legislation. The commonwealth legislation was passed in December 2002. It establishes the NHMRC Licensing Committee which is about to become operational.

The South Australian bills confer powers on the NHMRC Licensing Committee to perform licensing, monitoring and inspection functions under the state act. The commonwealth act empowers the commonwealth minister to declare a state act to be corresponding. Only a corresponding act can confer powers on the NHMRC Licensing Committee. Amendments made to the bills (as tabled) may potentially change the nature or scope of the bills such that the resulting acts are not corresponding. Under this scenario, the NHMRC Licensing Committee could not perform functions allocated to it under the South Australian act. This would mean that the research conducted under the state act could not be licensed by the NHMRC Licensing Committee. The inspectors appointed by the committee could not monitor activities under our act. The South Australian acts would be rendered ineffective and we as a parliament would need to consider how we would address that.

Therefore, it is important that we consider very carefully the potential for any proposed amendments to the South Australian bills to put at risk the completeness of the national scheme. We would not want South Australia to be the weak link that fails to regulate the use of embryos outside of infertility. The commonwealth act includes a sunset clause that prohibits the use of excess embryos created after 5 April 2002, unless COAG is satisfied that protocols are in place to prevent the purposeful creation of excess embryos for research. If that is the case, COAG may bring the embargo date forward. This clause has been reflected in bills already passed (or being debated) in Queensland, Victoria and New South Wales. An amendment made in another place removed COAG's power to bring the embargo date forward in the state bill. Therefore, those captured under the South Australian act will not be able to use excess embryos created after 5 April 2002 until 5 April 2005.

There is the potential that, should COAG lift the embargo prior to 5 April 2005, the commonwealth will regard the South Australian legislation as not corresponding. For this

reason, I propose to reverse that amendment and ensure that South Australia is part of the national scheme that regulates the use of excess embryos strictly and consistently across the nation. This will ensure that the NHMRC Licensing Committee will be able to operate under this legislation so that under the South Australian act research using human embryos conducted anywhere and by anyone in South Australia will be overseen by a competent national body.

Embryo research will need to meet very stringent nationally agreed criteria before a licence is issued. Inspectors will be appointed to monitor compliance with the legislation with conditions of licence and with national guidelines. Embryo donors decide what will happen to their embryos and give proper informed consent. It is important that South Australia takes this opportunity to apply these national safeguards and set limits on what can be done with embryos that are excess to infertility treatment.

Bill read a second time and taken through its remaining stages.

## RESEARCH INVOLVING HUMAN EMBRYOS BILL

Adjourned debate on second reading.

(Continued from 30 April. Page 2171.)

Bill read a second time.

In committee.

Clauses 1 to 36 passed.

Clause 37.

**The Hon. T.G. ROBERTS:** I move:

Page 25, lines 18 and 19—Leave out 'on 5 April 2005' and substitute:

on whichever of the following days applies:

(a) 5 April 2005;

(b) if the Council of Australian Governments declares an earlier day by notice under section 46(b) of the Research Involving Human Embryos Act 2002 of the Commonwealth—that earlier day.

When this clause of the commonwealth legislation was drafted, COAG was given the role of determining the date that the embargo was rescinded, because it was seen to be representative of the commonwealth and the states and territories. The alternative was that the federal parliament would make the decision. The role of COAG was deleted in another place and I propose that it be reinstated.

This clause currently proposes that the embargo date be set at 5 April 2005 with no regard to any decision made by COAG in the intervening period and, therefore, runs a significant risk of rendering South Australian law not corresponding for the purposes of the national scheme. This legislation may not be able to rely upon the NHMRC licensing committee as the licensing authority as a result. The effect of this clause in its current form is that embryos created after 5 April 2002 that become excess to treatment will not be able to be used for other purposes until 2005, regardless of any decision by COAG to bring that date forward. If COAG were to set an earlier date this date would not apply to embryos created or used in South Australia under the South Australian act. It would apply to those covered by the commonwealth act. If COAG removes the embargo on using excess embryos before 5 April 2005 researchers in South Australia will not be able to use embryos that can be legally used in other jurisdictions.

Researchers may, in fact, be provided with a licence from the NHMRC licensing committee to use embryos created after 5 April 2002 that the legislation in South Australia disallows. Couples will be able to donate excess embryos to research for which a licence has been approved, but the use of their embryos will not be permitted in this state. Embryo parents wanting to donate their embryos to particular research projects may not be able to if the embryos or the project were located in South Australia and came under the state act. There could be complications, for instance, if an embryo is created in Queensland and donated to a research project in South Australia or created in South Australia and donated to a project in Queensland. If each state were to set a different date for the embargo to be lifted, we would lose our national consistency. It would be confusing for researchers and for members of the licensing committee: if an embryo were donated for research in one state and were to be used in another, which date would apply? Given that much of the research in this field is multi-state and cooperative, this would create a situation of uncertainty about which embryos could be used where.

This amendment reinstates the role of COAG and maintains the integrity of the national scheme. It is considered likely that if this amendment is not passed, the commonwealth will decline to declare the South Australian law to be corresponding law. This is important because the South Australian Research Involving Human Embryos Bill 2003 authorises the NHMRC licensing committee to be the licensing committee under the state act. The commonwealth act gives the commonwealth minister the power to declare state legislation to be corresponding law. Unless it is so declared, the commonwealth act would not permit the NHMRC licensing committee to perform functions such as licensing research and inspecting premises under the state act. If the commonwealth minister declined to declare the South Australian research involving human embryos act, once passed, to be a corresponding law, the licensing system (which comprises substantial parts of this bill and relies on the powers of the NHMRC licensing committee to issue licences and to appoint inspectors under the South Australian act) could not operate.

In practical terms, if the South Australian act were not declared to be corresponding law those licence applicants operating within corporations would be covered by the commonwealth act and the Licensing Committee could issue a licence under that act. Those individuals covered only by the state act would not be able to apply for a licence. If the NHMRC Licensing Committee issued a licence to an applicant thought to be covered by the commonwealth act but subsequently found not to be then the researcher might have been operating without a valid licence. In considering amendments to this bill, it is important to weigh the risk that the South Australian act may not be declared a corresponding law as a result. Should this become the case, the state act would need to be referred back to parliament for review to determine whether to amend it to ensure that it is corresponding, or to establish a South Australian licensing body capable of assessing and licensing embryo research. In the intervening period different rules would apply both within South Australia and between South Australia and other jurisdictions.

**The Hon. R.I. LUCAS:** At the outset, before addressing a number of the issues that the minister has made, as the minister would know, this issue, in both houses of parliament, involves that rare privilege of being dealt with as a conscience issue for all members of parliament. I must say there have been some disturbing stories in the corridors, which I hope are not true, that premier Rann has removed the conscience vote for Labor members in relation to this issue.

As I said, I am hoping those rumours are untrue, but can the minister indicate whether Labor members in this chamber have a conscience vote on this particular issue or not?

**The Hon. T.G. ROBERTS:** I think that is a party matter. I do not know where you have got your information from; it is inaccurate.

**The Hon. R.I. LUCAS:** In am pleased to hear the minister confirm that this is a conscience issue and that the members in the Labor party in this chamber will be able to vote according to their consciences in relation to this particular issue, and that those stories of an almighty stoush in the caucus this week on this issue have been denied by the minister in this chamber. The minister stated in his contribution—and I am going on memory here, but I think it was half way down the second page—that it was considered likely that the federal government or the federal minister would declare this to be corresponding law if the Rau amendment was to prevail and the minister's amendment was to be unsuccessful. Can the minister indicate how the minister and the government made this particular judgment that it is considered likely that the federal government would not declare this to be corresponding law if the Rau amendment was to prevail in legislation?

**The Hon. T.G. ROBERTS:** The government has sought advice from the commonwealth and the commonwealth minister, and the advice is that, until the bill becomes an act, it is hard for them to make a declaration.

**The Hon. R.I. LUCAS:** The minister has put to this committee—and this is obviously an important issue for members that—it is considered likely that, if the Rau amendment were to prevail, the federal minister would not declare this to be corresponding legislation. If the minister said in answer to my question, 'There has been contact, and the minister declined to indicate a view,' on what ground is the minister putting to this committee that it is considered likely that the federal minister will do this?

**The Hon. T.G. ROBERTS:** At state level a letter was sent to all honourable members which was developed from a comprehensive briefing that was received from the department. That briefing was reviewed by officers from the Attorney-General's policy section and by crown law officers. Written advice was not provided. Rather, comments were sought on the briefing that had been drafted and the suggestions were incorporated. With regard to advice received from the commonwealth, we have not had formal advice from the commonwealth crown law officers. Departmental officers have been advised by commonwealth officers that advice had been sought from both the federal Attorney-General's Department and the federal crown law office.

The commonwealth is not prepared to provide the states with copies of such advice. Given that we do not readily share state legal advice with commonwealth officers, we are not in a position to complain about that. The negotiations with commonwealth officers, including local officers appointed to advise the NHMRC, have included exploring which proposed amendments might cause the commonwealth minister to declare the South Australian act to be corresponding. Clearly, such officers cannot advise of a decision that a commonwealth minister might subsequently make about a bill that has not yet passed. However, they have indicated that they would view very seriously amendments such as that proposed to the sunset clause that would mean that embryos might have a different status in different states, and within the state, depending on whether the commonwealth or state act applies.

**The Hon. R.I. LUCAS:** I will leave the legal argument in relation to this matter to my colleague the Hon. Mr Lawson and others. Having had that placed on the record, I am now concerned that the statement made to this committee—and I understand that it has been made to a number of members in private lobbying by the minister—is the view that it is considered likely that the federal minister will decline to declare this corresponding law if the Rau amendment prevails. The minister will be the first to know, as he has acknowledged in relation to his own ministry, that he does not always agree with the advice that may or may not be given to him by his advisers.

This issue is ultimately a decision for the federal minister. As a number of second reading contributions have highlighted, Minister Andrews has a very strong view on this whole area. He has been actively involved, with the imprimatur of the Prime Minister, right from the word go in relation to this debate. I must say that it is misleading for anybody—including the minister—to stand up in this chamber prior to the vote on this and indicate to members that it is considered likely that, should the Rau amendment prevail, the federal minister will decline to declare this to be corresponding law and to use that as the reason which is being used to scare people away from supporting the Rau amendment.

If the minister in this chamber and the Minister for Health were to argue that, from talking to federal legal officers, their intelligence is such that on balance they think that this is what they might recommend to the minister but it is the minister's final decision, and he was to share that advice to members, that would appear to be a fairer reflection of what we have just heard, that is, we have no idea—and certainly this minister and the Minister for Health have no idea—what the federal minister will declare. Indeed, his correspondence to the state minister makes clear that he will not form a view until the state parliament resolves one way or another its attitude to the Rau legislation.

It is misleading, and I want members who are considering their views on this legislation to discount the proposition that it is considered likely that the federal minister will do this. There is no evidence at all for that. I am entitled to as much supposition as others. My supposition might be that there is just as much chance—and probably more—that, if the Rau amendment were to prevail, we may see the federal minister declare that it is corresponding law. I have no evidence to present to the committee on that, but it would be my balance of probabilities judgment as to which way the minister might go.

I hasten to say that I have no evidence that he will go one way or the other. Before we get into the legal debate—and I certainly support the view that I know my colleague the Hon. Mr Lawson will put—I indicate that I strongly support the proposition that has been put by the member for Enfield in another house and supported by a majority there. I strongly oppose the amendment the minister has moved. In conclusion, I urge members not to place any weight on the submission that it is considered likely that the federal minister will decline to declare this to be corresponding law if the Rau amendment were to prevail.

**The Hon. R.D. LAWSON:** I take it from what the minister has said in response to the Hon. Robert Lucas that this is the case: no written advice has been provided by the commonwealth to say that this bill will not be accorded corresponding law status if it is passed in its current form. No written advice has been provided.

**The Hon. T.G. ROBERTS:** That was the position, as indicated by the correspondence that I read out previously. This is a further clarification. The commonwealth act gives the commonwealth minister power to declare a state act to be corresponding law. This is contained in the definition of 'a corresponding state law' in clause 7 of the commonwealth research involving human embryos act of 2002, which provides that the corresponding state law in relation to a state means a law of that state declared by the minister (meaning in this case the commonwealth minister) by notice in the *Gazette* to be a corresponding state law for the purposes of this act. Unless it is so declared, the commonwealth act will not permit the NHMRC licensing committee to perform functions, such as licensing, research and inspecting premises, under the South Australian act.

The Minister for Health did write to the commonwealth minister seeking his view on whether the sunset clause, as amended in another place, would be of sufficient significance for him not to declare the South Australian act to be corresponding. The minister responsible for the commonwealth act is the Hon. Kevin Andrews, Minister for Ageing. The commonwealth minister has recently advised that the commonwealth act enables him to make such a determination on the act, but not a bill. Therefore, until this parliament enacts the state legislation, no determination can be given.

**The Hon. R.D. LAWSON:** Is the minister conceding that no written confirmation has been received from the commonwealth or the commonwealth minister to say that this bill, if passed in its current form, will not be accorded corresponding law status?

**The Hon. T.G. ROBERTS:** That is correct.

**The Hon. R.D. LAWSON:** Is it not the case, as appears in clause 4 of the bill, that the scheme is one that envisages consistent laws, not identical laws? Clause 4 provides:

> It is intended that the principal objects of this act be achieved through a regulatory framework and a range of offences that operate in conjunction with and in a manner consistent with corresponding commonwealth and state laws.

Does the minister agree those laws need not be identical?

**The Hon. T.G. ROBERTS:** My advice is that there are some administrative drafting differences to take into account state variations, if you like, where the state's position is at variance, but they all try to come back to a uniform position.

**The Hon. R.D. LAWSON:** Has the minister seen correspondence between the state minister and the commonwealth minister responsible for this issue concerning the matter of the consistency of this legislation with the national scheme?

**The Hon. T.G. ROBERTS:** Have I personally seen it?

**The Hon. R.D. LAWSON:** Yes.

**The Hon. T.G. ROBERTS:** No.

**The Hon. R.D. LAWSON:** Is the minister aware that his cabinet colleague, in fact, did seek from the commonwealth minister written confirmation that this bill, if passed in the form it passed the House of Assembly, would no longer be corresponding for the purposes of the national scheme? Further, has he seen the commonwealth minister's response, refusing to acknowledge the assertion made by the state minister?

**The Hon. T.G. ROBERTS:** I have read just a summation, although I have not seen the correspondence, I must say. I understand that the correspondence from which the honourable member is reading has a piping shrike on it. I have not seen the correspondence, but what I did read into *Hansard*, as a reply to a previous question, was exactly that.

**The Hon. R.D. LAWSON:** In brief, the minister acknowledges that the state sought from the commonwealth minister a statement that, if this bill was passed in its current form, it would not be regarded as a corresponding law, but the commonwealth minister refused to give that confirmation.

**The Hon. T.G. ROBERTS:** I have seen only a summary of the correspondence. I have not seen the way in which the correspondence was framed.

**The Hon. R.D. LAWSON:** I think in light of the fact that the minister says that he has not seen correspondence which has passed between the state and commonwealth, I should read it into the record, because members of the committee would be interested. On 13 May 2003, the Hon. Lea Stevens, Minister for Health, wrote to the Hon. Kevin Andrews MP, Minister for Ageing. The letter states:

> Dear Minister, I write to inform you that the South Australian Research Involving Human Embryos Bill has passed the House of Assembly of the SA parliament with one amendment, and to seek your advice on whether that amendment might have consequences for you declaring the South Australian act to be a corresponding law for the purposes of the national scheme.
>
> The amendment relates to clause 36 of our bill—the sunset clause. There was considerable concern expressed in the debate on the bill about the extent to which a decision of a ministerial council such as COAG can or should bind a state parliament to enact a law in a particular form, and about the fact that a South Australian law could be amended on the basis of a decision by a ministerial council. The rationale provided by those proposing and supporting the amendment was that this is properly a role of parliament, not a ministerial council.
>
> I agree, in fact, that this is an important point of principle that should be considered by all jurisdictions in an appropriate forum.

The letter quotes clause 36, as it appeared in the bill, and the amendment. The letter continues:

> This amendment means that for researchers covered only by the South Australian law (who would not include those who operate under corporations and would be covered by both commonwealth and state law) the embargo on using embryos created after 5 April 2002 would not be lifted until 5 April 2005, regardless of any decision made by COAG in the meantime.

Then, after some immaterial comments regarding the commonwealth bill, which I will not quote, the minister continued:

> I seek your advice on whether you consider this amendment to the South Australian bill to be such that it would render it, in your view, to be no longer corresponding law for the purposes of the national scheme. I would like to resolve this issue if possible before the debate resumes in the Legislative Council in mid-May. I await your response.

For the benefit of the committee I should repeat that the South Australian minister wrote to the commonwealth, as follows:

> I seek your advice on whether you consider this amendment to the South Australian bill to be such that it would render it, in your view, to be no longer corresponding law for the purposes of the national scheme.

By letter dated 3 June 2003 from the Hon. Kevin Andrews to the Hon. Lea Stevens, the commonwealth minister declined to provide the advice sought, namely that he considered that this bill would be no longer corresponding law. He said:

> Unless and until the state of South Australia has enacted a law, I am unable to make the declaration sought.

So, the minister sought from the commonwealth confirmation that this bill would not be accorded corresponding law status but the commonwealth refused to indicate it, as it could well have done. Is the minister aware of any other laws of the state of South Australia that can be repealed by a resolution of a

ministerial council or some body not responsible to this parliament?

**The Hon. T.G. ROBERTS:** Advice from parliamentary counsel is that he is not aware of any. Could the honourable member table the correspondence that he has?

**The Hon. R.I. Lucas:** We'll provide you with copies.

**The Hon. T.G. ROBERTS:** I knew you would, but I just want to make sure that everything that is appropriate has been read into it.

**The CHAIRMAN:** The convention is very strong. If someone quotes from a document and it is asked to be tabled, it is generally tabled.

**The Hon. R.D. LAWSON:** Yes, the document will be tabled. The copy I have has some of my writing on it, so I will table a clean copy.

**The Hon. T.G. ROBERTS:** I did give an accurate summary of the correspondence that has been read. I think it is perfectly proper for a minister to seek advice prior to a bill being passed to check, in relation to these bills, the very complicated arrangements between commonwealth and state and between the states. I do not see anything improper about that or anything that should be seen as conspiratorial at all. I think it is quite—

*The Hon. A.J. Redford interjecting:*

**The Hon. T.G. ROBERTS:** It could have been. It is a summary of the correspondence that has been read to parliament. The circumstance in which the minister corresponded with the commonwealth I think is quite appropriate.

**The Hon. R.D. LAWSON:** I am grateful for the minister's confirmation that parliamentary counsel is not aware of any similar provision, which we in the opposition would regard as an extraordinary provision. Can the minister point to any instance in which corresponding law status has been refused by the commonwealth government when a state law has an incidental provision that is not identical with laws passed in all other states?

**The Hon. T.G. ROBERTS:** I am unaware personally, although I am not quite sure what weight that carries! Parliamentary counsel has indicated that he will not comment on such matters.

**The Hon. R.D. LAWSON:** The very real concerns that have been expressed about this amendment are that national schemes of this kind are increasingly common. However, the sovereignty of state parliaments ought to be recognised, and there has been to date no occasion of which we are aware on which a matter of this kind, namely the repeal of a whole act of parliament, has been taken out of the hands of the parliament itself and placed into the hands of a ministerial council. Notwithstanding the respect that we have for the Council of Australian Governments, it is not the function of the Council of Australian Governments to be a legislature, and certainly not its function to be a legislature for South Australia.

The act itself has a sunset clause, namely 5 April 2005. If for some reason it is appropriate for the act to be repealed before that day, it is our view that the appropriate course to adopt is to bring back a bill to this parliament which will, no doubt, if good reasons exist, repeal the particular sections of the act on an earlier day. This is an important principle. If national schemes of legislation are now to adopt a practice whereby ministerial councils are given legislative function, that will be a serious inroad into the compact that exists between state and federal governments. It undermines cooperative federalism and undermines the important role that elected state parliaments should play in legislation.

In taking this stance, we in no way undermine the notion that nationally consistent legislation in a number of areas is appropriate. The South Australian community and parliament should play their part in nationally consistent regulatory schemes, and there are a number of them. However, there is no gainsaying that this state parliament should not forsake its legitimate right and responsibility to pass laws for the state of South Australia and not to delegate that to other bodies.

Progress reported; committee to sit again.

## VISITORS TO PARLIAMENT

**The PRESIDENT:** I draw the attention of members to the presence today in the public gallery of some very important young South Australians from year 10 of the Urrbrae Agricultural High School. They are here today as part of their political studies, and we hope they find their visit to the Legislative Council both enjoyable and educational. I understand they are sponsored by the Hon. Mr Ridgway on this occasion.

## RESEARCH INVOLVING HUMAN EMBRYOS BILL

In committee (resumed on motion).

Clause 37.

**The Hon. A.J. REDFORD:** I do not want to overstate this, but I am concerned about the government's position in seeking to amend this clause. The government said in its statement to this parliament that there was a risk—or more than a risk—that, if this clause (as moved by the member for Enfield) remained in this bill, there would not be a declaration that this is corresponding law. He then went on to say that this would put the whole scheme at risk and leave South Australia right out on a limb. There are two issues in relation to this, and I want to deal with them separately.

First, members of parliament when dealing with legislation are reliant on the information given to them by ministers and those who advise the ministers. Generally speaking, in order to facilitate the conduct of business in this place we accept the veracity of what is put to this parliament in justification of a position. To do otherwise would make the conduct of business in this place extraordinarily difficult.

What we have seen in the last 15 minutes is a shredding of assertions made by the minister on behalf of the government in this place. On any analysis, that is simply not good enough. If everything that comes from the mouth of the minister or the government has to be tested in terms of its veracity, that fundamentally undermines the committee system of this parliament and the system upon which we deal with legislation. It goes to the integrity and the honesty of the government. When dealing with issues, particularly one as sensitive as this which goes to one's conscience, one would hope that we would get a fair and balanced assessment of the case. But what do we hear after the correspondence is disclosed? We hear that the state Minister for Health has received advice exactly opposite to what the minister in this place sought to disclose about the commonwealth's attitude concerning this clause.

I can only say that that is an absolute disgrace. If we on this side cannot accept at face value answers to questions and justifications for amendments, and if we have to rely on leaked documents to get to the actual truth of the matter, then the way in which we work in this Legislative Council is

fundamentally undermined. I cannot put that too strongly. There seems to be a habit on the part of the government to come in here and be loose and fancy with the facts that are put before this council. I cannot express my annoyance more strongly in relation to this issue.

Secondly—and I know the Hon. Ian Gilfillan would support me very strongly in this—over the last 12 years, the Legislative Review Committee—going back to when you, Mr Chairman, were a prominent member of that committee and when the leader of this place the Hon. Paul Holloway was a member of the committee—consistently expressed concerns about national scheme legislation and how it was to be implemented. Parliament in this state and in every other state has reserved the right to pass laws. Occasionally we might pass or transfer the law making role on to another parliament, such as the commonwealth parliament or a lead parliament in relation to those schemes.

Members of parliament, backbenchers (led in this case by the Hon. John Rau and in former cases by the Hon. Paul Holloway and by you, sir), have deprecated that practice, but this government with this clause wants to go one step further. It does not want to delegate it just to some foreign parliament or to the national parliament, it wants to delegate it to the executive. No more fundamental breach of the doctrine of separation of powers have I seen since I have been in this place. If the government wants to justify such an unprecedented step, one would think that it would come in here with a cogent case outlining its reasons. What we have witnessed in the last 20 minutes is the government coming in here and misstating the facts with the inevitable consequence of causing people such as me and other members of this place to be misled about the effect of this amendment. That is disgraceful!

The Hon. Robert Lawson raised this issue: if we reject the member for Enfield's amendment, if the commonwealth or COAG declares an earlier date pursuant to this provision, this government can bring in a bill and repeal those specific sections. That is one option, but there is another option, and that is: if this is so important, it seems to me that there is nothing to prevent the commonwealth from declaring this a corresponding law and, if COAG should make such a declaration or order under section 46B of the commonwealth law, it can then revoke its declaration that it is a consistent law, if that is what it thinks it should do.

Either course is acceptable and can be taken without our delegating our legislative power, not only to another parliament; we can go one step further and delegate it to another minister or to the executive arm of government. Wars have been fought to protect the parliament's rights to make laws. This government, without any evidence, attempts to mislead us and pass over that very fundamental principle. This is the reason why I urge all members to vote against the government's amendment. Indeed, I hope that the Hon. Ian Gilfillan, who has been an outspoken critic of this type of national scheme legislation, would stick to those well-held, well-reasoned and well-justified principles and vote this abhorrent amendment down.

The committee divided on the amendment:

AYES (9)

| | |
|---|---|
| Gago, G. E. | Gazzola, J. |
| Holloway, P. | Kanck, S. M. |
| Laidlaw, D. V. | Reynolds, K. |
| Roberts, T. G. (teller) | Sneath, R. K. |
| Zollo, C. | |

NOES (10)

| | |
|---|---|
| Cameron, T. G. | Dawkins, J. S. L. |
| Lawson, R. D. (teller) | Lucas, R. I. |
| Redford, A. J. | Ridgway, D. W. |
| Schaefer, C. V. | Stefani, J. F. |
| Stephens, T. J. | Xenophon, N. |

PAIR(S)

| | |
|---|---|
| Gilfillan, I. | Evans, A. L. |

Majority of 1 for the noes.

Amendment thus negatived; clause passed.

Schedule and title passed.

Bill reported without amendment; committee's report adopted.

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I move:

That this bill now be read a third time

The council divided on the third reading:

AYES (12)

| | |
|---|---|
| Gago, G. E. | Gazzola, J. |
| Holloway, P. | Kanck, S. M. |
| Laidlaw, D. V. | Lawson, R. D. |
| Redford, A. J. | Reynolds, K. |
| Ridgway, D. W. | Roberts, T. G. (teller) |
| Sneath, R. K. | Stephens, T. J. |

NOES (5)

| | |
|---|---|
| Cameron, T. G. | Lucas, R. I. (teller) |
| Schaefer, C. V. | Stefani, J. F. |
| Xenophon, N. | |

PAIR(S)

| | |
|---|---|
| Dawkins, J. S. L. | Evans, A. |
| Gilfillan, I. | Zollo, C. |

Majority of 7 for the ayes.

Third reading thus carried.

Bill passed.

*[Sitting suspended from 1.02 to 2.17 p.m.]*

## QUESTIONS ON NOTICE

**The PRESIDENT:** I direct that written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 119 to 132 and No. 204.

### BUDGET SAVINGS

119-132. **The Hon. R.I. LUCAS:**

1. Will the [relevant minister] outline what is the share of the total $967 million saving strategy announced by the government for the departments and agencies to the Premier?

2. What is the detail of each saving stragety (i.e. each program or service cut) in each of these departments and agencies?

**The Hon. P. HOLLOWAY:** The Premier has provided the following information:

A response to these questions has been printed in the House of Assembly *Hansard* dated Tuesday 13 May 2003, pages 2933-2936.

### SPEEDING OFFENCES

204. **The Hon. T.G. CAMERON:**

1. How many motorists were caught speeding in South Australia between 1 October and 31 December 2002 by:

(a) speed cameras;

(b) laser guns; and

(c) other means;

for the folllowing speed zones:

60-70 km/h;

70-80 km/h;

80-90 km/h;
90-100 km/h;
100-110 km/h;
110 km/h and over?

2. Over this same period, how much revenue was raised from speeding fines in South Australia for each of these percentiles by:
(a) speed cameras;
(b) laser guns; and
(c) other means;

**The Hon. P. HOLLOWAY:** The Minister for Police has provided the following information:

1. (a) Speed Cameras 64 955
(b) Laser guns No Separate data available
(c) Other means 15 467'

For the following speed categories: (speed camera offences only, and relate to a variety of speed limits and speed zones).

| | |
|---|---|
| 60-69 km/h | 497 |
| 70-79 km/h | 49 722 |
| 80-89 km/h | 4 230 |
| 90-99 km/h | 3 213 |
| 100-109 km/h | 1 172 |
| 110 km/h and over | 2 178 |
| Unknown | 12 |

2. (a) Speed Cameras $8 070 086
(b) Laser guns No data available to match question
(c) Other means $2 247 683

### PAPER TABLED

The following paper was laid on the table:

By the Minister for Aboriginal Affairs and Reconciliation (Hon. T.G. Roberts)—

Local Independent Gambling Authority—Inquiry concerning Advertising and Responsible Gambling Codes of Practice—Report.

### REGIONAL IMPACT STATEMENTS

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I lay on the table a copy of a ministerial statement relating to regional impact assessment statements made earlier today in another place by my colleague the Hon. Rory McEwen.

### CHILD PROTECTION REVIEW

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I lay on the table a copy of a ministerial statement relating to the child protection review made earlier today in another place by my colleague the Minister for Social Justice (Hon. Stephanie Key).

## QUESTION TIME

### PUBLIC TRANSPORT, BUDGET CUTS

**The Hon. DIANA LAIDLAW:** Before seeking leave, could I say what an honour has been given to me by my party to ask the first question on my last day, but I also respect that others could have shared this honour. The Hon. Mr Lucas turns 50 on Saturday and I understand that the Hon. Mr Gilfillan turns 70 the same day, so congratulations.

**The Hon. Ian Gilfillan:** I'll be 71.

**The Hon. DIANA LAIDLAW:** Sorry, 71. Excellent! Thank you for deferring to me on this occasion. I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Transport, a question about public transport budget cuts.

Leave granted.

**The Hon. DIANA LAIDLAW:** I believe it is unprecedented that a Minister of Transport failed or indeed the government overall failed in terms of the delivery of a state budget to issue any media release on the transport portfolio.

**The PRESIDENT:** The honourable member is taking advantage of the situation.

**An honourable member:** Leave her alone.

**The PRESIDENT:** I would hate to throw her out for a week!

**The Hon. DIANA LAIDLAW:** It is going to take a long time to get through this explanation. I will rephrase that. To my knowledge, never before has there been a minister of transport or a government as a whole that has failed to issue a press release, at the time of delivery of the state budget, outlining the impact of the budget on the transport portfolio. It did happen on this occasion. I went on a search, therefore, through the budget papers and I have to conclude that the minister was probably right to remain silent. I did discover in Budget Paper 3, on page 2.29 under PTB Savings Initiative, the following advice in small print:

. . . poorly patronised bus services—remove

For the next financial year, the government aims to save $1.8 million and thereafter to 2006-07 $1.95 million, $1.9 million and a further $1.9 million.

*An honourable member interjecting:*

**The Hon. DIANA LAIDLAW:** It's just shy of $2 million, and you wonder whether they did not deliberately reduce this sum by a mere $50 000 just so that we would not say it was a $2 million cut in services that are so-called poorly patronised. The total figure of 7.65 is above the annual savings of $7 million that the former government generated from competitive tendering of public transport services that we fully reinvested in new services. What is more distressing is that most of the poorly patronised services referred to by the government are those that operate in the outer metropolitan areas—Labor heartland; they are night/weekend services. Services that are poorly patronised are generally those frequented by people on low income or concessions. They need such services. I note that, in terms of Labor's social justice and equity agenda, the only other time when there has been a cut of this degree or more in public transport services in South Australia since 1975 was when the former minister for transport, Labor's Frank Blevins, cut evening and weekend services by one-third and cut the frequency of most other services during non-peak hours. I ask the Minister for Transport the following questions:

1. Why has he not practised an open and honest approach with the South Australian public and advised us all that in the budget for next year Labor will seek to save $1.8 million by removing so-called poorly patronised services, and thereafter $1.95 million for each of the three following financial years?

2. As it is possible to believe that this cut could have been authorised by the Minister for Transport without understanding its impact, will he release the social impact statement that he must have had prepared before making his decision? Will he also announce which bus services will be cut next year and thereafter in 2006-07, and the scheduled time frame for each cut?

3. What, if any, replacement services has he agreed will be invested to assist the people he now plans to deprive of access to bus services?

4. As the budget cuts will require an adjustment to the service contracts each operator has with the Passenger Transport Board, and as the Passenger Transport Act does not

allow the minister to be involved in the contracting process, has he issued a direction to the PTB to now renegotiate the bus contracts and, if so, what terms and conditions has he included in the direction to minimise the social impact of this cut?

**The PRESIDENT:** Order! Before the minister answers that, I point out that that was an extremely long explanation and question. In view of the member's limited experience, I am prepared to overlook it on this occasion!

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I am not sure whether it is a budget estimates question, a second reading speech on transport or matters thereafter or a matter of interest. As a question—and under standing orders I will have to do my duty—I will pass that on to the minister and bring back a reply. I have to add also that the honourable member has left a legacy of about four weeks' work for four staff members.

*Members interjecting:*

**The PRESIDENT:** Order! Interjections are out of order.

**The Hon. T.G. ROBERTS:** I will refer that question to the minister and bring back a reply.

*The Hon. Diana Laidlaw interjecting:*

**The Hon. T.G. ROBERTS:** I will have to post a reply to you.

**The Hon. A.J. REDFORD:** I have a supplementary question. Given the former minister's pending retirement, could we have an answer by this afternoon out of respect for long and distinguished service?

**The Hon. T.G. ROBERTS:** I can answer that question: no.

*Members interjecting:*

**The PRESIDENT:** Order! This is not a place of amusement.

## SAMAG

**The Hon. R.I. LUCAS (Leader of the Opposition):** I seek leave to make a brief explanation before asking the minister representing the Premier a question about SAMAG.

Leave granted.

**The Hon. R.I. LUCAS:** Verbal warfare has broken out this morning in relation to the intervention by the head of the South Australian Economic Development Board, Mr Champion de Crespigny, in the SAMAG project. This morning, a media release, or a Stock Exchange announcement, was released by Magnesium International Limited, which is dated today and which is signed by Gordon Galt, Managing Director, Magnesium International Limited. It states:

> Magnesium International Limited (MIL) was informed by the South Australian government last week that the government had received a letter from the head of the South Australian Economic Development Board, Mr de Crespigny, suggesting that the South Australian government undertake a review of the SAMAG project. . .The SAMAG project has received no public encouragement or acknowledgment from Mr de Crespigny. Mr de Crespigny has previously been an advocate of the Australian magnesium project which was owned by Normandy Mining, of which he was Executive Chairman and substantial shareholder. Given that the Australian magnesium project could be a competitor to SAMAG, anyone who is or was associated with that project could be seen to have a conflict of interest in relation to any comments regarding SAMAG.

Time does not permit me to place the rest of the statement on the record. I am happy to provide it to any member who is interested. Soon after that, released on the government fax stream, is a press release from Mr Robert Champion de Crespigny. Again, I do not have time to read it all, but I am happy to provide copies to all members who are interested. Mr de Crespigny indicates as follows:

> This morning Magnesium International issued a press release that confirms statements it had been making to the press and others that they believe I had a conflict of interest in recommending to both the South Australian and federal government on 22 May 2003 that it would be wise for them to review the SAMAG project.
>
> I have no financial interest whatsoever in SAMAG or Australian Magnesium Corporation Limited (AMC). I will receive no benefit from either project, regardless of the outcome.

Further on, Mr de Crespigny says:

> To allege that I have a conflict of interest by recommending an independent review of a project is, I suggest, both naive and paranoid.

In fairness to Mr de Crespigny, I wanted to place on the record aspects of his response to the allegations made by Magnesium International Limited. Members will be aware that earlier this week I placed on the record statements made by the Premier in relation to this issue when first asked about potential conflicts of interest. I remind you, Mr President, and other members, that the answer from Premier Rann was unequivocal when he was asked whether he was concerned there was a potential conflict. Premier Rann's response was:

> No. de Crespigny will not be involved with the SAMAG issue. We have made that very clear publicly before. Obviously, where a member of the board has a conflict of interest, they won't be involved.

In the release today from Mr de Crespigny, issued on the government fax stream, is the following statement:

> I elected, when appointed to the Economic Development Board, not to discuss anything to do with magnesium for six months until 31 October 2002.

It has been put to me that, when one reads the statements made by Premier Rann, there was no indication from Premier Rann that Mr de Crespigny had been limited or had limited himself for a period of only six months until the end of October. Therefore, my questions are:

1. Is it correct that it was Mr de Crespigny's decision, rather than any decision taken by the Premier or a minister of the government, that he would limit himself not to discuss anything to do with magnesium for six months, until 31 October 2002, as is outlined in Mr de Crespigny's statement today?

2. Is it correct that the Premier, given that Mr de Crespigny had made that decision, accepted that as an appropriate guideline in relation to managing potential conflicts of interest in relation to Mr Champion de Crespigny and the SAMAG issue, that is, a limitation of six months?

3. If that is so, that there was a perceived or potential conflict of interest in the period leading up to 31 October 2002, will the Premier indicate, if such a potential existed prior to 31 October, what occurs after 31 October to remove that potential conflict of interest or conflict of interest, as might be the case?

4. Why did the Premier not indicate publicly in his many statements on this issue that Mr de Crespigny was going to be quarantined only in relation to the SAMAG issue by his own choice until 31 October 2002 and was thereafter evidently free to involve himself in the decision making processes of government?

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I am very pleased that in the most recent budget the Rann government reaffirmed its $25 million commitment to the SAMAG project. I would have thought that that was the obvious indication of the state government's

support. As for the other parts of the question, I will refer those to the Premier and bring back a response.

## WATER LEVY

**The Hon. CAROLINE SCHAEFER:** I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about the Rann water tax.

Leave granted.

**The Hon. CAROLINE SCHAEFER:** It was announced in the budget that, under the proposed Rann water tax, people using water supplied by SA Water for non-residential purposes will each attract a tax of $135 per metered water bill. My questions are:

1. Will the minister confirm that farmers who receive more than one SA Water bill or who use more than one SA Water meter will be taxed multiple times under the proposed tax?

2. Has the minister done any preliminary assessment of the impact that water restrictions and the water tax will have on primary industries throughout this state?

3. Was a regional impact statement or a regional impact assessment statement prepared before the announcement of this tax?

**The Hon. P. HOLLOWAY(Minister for Agriculture, Food and Fisheries):** The details of how that tax will apply are matters for my colleague in another place, and I will obtain a response in relation to that. In relation to what work Primary Industries and Resources has done in relation to the impacts of the water restrictions and this new levy, the River Murray levy, my department has been doing some work on this since around October last year, when it was first looking as though there might be problems in relation to flows in the River Murray. In particular, Rural Solutions, part of my department that has been doing work for PIRSA and also does work under contract to the Department of Water, Land and Biodiversity Conservation, has been working closely with irrigators and others in relation to a number of issues to do with the impending water restrictions.

Obviously, as we are getting closer to the time when those restrictions may apply, a lot more work needs to be done. A task force has been set up involving members of the Department of Water, Land and Biodiversity Conservation as well as PIRSA to look at the impact of any water restrictions to try to mitigate their impact upon irrigators and upon the economy of this state. So, PIRSA obviously has an important role to play in ensuring that the impact of any restrictions that may apply will be minimised.

**The Hon. CAROLINE SCHAEFER:** The minister forgot the third part: was a regional impact statement or a regional impact assessment statement prepared before the announcement of the tax?

**The Hon. P. HOLLOWAY:** That particular submission was obviously part of the budget process. I will refer that question to the minister responsible for that particular measure.

**The Hon. CAROLINE SCHAEFER:** By way of a further supplementary question, given that regional impact statements are for the consideration of all members of cabinet, why does the minister not know whether one was prepared?

**The Hon. P. HOLLOWAY:** I do not think it would take a lot of imagination to understand that, if cabinet were discussing a measure such as this, there would be considerable discussion on its impact.

**The Hon. NICK XENOPHON:** Does the minister concede that the water tax as a flat tax is specifically contrary to the Labor Party's policy and its platform?

**The Hon. P. HOLLOWAY:** I think a levy to save the River Murray is entirely consistent with the policy of the Australian Labor Party.

**The Hon. J.F. STEFANI:** Does the minister concede that more money does not mean more water?

**The Hon. P. HOLLOWAY:** What I will say is that, if we are to increase the amount of water flowing down the River Murray, it will cost a significant amount of money. The latest price of water on the marketplace is between $1 million and $1.2 million per gigalitre. Of course, that is for increasing water flows in the river. If one is to make water savings through conservation measures, there are a number of steps which need to be undertaken at a much smaller cost to the taxpayer. One would hope that the campaigns which have been conducted in the past and which will be run in the future by the government will (as they have in the past) improve the conservation of water by the public in South Australia. If the people of South Australia are aware of the dire situation facing this state as far as water is concerned, I am sure they will respond positively in terms of saving water.

## GAWLER CRATON GOLD PROVINCE

**The Hon. CARMEL ZOLLO:** I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the Gawler Craton gold mineral province.

Leave granted.

*An honourable member interjecting:*

**The Hon. CARMEL ZOLLO:** I guess you will find out. The second South Australian Resources and Energy Investment Conference was held in Adelaide on 29 and 30 May 2003. Over 100 key resource, exploration and mining representatives attended the conference, which was opened by the minister. At this conference a number of exciting new resource projects being developed in South Australia were outlined. I understand there was especially great interest in the recently defined gold belt of the north-western Eyre Peninsula. Will the minister inform the council about this new province?

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development):** The South Australian Resources and Energy Investment Conference saw the Gawler Craton region again in the exploration limelight with its newly defined Central Gawler gold province, Australia's newest gold frontier. It is still early days for the gold province but, from the technical presentations made at the conference there is every indication that the area has real gold potential. This province is an interesting arc-shaped belt over 500 kilometres long which stretches north and west from Kimba to Tarcoola.

Exploration is being led by local explorer, Adelaide Resources, whose Barns prospect (north of Wudinna) continues to return encouraging results. These results have allowed Adelaide Resources to enter a partnership with the world's largest gold producer, Newmont, which will see them spend $5 million on exploration over the next five years, with

$1 million committed in the first year. Newmont Australia is, of course, headquartered right here in Adelaide, following its acquisition of Normandy Mining last year, and I am very pleased to see them actively supporting mineral exploration on home ground.

The increased exploration activity in the Gawler Craton gold province is mirrored by Helix resources, which has committed $2 million for exploration at the Tunkillia prospect in this calendar year. Tunkillia is some 120 kilometres to the north north-east of Ceduna and is the very spot where the exciting gold exploration boom ignited in 1996 with Helix's announcement that it had drilled a wide zone of gold mineralisation in this otherwise unexplored region. Helix announced at the conference that it was returning its focus to the Tunkillia prospect where it believes there is potential for a gold deposit, possibly of the order of 500 000 ounces at a grade of 2.5 to 3 grams per tonne. Another 60 kilometres to the north-east of the Tunkillia prospect, exploration companies Anglo Gold and Gravity Capital spent $1 million last year to add to the 76 000 ounce gold resource in the Perseverance Prospect, part of the Tarcoola gold fields. Other companies active in this emerging gold district include Aquila Resources, Aurora Gold and Harmony Gold.

With the pouring of the first gold bar at our newest mine, Challenger, last year, continuing evaluation of the Prominent Hill copper-gold discovery and the 2001-02 year's production of 2 875 kilograms of gold from Olympic Dam, our state appears to be on the verge of an exciting expansion of gold production that in today's global economic conditions is heartening indeed.

## ANANGU PITJANTJATJARA

**The Hon. SANDRA KANCK:** I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about the crisis affecting the Anangu Pitjantjatjara people.

Leave granted.

**The Hon. SANDRA KANCK:** Last year's coronial inquest into the deaths of three people from petrol sniffing on the Anangu Pitjantjatjara lands is a stark indictment on South Australian society. The Coroner, Wayne Chivell, found a community deep in the grip of poverty, drug addiction, despair and domestic violence, and he made the following recommendation in respect of the commonwealth, state and territory governments:

> . . . recognise that petrol sniffing poses an urgent threat to the very substance of the Anangu communities on the Anangu Pitjantjatjara lands. It threatens not only death and permanent disability but also the peace, order and security of communities' cultural and family structures, education, health and community development.

He went on to recommend that a three-tiered, multi-faceted approach be implemented so that the recruitment of young people to this destructive pastime is curbed and proper care is provided to those already in the grip of this insidious addiction. In the state budget the Treasurer committed to expenditure of $12 million over the next four years on the Anangu Pitjantjatjara lands. Based on the Coroner's recommendations, my questions to the minister are:

1. Is the building of a secure care facility providing for detection, detoxification, treatment and rehabilitation on the Anangu Pitjantjatjara lands budgeted for in the next financial year? If not, why not? If so, how much is budgeted for the facility, and when will building begin?

2. Will there be a permanent, sworn SAPOL presence on the Anangu Pitjantjatjara lands during the next financial year. If not, why not? If so, how many SAPOL officers will be located permanently on the lands and where?

3. Will the Anangu Pitjantjatjara lands intergovernmental interagency collaboration committee recommendation of the appointment of four youth workers and a coordinator be implemented in the next financial year? If not, why not?

4. Will a culturally appropriate homelands outstation program be instituted in the next financial year? If not, why not?

5. Will the Public Intoxication Act be amended so that it applies on the lands? If not, why not?

6. Will FAYS have an increased role in relation to children at risk on the lands? If not, why not? If so, what funding has been allocated to this increased role?

7. Will a program of further research and evaluation of the neurological and neuropsychological effects of sniffing petrol be commenced in the next financial year? If not, why not?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** The honourable member asks some very good questions and, in respect of many of them, I have given progress reports in relation to what our strategy is to change the circumstances in which we found the AP people when we took over government.

**The Hon. R.D. Lawson:** Plenty of strategy, but not much progress.

**The Hon. T.G. ROBERTS:** The honourable member says, 'Plenty of strategy, not much progress.' For those people who want instant answers and silver bullets—and I do not include the Hon. Sandra Kanck in that because she has not made that inference—one of the things we have found is that it is a very difficult situation. The people in the AP lands find themselves in difficult circumstances, and it will take a lot of work across agencies and government to fix up these problems. The first thing we had to do was to unify the different groups within the lands to form a governance that was able to engage our governance in such a way that we were able to culturally and sensitively, but with some urgency, immediately put in place some programs. We had to have sets of short-term aims and long-term aims.

The questions that have been asked by the honourable member involve four other departments—police, FAYS, justice and health—and a whole range of people who have not been engaged cross-culturally before. The evidence that we gathered when we were doing assessments throughout the departments was that many people were unfamiliar with the region and its isolation and the problems flowing from that. We continue to work with tier one, which was set up under the previous government and which is encouraging cross agency participation in programming within that area. We had to have a program on how to deal with these problems that was accepted by not only the AP executive but also the communities. We also had to engage the commonwealth (which we have done) and the Northern Territory in order to take into account the movement of people throughout that geographical region. In fact, there is movement throughout Western Australia, the Northern Territory and South Australia. We had to engage cross-state participation.

The administrative program which we had to put in place when we took government was not easy. What we have been able to do is stabilise the governance within the area. We have an understanding with the communities in relation to what we would like to be able to do, particularly in relation

to health and the Coroner's recommendation in regard to petrol sniffing. We made a commitment to the Coroner that we would keep him abreast of the progress that we were making. We told him that there was no simple answer. He understands, as do many others, that the process will be a long one because we have sniffers who are about to commence sniffing, sniffers who have been sniffing for a short term, sniffers who have been sniffing for a medium term and long-term chronic sniffers.

*The Hon. T.G. Cameron interjecting:*

**The Hon. T.G. ROBERTS:** I do not find that to be funny. Each one of those stages in which those sniffers are engaged—

*The Hon. T.G. Cameron interjecting:*

**The Hon. T.G. ROBERTS:** The honourable member may have been laughing about something else—

**The Hon. T.G. Cameron:** I was laughing at your English, not the subject you were talking about.

**The Hon. T.G. ROBERTS:** The honourable member was laughing about my English. I would have thought that the content—

*The Hon. T.G. Cameron interjecting:*

**The Hon. T.G. ROBERTS:** The chair will tell me what to do. Thank you, Mr President. There is a cohort who will be sniffing if no intervention programs are put in place. However, those programs have already started. We have engaged the elders and the traditional owners to put in place traditionally significant programs which will take the sniffers out of the communities and put them onto the lands to re-engage them in cultural and heritage issues. We are trying to re-establish the culture within those lands in an effort to stop the cultural breakdown that is occurring not only as a result of petrol sniffing but also alcohol and drug abuse.

**The Hon. T.G. CAMERON:** Mr President can I move for an extension of time?

**The Hon. T.G. ROBERTS:** Mr President, I have been given 10 questions, so—

**The PRESIDENT:** Yes, and I have asked that that does not happen. If I can make the request again: members ask leave to ask a question, or some questions; 10 is too many.

**The Hon. T.G. ROBERTS:** I will not take up too much of the council's time. I will answer the questions as briefly as I can. I will offer a briefing to the honourable member, because these are wide ranging questions and I will have to refer some of them to other departments. However, inherent in the questions are a lot of budgetary matters that will also come under attention during the budget estimates deliberations. I can say that, in relation to all the questions and all the government departments that will be impacted upon by drafting and implementing policy programs for this, Tier One and Tier Two have been engaged for some considerable time and now have engaged the commonwealth.

We have the COAG trial running in the lands. The commonwealth has just made a commitment and they have made visits. I was in a conference in Umuwa with the commonwealth minister for aboriginal affairs and the minister for health. We are trying to get a commitment from the commonwealth to engage a pool of funding from both commonwealth and state and from non-profit organisations. We have also engaged the services of the University of South Australia, which has made a commitment to funding regimes as well. Therefore, there is some good news in relation to progress. As I have said, there will be no finalised position to this—it will be an ongoing problem. We are going to have a long drawn-out problem with those people who have been psychologically affected, and who have incurred brain damage from sniffing, and this will be a drain on future purses.

I guess that was the intention of the last question asked by the honourable member. We will have to set up those programs. There will be a secure facility, and that will have to be done in a culturally and geographically sensitive way. We would hope to do that this financial year. There will be an increased police presence, and that is at the request of the communities themselves. That commitment has been made by SAPOL, but I will have to refer that question. Although I will have to refer many of the FAYS questions, I can say that attention will be paid to children at risk, because it is a critical question for a whole range of reasons. So, I will offer a briefing to the honourable member in relation to my own portfolio areas, and I will refer the questions to the ministers in another place and bring back replies.

**The Hon. NICK XENOPHON:** I have a supplementary question. Can the minister give details of the communications referred to his department or office that his officers had with the Coroner's office since the Coroner's findings were handed down last year? You made reference to correspondence or communications.

**The Hon. T.G. ROBERTS:** I can give the honourable member a briefing in relation to those matters.

## LOCAL GOVERNMENT DEFINED BENEFITS SUPERANNUATION SCHEME

**The Hon. T.G. CAMERON:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Local Government, questions regarding the local government defined benefits superannuation scheme.

Leave granted.

**The Hon. T.G. CAMERON:** It was recently reported in the Melbourne *Age* that many Victorian local councils face bills of millions of dollars due to their defined benefits superannuation scheme. Unlike most modern superannuation schemes in which employee members carry the risks of investment markets, the local Victorian government fund is a partially defined scheme that guarantees members a positive return on contributions regardless of the performance of its investments. The local authorities' superannuation fund in Victoria has written to councils explaining how much each of them must pay to cover the shortfall in guaranteed returns caused by a 35% collapse in international share prices.

Victorian councils already dealing with a 30 per cent rise in public liability insurance will be left with no alternative but to increase rates. Apparently, $113 million is owed to the scheme. The Municipal Association of Victoria has announced that the situation will lead to rate increases of between 5 and 10 per cent for most councils. Councils have the choice of paying the bill up-front, paying it off over time or booking it as a liability and paying interest. The Victorian defined benefit scheme was closed to new members in 1993. The South Australian Local Government Superannuation Scheme's local super also has a defined benefits scheme—a scheme which is still open to new members. The scheme has assets of over $747 million. Its investment return for the past three years has been a positive 4.3 per cent. However, the return for 2002 was minus 4.7 per cent, with further losses predicted this year unless we see a substantial increase in equity prices.

A 1987 equities market crash, together with currency risks—because, as I understand it, the LGA has been investing overseas and not hedging the currency risk—combined with the Australian dollar appreciating, particularly against the US dollar—and it has been doing so over the past 12 months—could see losses of $200 million which would require a significant cash injection, that is, councils would have no alternative but to go to the government and push up council rates. State-wide Superannuation, run by Frances Magill, is doing a wonderful job in focussing on its membership. It has a stable capital growth fund, yet it has only 50 per cent of funds invested in these higher risk investments. That fund has a probability of a negative return of less than one in 16 years. It has 50 per cent invested in the higher risk area which, in my opinion, would still be far too much for a defined benefits fund. Last year the fund had to dip into reserves; it made a loss.

As of 30 June 2002, the investment mix included 34 per cent in Australian shares, 26 per cent overseas shares, 11 per cent in property, 22 per cent in fixed interest and cash—and I understand $50 million of that has been lodged overseas and then hedged with currency—70 per cent of the fund's assets are in what fund managers consider to be the higher risk category, that is, chasing higher returns. It has $750 million in assets, a defined members benefit scheme and is still operating—and it is being underwritten by the ratepayers of South Australia. I submit that it is financially imprudent for a fund underwritten by ratepayers—that is, the third level of government—to have a quarter of a billion dollars in Australian equities and nearly $200 million invested in stock markets in the USA, Germany, Japan and all over the world—markets which have fallen substantially in the last 12 months, notwithstanding an increase in the last one month.

*An honourable member interjecting:*

**The Hon. T.G. CAMERON:** It is a bit of a Gilfillan preamble, I confess. These shares are unhedged and could be showing significant losses. Whilst the overseas stock markets have improved considerably in the last month of the financial year, we still have a month to go. It is not that the LGA fund has significantly performed. In fact, it can argued that it has done better than the industry average. What I am arguing is that documents indicate that last year overseas shares it invested in showed a return of minus 26.7 per cent, with Australian equities minus 4.7 per cent. Unless the market picks up over the next month, the fund could show another loss this year. Ratepayers could be at significant risk of a debacle worse than Victoria's, if we were to be hit with a significant decline in equity valuation. I understand that the actuary has sent the latest three-year report to the Minister for Local Government and I urge him to read it as soon as possible. My questions are:

1. Will the government release details of the actuarial report it received recently?

2. Will the minister inquire into the financial position of the local government defined benefits superannuation scheme and report back to state parliament?

3. Has the board been paying proper prudential attention to the advice it receives from Mercer Consultants, to whom it pays hundreds of thousand dollars for such advice?

4. Does the minister consider it appropriate for over 70 per cent of the fund's assets to be invested in shares and property, considered by fund managers to be at the higher risk of investments, when the assets of the funds are underwritten by taxpayers?

5. Will the minister investigate whether it is appropriate for the LGA to continue with its defined benefits scheme or should it be terminated?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** We now have a new saying: 'It's a Cameronian style introduction to a question.' I think Mr Gilfillan has just lost the record. I will refer those questions to my colleague in another place and bring back a reply.

## RESTORATIVE JUSTICE

**The Hon. R.D. LAWSON:** I seek leave to make a brief explanation before asking the Minister for Correctional Services, representing the Attorney-General, a question about restorative justice.

Leave granted.

**The Hon. R.D. LAWSON:** An article in the March edition of the newsletter of Victim Support Service Incorporated states:

> . . . the criminal justice system is contributing to increased levels of recidivism and anti-social behaviour and not helping to reduce crime and protect society. Victim Support Service advocates strongly for initiatives which help prevent crime (and thereby avoiding victimisation). We are disappointed in the recent trend away from low cost community based prevention initiatives in favour of high cost punitive measures.

The newsletter continues:

> Victim Support Service believes in the benefit of a restorative justice approach within the criminal justice system and the principles of restorative justice are consistent with our own objectives and in the best interests of victims.

In the latest edition of the Victim Support Service newsletter, the service mentions the long-term benefits of crime prevention, effective treatment and rehabilitation for offenders, as well as appropriate punishment, especially for violent and/or repeat offenders. The article by Michael Dawson, Chief Executive Officer, states:

> We know there are many opportunities for better process and outcomes for victims of crime through restorative justice. . . It is clearly time for the traditional justice system to facilitate and support restorative process, as well as continue to improve the existing ones.

My questions to the Attorney-General are:

1. Does he endorse the principles of restorative justice?

2. What funds have been allocated by the Attorney-General to assist in promoting and implementing programs for restorative justice?

**The Hon. T.G. ROBERTS (Minister for Correctional Services):** I will refer those questions to the Attorney-General in another place and bring back a reply.

## CROWN LAND

**The Hon. D.W. RIDGWAY:** I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about the Crown Lands (Miscellaneous) Amendment Bill.

Leave granted.

**The Hon. D.W. RIDGWAY:** After today, and with the exception of estimates hearings, there are only four sitting days before 15 September 2003. As many members would be aware, a deadline of 30 September 2003 has been set by the government for perpetual lessees to apply to freehold at a discounted rate. In addition, under the recommendations of the select committee, many other conditions of freeholding will change on 30 September, including:

- the transfer of perpetual leases that are able to be freeholded will not be permitted.
- lessees who apply to freehold after 30 September will not have access to the review panel.

These conditions will have a major bearing on whether or not people decide to freehold leases. Many constituents have expressed to me and my colleagues in another place their desire to have these issues confirmed well before the 30 September cut-off date. My questions are:

1. Will the minister assure the council that the Crown Lands (Miscellaneous) Amendment Bill will be debated in parliament before September this year?

2. Does the minister believe that it will be preferable for the leaseholders within his portfolio to know the final details of the Crown Lands (Miscellaneous) Amendment Bill before they are applied to freehold?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I will refer that question to the Minister Assisting the Minister for Environment and Conservation and bring back a reply.

## WORLD ENVIRONMENT DAY

**The Hon. J. GAZZOLA:** I seek leave to make a brief—but nice—explanation before asking the Minister Assisting the Minister for Environment and Conservation a question about World Environment Day.

Leave granted.

**The Hon. J. GAZZOLA:** Members would be aware that today is World Environment Day. In recent months there has been a great deal of discussion in the community about the River Murray, salinity and other environmental issues. My question to the minister is: given that today is World Environment Day, what initiative has the government taken to mark the day?

**The Hon. A.J. Redford:** Have you opened anything today?

**The Hon. T.G. ROBERTS (Minister Assisting the Minister for Environment and Conservation):** No, I haven't, except my mail and a few other things. I note the honourable member turning greener by the day! The Minister for Environment and Conservation today launched Green Print South Australia, which fulfils another election commitment made by the government. It provides the community with a way to monitor the government's environmental progress. Green Print describes some of the environmental challenges facing our state and then details achievements made to meet these challenges. It outlines targets and indicators for future action to allow for public assessment of the government's actions. Green Print provides a guide for government agencies, local government and the private sector to enable them to formulate complementary policies and initiatives.

The first edition of Green Print lays the ground work for the government's annual reporting process. Future editions will become more detailed as pertinent data is collected to provide scope for assessing performance. We expect that Green Print will become a useful reference for assessment of the government's progress in achieving environmental goals. Issues covered in the report include policies and targets for greener cities; waste management; biodiversity; conservation (on and off reserves); marine pollution and coastal management; sustainable energy initiatives; and conservation of built and cultural heritage.

I look forward to working with all sectors of the community to achieve the goals set out in Green Print South Australia. I believe that it will become an essential tool in making South Australia an ecologically sustainable place to live. And there will be a role for each and every member of this council to participate in all those goals.

## TRANSPORT SA, CREDIT CARD PAYMENTS

**The Hon. IAN GILFILLAN:** I seek leave to make an explanation before asking the minister representing the Minister for Transport a question about credit card payments to Transport SA.

Leave granted.

**The Hon. IAN GILFILLAN:** A concerned member of the public contacted me about a recent transaction with Transport SA. This person wanted to pay a speeding fine by telephone using the department's credit card facilities. All necessary details were provided and everything went smoothly until the Transport SA employee asked for the name on the card. The person was not prepared to disclose the name on the card, as it is not required for the telephone processing of a payment by credit card. I should explain that one of my staff verified that a person making a credit card payment by telephone does not need to give the name that appears on the card. This has been verified by banks. The card number and expiry date are sufficient in themselves: no further information is required.

However, Transport SA refused to accept the telephone payment for this fine and, to add insult to injury, threatened to charge a late payment fee unless payment proceeded forthwith. And the only way it would proceed was with the disclosure of the name on the card. There are many reasons why a person would not like to have their name recorded against a credit card payment for goods or services, especially in these times where identity theft is an ongoing concern, and the banks have assured us that that is not necessary to effect the transaction. I also bring the attention of this place to Cabinet Administration Instruction No. 1 of 1989 (also known as the Information Privacy Principles Instruction), which states:

> Collection of personal information.
>
> 1. Personal information should not be collected by unlawful or unfair means, nor should it be collected unnecessarily.

*The Hon. T.G. Cameron interjecting:*

**The Hon. IAN GILFILLAN:** Don't be so jealous. With these details in mind, my questions are:

1. Why is this information being collected by Transport SA?

2. Why are payments being refused unless this extraneous information is provided?

3. Is it appropriate to threaten to charge a late payment fee after refusing to accept payment by an established and approved payment method?

4. Why is collection of this personal information not in breach of the information privacy principles which must be observed in all transactions by South Australian government departments and agencies?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I will take those questions on notice and bring back a reply.

**The Hon. A.J. REDFORD:** While the minister is doing that, will he find out why they will not take Amex and provide a detailed explanation?

**The Hon. T.G. ROBERTS:** I will also refer that question to the honourable member in another place and bring back a reply.

## COGEN DEVICE

**The Hon. A.L. EVANS:** I seek leave to make a brief explanation before asking the minister representing the Premier a question about the COGEN device.

Leave granted.

**The Hon. A.L. EVANS:** Today's *Advertiser* reports that Dr Philip Nitschke will address a public meeting on Saturday, 7 June 2003. The article states that Dr Nitschke intends to display a device that has been designed, developed and produced to assist people to commit suicide. I understand that the device was seized by Australian Customs officers earlier this year. As a consequence, Dr Nitschke will challenge their actions shortly. My questions to the minister are:

1. Given that this is a community meeting, has Dr Nitschke contacted any member of government to inform them of his intention to bring the device into South Australia? If so, what was the nature of those discussions?

2. Have any members of the government been invited to attend; and, if so, are any attending?

3. Has the Premier sought instruction from the federal Minister for Justice and Customs in relation to the legal action being taken in New South Wales? If so, will the Premier advise of any informal advice received to date?

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I will take those questions on notice and bring back a reply for the honourable member as soon as possible.

**The Hon. SANDRA KANCK:** Will the minister recognise that, as long as parliament has refused to pass voluntary euthanasia legislation, methodologies such as this may be the only means by which people are able to end their life in a dignified way?

**The PRESIDENT:** That just passes as a question, not as part of the debate.

**The Hon. P. HOLLOWAY:** I think that is a statement more than a question.

## SHEARING INDUSTRY

**The Hon. T.J. STEPHENS:** My question is directed to the Minister for Agriculture, Food and Fisheries. Does the minister agree with—and would he care to explain—the comments of the Minister for Employment, Training and Further Education in another place that the shearing industry is structurally unsound?

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I am not sure in what context my colleague made those comments. I suspect they may well have related to some aspects of training. I think it appropriate that I consult with my colleague and determine in what context she made those remarks. I suspect they may have related to some problems with training to which I think my colleague the Hon. Bob Sneath has referred in other debates. I will consult with my colleague and bring back a response.

## QUEEN ELIZABETH HOSPITAL

**The Hon. J.F. STEFANI:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about the Queen Elizabeth Hospital.

Leave granted.

**The Hon. J.F. STEFANI:** In a letter dated 13 May 2003 Mr Maurice Henderson, Executive Director of the Queen Elizabeth Hospital Research Foundation, raised the concern that eight out of 15 of the major hazard facilities identified and listed in South Australia were in the catchment area of the Queen Elizabeth Hospital. According to Dr Andrew Pearce, who is an expert in risk assessment, in a worst case scenario if a petrochemical plant went up or a fertiliser factory exploded, the loss of life could be in the hundreds, if not thousands. This could be as a result of an incident occurring in a built-up area. If Dr Pearce's projections are correct, there is a greater than 50 per cent chance that we will have a significant incident in one of the major hazard facilities in the catchment area of the Queen Elizabeth Hospital in the next 15 years. My questions are:

1. Will the minister advise the council how the Queen Elizabeth Hospital would cope with this crisis?

2. What steps has the government taken to ensure that appropriate funding and resources are allocated to the Queen Elizabeth Hospital in the event of such a calamity?

3. Will the government confirm the anticipated time frame of stages 2 and 3 of the redevelopment of the Queen Elizabeth Hospital?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I thank the honourable member for his question, and I will endeavour to take it back to the relevant ministers; I think it needs to go to the emergency services and health ministers. I thank the honourable member for his interest in this. I point out that we have just lost as close as we can get to a petrochemical works in this state, but there are many danger areas in this state, particularly in Adelaide, which could present major problems for emergency services and health.

## MINISTERIAL REGIONAL RESPONSIBILITY

**The Hon. J.S.L. DAWKINS:** I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Premier, a question in relation to ministerial regional responsibility.

Leave granted.

**The Hon. J.S.L. DAWKINS:** Members would be aware that last year the government designated the Hon. John Hill as the Minister for the Southern Suburbs and subsequently opened an office in the south. In addition, the government also established an office in the north at Edinburgh late last year with the Hon. Lea Stevens, Minister for Health and member for Elizabeth, being known as the lead minister for that office. However, as I mentioned in this place last week, it would seem that the Hon. Jay Weatherill, Minister for Urban Development and Planning, has replaced the Hon. Lea Stevens as the minister responsible for the office.

On 19 November last year I advised the council that residents of the western suburbs of Adelaide had contacted me, asking whether the government was planning to give equal treatment to the important issues relevant to that sector of the metropolitan area. On that day I asked the then minister for regional affairs to inquire about any government plans to open an office of the west and designate ministerial responsibility for that region of Adelaide. I have not yet received a response. However, my constituents in the western suburbs have again contacted me. They are keen to see the establish-

ment of a dedicated office of the western suburbs with similar aims as those recently stated for the Office for the North by the Minister for Urban Development and Planning. My questions are:

1. When will I receive a response to my question of 19 November 2002?

2. Will the Premier indicate whether he intends to establish a whole of government approach to the western suburbs focused around an office for the west and a designated minister?

3. Will the minister ask the Commissioner for Public Employment to establish a regional facilitation group of senior public servants for the western suburbs?

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I will refer that question to the Premier. I note, however, that those residents of the western suburbs, in which suburbs I have spent most of my life, are extremely well represented with the members of parliament they have, ranging from my colleague the Minister for Energy, Pat Conlon, the member for Elder—the Hon. Stephanie Key; the Hon. Michael Wright; Tom Koutsantonis, the member for West Torrens; Paul Caica, the member for Colton; the Treasurer; and the Attorney-General. So, the western suburbs are very well represented, but I will refer that question to the Premier.

## REPLIES TO QUESTIONS

### SEVERE ACUTE RESPIRATORY SYNDROME

In reply to **Hon. T.G. CAMERON** (14 May).

**The Hon. P. HOLLOWAY:** The Premier has provided the following information:

1. The Commissioner for Public Employment's Determination in relation to travel requires that chief executive approval be obtained before an employee can depart for overseas travel for official business purposes and that each case is to be considered separately and assessed on its merits by the chief executive or a senior executive within the agency.

The usual requirements in relation to occupational health and safety of employees applies to that approval process, including reference to travel advice and travel bulletins issued by the Department of Foreign Affairs and Trade.

In addition, after consultation with the Department for Human Services, the Commissioner distributed to Portfolio Chief Executives an 'Occupational Health Advice: Severe Acute Respiratory Syndrome (SARS)' that provided information about: what SARS is and how it is transmitted; symptoms; treatment required; who is most at risk; guidelines for the workplace; and where further information can be obtained.

2. Agency chief executives are responsible for ensuring employees are aware of risks of SARS and are required to assess those risks when assessing whether to approve overseas travel. In addition, in the 'Occupational Health Advice' provided to Portfolio Chief Executives, the Commissioner advised that information should be provided to staff by appropriate means.

3. The 'Occupational Health Advice' provided information about guidelines for the workplace. Those guidelines are based on a comprehensive guide for work/school precautions for travellers issued by the Australian Department of Health and Ageing (http://www.health.gov.au/sars/guidelines/workpre.htm). The Commissioner for Public Employment advises that if an employee who, as part of their work, is required to travel to an area in Asia affected by SARS, is consequently required to undergo a quarantine period, that employee would not be regarded as being on sick leave or annual leave. Depending on the particular circumstances, that employee should be provided with work capable of being done from home or be granted special leave with pay.

4. Depending on the particular circumstances, the guide issued by the Australian Department of Health and Ageing does not necessarily require nor suggest that a medical clearance be obtained before an employee returns to work. Where an employee who, as part of their work, has been required to travel to an area in Asia affected by SARS and, in the particular circumstances, a chief executive requires the employee to obtain a medical clearance, the Commissioner for Public Employment advises that the agency would need to meet the reasonable cost of obtaining that medical clearance.

### SOUTH AUSTRALIAN RESEARCH AND DEVELOPMENT INSTITUTE

In reply to **Hon. T.J. STEPHENS** (27 May).

**The Hon. P. HOLLOWAY:** The publication of the second booklet in the Wine Grape Production Series relating to nutrition and irrigation has been delayed and is now expected to be with the publisher/printer by around the end of June. The delay from the earlier anticipated publication date is due to the involvement of the key author and others contributing to this booklet in other wine industry funded research activities. This booklet is entirely a SARDI initiative and is being completed without any funding support from the wine grape industry or the publisher. Scientists contributing to this publication have a first priority to use their expertise and resources in the implementation and completion of industry funded projects.

The final sections of this publication that are being prepared at the moment are very timely in view of the pending water restrictions for SA irrigators. These sections are concerned with irrigation scheduling and irrigation practices that are designed to maximise water use efficiency. The authors are currently reviewing these sections to ensure it is as helpful as possible in providing growers with the best possible information on irrigation practices. It is planned that the booklet will be available to assist grape growers with some of the difficult decisions facing them in the coming production season.

### VOLUNTEERS

In reply to **Hon. KATE REYNOLDS** (1 May).

**The Hon. P. HOLLOWAY:** The Premier has provided the following information:

The state government has recognised the vital importance of volunteers in South Australia, and has demonstrated this by initiating the Volunteer Partnership, the first of its type in Australia.

From twelve months of intensive community consultation in developing the Partnership, the state government has gained a better understanding of the issues our volunteers have to face on a day-to-day basis and their concerns. Many of these concerns will be addressed through the implementation of the Volunteer Partnership. It will ensure that volunteers have a direct voice into government on important matters such as volunteer driver accreditation and training.

In relation to community transport schemes, the government does not currently require accreditation for volunteer drivers but acknowledges that many community organisations have introduced their own driver accreditation schemes. These often form part of their risk management strategies which may include a basic driver assessment, training, medical clearances and national police certificates.

It is recognised that all drivers of passengers have a duty of care to people in their vehicles. These passengers may include young children, the frail and elderly.

Police checks are currently free of charge to concession card holders. In addition, the government is also investing in free training programs for volunteers to assist them increase their skills and build the capacity of local communities.

The Volunteer Partnership, entitled Advancing the Community Together, was signed on Volunteers Day, 19 May 2003 by myself as Premier and representatives from 29 community organisations and peak bodies. The state government, along with the Volunteer Sector, is committed to its implementation and working in partnership to achieve results for all volunteers in South Australia.

### FISHERIES ACT

In reply to **Hon. CAROLINE SCHAEFER** (27 May).

**The Hon. P. HOLLOWAY:** The review of the Fisheries Act 1982 is being overseen by a 17 member Steering Committee chaired by Dr John Radcliffe AM. The Steering Committee is made up of stakeholders from government, commercial fishing, recreational fishing, conservation and the Indigenous community and provides strategic advice on the review of the Act. Supporting the Steering Committee are five Reference Groups whose role it is to provide input from the point of view of their respective sectors. The Reference Groups represent the following specific interest groups: Indigenous, Commercial fishing, Recreational fishing, government,

and Community and conservation. Each Reference Group is chaired by a member of the Steering Committee, except for Recreational fishing where the Chair is a PIRSA Fisheries Manager. To date, the involvement of the five Reference Groups has centred on the development of questions and issues for the Green Paper, which was released in mid November 2002.

The Indigenous Reference Group met on the 19 August and 5 September 2002; the Commercial Fishing Reference Group on the 6 September 2002; the Recreational Fishing Reference G roup on 3 September and 17 November 2 002; the government reference Group on the 9 August and 19 December 2002; and the Community and Conservation Reference Group on the 4 September and 29 November 2002. Attendance at all the Reference Group meetings was left up to the Chair of each Group and the core participants. There were no restrictions placed on other people attending who were affiliated with the respective groups.

The work of the five Reference Groups contributed significantly to the content of the Green Paper and to the community consultation strategy for that paper. The public consultation process consisted of 24 public meetings in 19 locations across metropolitan and country South Australia which were attended by approximately 610 people. The program of public consultations finished when submissions to the review closed on 28 February 2003. Reference Group members received copies of the Green Paper in November 2002 and were invited to make submissions to the review. In addition, they were encouraged to get their respective sectors to make submissions to the review. Reports of the Reference Group meetings were presented by the Chair of each Group (or their representative) at the last meeting of the Steering Committee meeting on 28 March 2003.

The Green Paper process attracted 156 written submissions, the analysis of which is nearing completion. A meeting has been scheduled on 17 June 2003 for a subcommittee of the Steering Committee to examine the results of the analysis of the issues raised in the submissions. The recommendations of the subcommittee will then be examined by the Steering Committee at a full day meeting on 4 July 2003. The Steering Committee expects to have its report to me shortly afterwards. This report will be used for the preparation and release of a White Paper on the review of the Fisheries Act and 1 have undertaken to consult with the Steering Committee on this paper. It is expected that the release of the White Paper will be followed by the release of a Consultation Draft Bill for public comment later this year.

It is too early to say what the nature and extent of any future involvement of the Reference Groups will be, as any further participation is up to the Steering Committee, which established the Reference Groups to facilitate development of the Green Paper. 1 expect this will be a matter for consideration by the Steering Committee at its 4 July 2003 meeting. 1 can advise the House that the response to the review of the Fisheries Act has been tremendous, as has been the role of the Steering Committee, and the process has been seen as being open, inclusive and comprehensive by those in the community who have an interest in this important review.

## POWER SUBSIDIES

In reply to **Hon. A.L. EVANS** (17 February).

**The Hon. P. HOLLOWAY:** The Minister for Social Justice has provided the following information:

1. The South Australian government currently provides an energy concession of $70 per year to Commonwealth Pensioner Concession Card holders.

2. Family and Youth Services and a number of non-government organisations provide free financial counselling to assist people to gain control of their finances. Households experiencing acute financial crisis may also be eligible for a payment under the Emergency Electricity Payments Scheme.

3. An Emergency Electricity Payments Scheme is currently administered by Family and Youth Services to assist households who find themselves in a crisis and unable to pay their quarterly electricity account. The scheme provides a once-off payment of up to $200 to customers experiencing acute financial crisis.

4. Any changes to the provision of energy concessions will be considered within the context of the government's funding and policy priorities.

## BAXTER DETENTION CENTRE

In reply to **Hon. KATE REYNOLDS** (30 April).

**The Hon. P. HOLLOWAY:** The Minister for Police has provided the following information:

The Baxter Centre is a commonwealth facility, managed by the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA), and operated by a private company, Australasian Corrections Management. SAPOL has no involvement in the operations or management of the Centre.

SAPOL is not currently investigating any allegation of any assault that has allegedly occurred within the Baxter Centre. State resources have not been used to investigate offences committed at detention centres except where such offences require specialist investigators not available to the Commonwealth agencies.

In accordance with Section 8 of the Police Act 1998, any ministerial direction given to the Commissioner must be published in the Gazette within 8 days of the date of the direction and laid before each House of Parliament within sitting days.

South Australia police have not been instructed not to investigate any assault at the Baxter Detention Centre. As the Centre falls within the jurisdiction of Federal agencies, SAPOL refers any complainants reporting minor assault or other complaints regarding management or living conditions to the appropriate Federal Authority.

SAPOL has and continues to provide specialist support in the investigation of certain serious offences (eg child or sexual offences). Requests for assistance to SAPOL from within the Centre or a Federal Authority such as the Australian Federal Police are directed to the Local Service Commander who makes an assessment and provides an appropriate response.

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## STATUTES AMENDMENT (WATER CONSERVATION PRACTICES) BILL

Adjourned debate on second reading.

(Continued from 3 June. Page 2558.)

**The Hon. T.G. ROBERTS (Minister Assisting the Minister for Environment and Conservation):** I thank members for their contributions and I hope that I have replies to all the questions. In relation to a question asked about the government's being able to have some say about rainwater collected off a tank and whether the government can tell you what to do with rainwater you collect off your own roof, even though you paid the money to install the tank, we would not want to discourage the use of rainwater tanks. People collecting water in rainwater tanks would want to use the water wisely and efficiently and the government accepts that—

*The Hon. A.J. Redford interjecting:*

**The Hon. T.G. ROBERTS:** Someone asked the question and I am giving a reply. Another question was: if it applied to any water, what of the Great Artesian Basin? Yes, it could apply to water taken from the Great Artesian Basin. The government believes that all water in this state should be used efficiently and wisely.

Why are the penalties expressed differently? The bill provides for consistency of penalties across the Water Resources Act and the Waterworks Act as they relate to conservation measures. The penalties are expressed slightly differently—that is page 5, clause 6, amendment of section 10 of the Waterworks Act—because those particular penalty provisions apply to all the other things covered in section 10. In reply to a comment that the expiation fee of $315 is not high enough, the figure of $315 arises in the context of the desire to standardise the approach to penalties. The standard

indicates that where the penalty is $500 000 for a natural person, then the corresponding expiation fee is $315.

In relation to the impact on property rights, it does not take away rights to access and use water but imposes certain conditions, that is, that water is used efficiently and wisely on those rights. In relation to the statement that the bill withdraws irrigation rights and/or alters the quantity of water irrigators may use and provides the right to dictate the types of crops, irrigation practices and quantities of water available to irrigators are dealt with through water allocation plans and licence conditions. Water allocation plans are developed via the extensive community consultation and negotiation processes. There is no intention or reason to attempt to use water conservation provisions to override such statutory instruments.

Another question was: why would you not exempt stock and domestic use from these provisions? The bill is about using water wisely and efficiently, not about restricting commercial or essential activity. Another question was: can an order be made for a dam to be filled in? I am not quite sure who asked that question, but I will have to provide an answer during the committee stage. In relation to whether this gives control permanently to how water can be used in this state, it is limited to five years in the case of longer term conservation measures; and, in cases where insufficient water is available, it is limited to one year. Provisions are modelled on existing provisions in section 33A of the Waterworks Act, which currently are being used to control activities relating to water use on Eyre Peninsula without ill-effect on stock use or other irrigators, the reason being that the intention is to cover non-essential water use.

Another question asked was: what were the regulatory options suggested to the minister? If the question is to ascertain what kinds of measures have been suggested, examples of possible measures include limits on times to water garden lawns, no washing of paved areas except in emergencies, using trigger hoses or buckets to wash cars and using buckets to top up ponds or fountains. What is meant by 'classes of persons'? It enables the regulation to apply or not apply, that is, to exempt specific groups of people. Will this legislation enable the government or bureaucrats to pick winners and determine the share of water resources? The determination of the amount of water and the share of the resources to which people are entitled is done through the extensive consultation process of the development of water allocation plans. My having answered those questions, hopefully, we can move to the committee stage and pass the bill as soon as possible.

Bill read a second time.

In committee.

Clause 1.

**The Hon. CAROLINE SCHAEFER:** For some time it has been the practice that, if someone has something extra to say, they should do so at clause 1. Therefore, I want to say that my worst fears have been confirmed by the minister's answers to questions in this place, in that he has said that the government can control rainwater caught off people's roofs at their own cost and for their own use. As I said in my second reading speech, this bill fills me with fear and horror. It is some of the most draconian legislation I have seen. Amendments have been moved in another place but, in my view, had it not been for the extreme shortage of water that this state is currently experiencing, we would have opposed the bill in its entirety.

I believe that this government, and future governments, will live to regret having passed such draconian laws and having rushed them through both houses of parliament at the end of a session in the way that has occurred. I am very concerned about this bill, which will control people's livelihood and their right to grow crops. The amendment, which now places a 5-year sunset clause on conservation measures, improves the original bill but it still means that someone may, for instance, plant a perennial or a vine crop in good faith but have their ability to water it removed for five years. There is little that I can do at this late stage with what I think is inherently flawed legislation being put in, for perhaps some good reasons, but now that the door has been opened a crack I believe the opportunity has been used to give far-reaching powers that are not necessary for any minister.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

**The Hon. A.J. REDFORD:** Clause 4 is fairly long and the amendments come a fair way into it, but I do have some questions in relation to the earlier parts of this clause. I draw the minister's attention to new section 17A (1)(a), which provides:

> water conversation measures may do one or more of the following:
>
> (a) prohibit the use of water for a specified purpose or purposes, or restrict or regulate the purposes for which water can be used;

I would be grateful if the minister would explain what sort of purposes, restrictions or regulations he has in mind. As a member of the Legislative Review Committee, we will have the responsibility of reviewing regulations, and this will give the Legislative Review Committee an understanding of what the intent of parliament was so far as this bill is concerned.

**The Hon. T.G. ROBERTS:** I am told that we refer to them as non-critical issues. You want the regulatory areas that we would be moving into—is that the tenor of the question?

**The Hon. A.J. REDFORD:** With respect, I do not think the minister understood. Proposed section 17A talks about a water conservation measure and it describes, or says, that a water conservation measure can do a couple of things. One of the things it says a water conservation measure can do is prohibit the use of water. It then goes on and says, 'for a specified purpose or purposes'. What I want to know is, what sort of purpose or purposes does the government have available or is it likely to use?

**The Hon. T.G. ROBERTS:** It is those areas that are not critical in people's daily lives: washing paved areas, watering lawns and gardens, washing cars and filling swimming pools, perhaps, depending on how critical the shortages are, and fountains; those sorts of things.

**The Hon. CAROLINE SCHAEFER:** Could the minister indicate where it says that water conservation measures are going to be implemented for non-critical areas of people's daily lives? It appears to me to be far more wide-ranging than that.

**The Hon. T.G. ROBERTS:** It does not say that in the bill. But water restrictions have been around for a long time and they have applied in other states in many meaningful and meaningless ways. They are what most people would determine to be an aggravation rather than an imposition, but things do get critical and you have to have a look at the ways in which you apply restrictions. But they would not be done without consultation. They would not be done in a way that

would unnecessarily aggravate the citizenry of this state. That would be foolish. It would backfire on the government.

**The Hon. A.J. REDFORD:** I acknowledge that ultimately these measures come into effect by way of regulation and, when they do, parliament will be able to supervise them on an ad hoc basis. I am just trying to understand what the government understands to be the case in terms of those ad hoc regulations so that when we come to assess them down the track we have some sort of basis for that assessment. I understand what the minister means when he says non-critical—washing paved areas and cars, filling pools, asphalt and all sorts of what I would probably describe as non-essential uses—but is it proposed that it might go beyond that? For example, could there be restrictions that might affect a business's capacity to continue, for argument's sake?

**The Hon. T.G. ROBERTS:** Essentially, the bill concerns water conservation practices. It does not deal with the emergency circumstances the honourable member alludes to; and the bill is heavy on consultation. There may be emergency circumstances where other factors have to be taken into account but that does not come into this bill.

**The Hon. A.J. REDFORD:** In an emergency situation, which is the area I am particularly interested in—parliament can deal with the longer term—you are likely to have the capacity to severely affect individuals and to effect a severe intrusion on their rights. I understand that the government is saying,'Look, from time to time, that might be necessary.' I think that we would all acknowledge that there might be a circumstance where that could happen.

I am interested in how the government will apply it. We have all been relatively lucky in our lifetimes, because we have all had a fairly generous access to the River Murray in proportion to our population. We have all had drinking quality water coming through our showers and for our toilets, washing machines and lawns. That may not be available to our modern society for the life of this legislative measure—and I suspect that that might well be the case. I am interested in how the government sees this being applied. Sure, I understand that you are going to stop us washing cars and footpaths and the like, but what is the next step and what is the step after that in terms of a conservation measure?

**The Hon. T.G. ROBERTS:** The bill does not cover those sorts of circumstances, but they are covered under the existing Water Resources Act, where legislation can be applied to those sorts of issues.

**The Hon. A.J. Redford:** Which one?

**The Hon. T.G. ROBERTS:** Any emergency situation.

**The Hon. A.J. Redford:** What section?

**The Hon. T.G. ROBERTS:** Section 17.

**The Hon. A.J. Redford:** What does this measure do that section 16 does not do?

**The Hon. T.G. ROBERTS:** Section 16 prohibits you from taking water from either prescribed or unprescribed wells. This is basically a conservation issue of sacrifice that is non-essential. If a restriction was put on you from taking water from a prescribed or unprescribed well, that may well impact on stock or farm activities. Those restrictions are already in the act. It is not those questions we are dealing with.

**The Hon. A.J. REDFORD:** Why can't you do what you are suggesting you might want to do under existing section 16? Why do you need this in addition to section 16? That is what I do not understand.

**The Hon. T.G. ROBERTS:** Are you suggesting we do it by regulation?

**The Hon. A.J. Redford:** No.

**The Hon. T.G. ROBERTS:** This bill is just prescribing what you would regard as sensible use of the resource, that is, as has been described in the media, the non-watering of lawns and median strips. The way in which we use water now is inefficient, particularly in the metropolitan area. We all see timers being used on water sprays and sprinklers during the middle of the day, which is probably the worst time. These measures suggest better ways of using the existing resource, without putting limitations on the drawing of water. It is giving advice on how to save water and how to use water best. It is a practical way of saving water.

**The Hon. A.J. REDFORD:** Just so the minister knows where I am heading, in my second reading speech—and I spent some time on it—I talked about the distinction of the provision of water to me as a household consumer, where there is a vendor of water and they sell me a quantity of water. They may wish to restrict my access to that so that I do not have unlimited access to that water. There would be restrictions, and as far as that is concerned I think the minister has adequately explained the sorts of restrictions there. However, there are also people who may well be affected by these regulations who have a water right, and that might be for agricultural purposes. How would this provision apply in those circumstances?

**The Hon. T.G. ROBERTS:** There are no intentions of impacting on anybody who already has an allocation or a licence that is covered by these current statutory processes. Other parts of the existing act would cover that. These are just regulatory options for government to sell to people to use as wisely as possible the general water allocation to the broad community. So, the question that the honourable member raises is covered by the current legislation.

**The Hon. A.J. REDFORD:** I will put this scenario to you—and this is a critical question. It may not be for the passage of the bill but it might be in terms of scrutiny of the legislation further down the track. My understanding of the effect of the minister's answer is that, in terms of a water licence and what that might or might not entitle me to do, the provisions of part 4, division 1A will not be applied, that generally speaking, this will be applied only to household customers and industrial customers.

**The Hon. T.G. ROBERTS:** Section 29 of the existing act covers the conditions issued with a licence, and they can be changed or altered by regulations or by the minister deeming that changes be made.

**The Hon. A.J. REDFORD:** In other words, these provisions do not affect those who have a water licence. These provisions will not affect them and will not be used to affect them. Section 29 of the existing act will be the means by which the minister would propose to control licensees.

**The Hon. T.G. ROBERTS:** A person seeks the conditions under section 29 and the volume is controlled under section 16—the volumetric control.

**The Hon. CAROLINE SCHAEFER:** If the current act, without the amendments in this bill, covers all those areas, one would have to ask: why do we have this bill before us?

**The Hon. T.G. ROBERTS:** The current act does not control the prescribed areas about which we are talking. It does not spell it out.

**The Hon. A.J. REDFORD:** I am a simple person, with probably a single digit IQ. What is this doing that is not already in the act? I do not think I am an orphan in asking that question.

**The Hon. T.G. ROBERTS:** The Water Resources Act does not enable us to control activities, such as watering lawns. There is no prescription for that in the current act. It does not enable us to prescribe activities such as these, and that is why we are being prescriptive. It spells out those controls, so that the government would have some say in being able to influence people.

**The Hon. A.J. REDFORD:** Is that as far as it goes? Does it affect the commercial user? If it is confined to that, I am as happy as Larry. But the answers that I am getting are equivocal. I do not know whether it could be applied, for argument's sake, by a minister who suddenly decides that wine is bad for our health, so he will stop the irrigation of grapes on the basis of its being a conservation measure.

*The Hon. Caroline Schaefer interjecting:*

**The Hon. A.J. REDFORD:** That is what I am having trouble getting my mind around and where your answers are not clear, so I can understand what you are driving at.

**The Hon. CAROLINE SCHAEFER:** I will use an example. What if I were a grower of turf? I have a water allocation and I choose to use my water allocation to grow turf. It is not terribly fashionable at the moment to have a lawn, particularly those which are high water use, and it is a high water use practice to grow turf. Can some draconian minister some time in the future—certainly not this minister—say, 'We will not have any more turf grown in South Australia,' and/or, 'We are not going to have any lawns in South Australia.'? Can he simply impose water restrictions whereby it is impossible to have those practices?

**The Hon. T.G. ROBERTS:** If a person had an allocation of water, it would be subject to a water allocation plan, and it would spell out under what conditions the person could use the water.

**The Hon. A.J. REDFORD:** This could overwrite a plan.

**The Hon. T.G. ROBERTS:** A plan is a statutory right.

**The Hon. A.J. REDFORD:** So, this will not be used to overwrite a water allocation plan. If the answer is yes, I will keep quiet.

**The Hon. T.G. ROBERTS:** I guess it is not a clear yes or no. The minister would have to give consideration to the provisions of any relevant water allocation plan or any other relevant part of this act, which means that when he makes a consideration he has to observe the other acts that may come into play. It is not a simple case of yes or no: consideration has to be given.

**The Hon. A.J. REDFORD:** I want to ask some questions about proposed subsection (3)(b). This will interest you, Mr Chairman, because what the bill provides is the capacity for a minister to make regulations for long-term measures and short-term measures. You might remember, Mr Chairman, that sometimes these things can be abused. You might recall that you had a situation where the government sought to ban nets, and you sought to disallow those regulations and were successful three times and then we ran out of time. That, as I said to you both privately and, I think, on the public record, was a misuse of the regulation-making power by the former government.

It should have respected and acknowledged the will of the house of the parliament in continuing to reinstate regulations that were disallowed. What I am concerned about here is the short-term measures. Is it the government's intention not to roll over short-term measures? If it is, what would those circumstances be?

**The Hon. T.G. ROBERTS:** The regulation would expire after one year, then they would have to come back to parliament for consideration.

**The Hon. A.J. REDFORD:** The minister would know, as would those who advise him, that what you can do, particularly with the use of clause 26AA is turn a short-term measure into a long-term measure by continuous rolling over; and that is legally possible. Will the government give us an assurance that it is not going to do that?

**The Hon. T.G. ROBERTS:** It is not the intention of the government to do that.

**The Hon. CAROLINE SCHAEFER:** I move:

Page 4, lines 15 and 16—Leave out paragraph (b) and insert:

(b) the minister should give consideration—

(i) to the impact that the regulation would have on any rights or entitlements arising under or by virtue of any licences or permits granted under this act; and

(ii) to the provisions of any relevant water allocation plan, and of any other relevant part of this act.

If this amendment, which is fairly simple in the context of this bill, is passed, then that will allay some of the reservations expressed by me and by the Hon. Angus Redford. As I think we have pointed out, our concern is not so much with conservation measures that are necessary wherever they are necessary, and not so much with conservation measures that are largely educative in townships but, rather, with long-term or medium-term effects on people who make their living from the use of water, not just from the River Murray but from anywhere. I commend this amendment.

**The Hon. T.G. ROBERTS:** To be consistent with what I have said and to make sure that both the Hon. Mr Redford and the Hon. Caroline Schaefer rest easy in bed tonight, the government will accept the amendment.

**The Hon. SANDRA KANCK:** I indicate Democrat acceptance of this amendment. It does not tie the minister's hands in any way. It simply requires that consideration be given and, under the circumstances where there is likely to be fear about the minister's powers, an amendment like this may alleviate some of that fear.

Amendment carried.

**The Hon. T.G. ROBERTS:** I move:

Page 4, lines 27 and 28—Leave out paragraph (c).

While giving consideration to the bill as it has been progressing through the second reading stage of the Legislative Council, parliamentary counsel has noticed that a consequential amendment is required to be made in proposed new section 17A of the Water Resources Act 1977 relating to the periods for which a water conservation measure can apply. Members would be aware that the amendments made to the bill in the House of Assembly introduced a scheme under which water conservation measures would be introduced by regulations, which would operate for a period of either one year (short-term measures) or up to five years (longer-term measures).

Prior to the amendments, the measure could operate for any period, including indefinitely. This was provided for by paragraph (c) of section 17A(7). In preparing the amendments for the House of Assembly this paragraph should have been omitted but was not. As a consequential amendment, an amendment has been prepared to address this matter.

**The Hon. CAROLINE SCHAEFER:** The opposition accepts this amendment. I have had it explained to me as a drafting measure, and I thank parliamentary counsel for pointing that out to me.

Amendment carried; clause as amended passed.

Remaining clauses (5 to 10) and title passed.

Bill reported with amendments; committee's report adopted.

Bill read a third time and passed.

## SITTINGS AND BUSINESS

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I move:

That the council at its rising adjourn until Thursday 26 June.

This is the last full day on which the Hon. Diana Laidlaw will be a member of this place. The Hon. Diana Laidlaw has served this parliament with distinction for many years. It does not seem all that long ago that she was working over the road on the 15th floor of the AMP building when I was there also working for a federal MP. It must have been about 1980 or 1981. It does not seem all that long ago; how quickly the years pass.

It is a great honour to be elected to serve the people of South Australia in this parliament, but there are few of us who have achieved the heights that the Hon. Diana Laidlaw has. She achieved a very high profile for a member of the Legislative Council. We have had other high profile MLCs, but that is probably due more to notoriety, whereas in the case of the Hon. Diana Laidlaw it has been her force of personality that has achieved that.

The Hon. Diana Laidlaw was minister for transport, minister for the arts and minister for the status of women for over eight years (from 1993 to 2002). In fact, I think she was the longest serving transport minister in Australia at that time. Obviously, she has many achievements that she will be able to look back on in relation to transport, planning and the arts. I will leave it to her to rate those in terms of what has given her the greatest satisfaction, but I am sure that, for the people of this state, there are many achievements during that time for which they would like to thank her.

The Hon. Diana Laidlaw also held a number of shadow ministerial appointments during the 1980s. She was the shadow minister for community welfare, marine, arts and cultural heritage, local government relations, women, and transport. During her time in parliament she was also Chair of the West Beach Recreation Reserve Committee; the Chair of the Adelaide Cemeteries Authority Bill Committee; and a member of the Environment, Resources and Development Committee. She was also, as I recall, the chair of a committee into the Crown Lands Act or the Pastoral Leases Act.

The honourable member has been involved in an incredibly wide number of activities. She was a delegation leader in the Australian Political Exchange Program to China in 1988; a member of the South Australian Committee of the Queen's Trust (since 1984); a participant in His Royal Highness the Duke of Edinburgh's Sixth Commonwealth Study Conference; Vice-President of the Sturt Football Club; a member of Surf Lifesaving SA; a member of the Victor Harbor Horse Tram Society; a member of the Hand Knitters Guild; and, of course, we now know that she is also a winemaker and retailer.

**An honourable member:** Of note.

**The Hon. P. HOLLOWAY:** Yes.

*The Hon. A.J. Redford interjecting:*

**The Hon. P. HOLLOWAY:** Yes, the Hon. Di Laidlaw has worked very hard in her time as a Legislative Councillor for the good of South Australia. She is to be commended for her advocacy of social policy law reform, especially in the areas of prostitution and euthanasia. She has been a fine advocate for the arts and a staunch defender of its independence. During her career, the Hon. Diana Laidlaw has been seen as more than simply a politician. Interestingly, in an article in the *Sunday Mail* (in about 1988) entitled 'Our state's most eligible', the Hon. Diana Laidlaw is listed alongside Adriana Xenides and Andrew Jarman as being part of an 'eclectic mix of eminently desirable bachelors and spinsters'. According to this article, 'the Hon. Diana Laidlaw does not let her good manners interfere with a good parliamentary stoush, she is hard-working, strong-minded, vivacious, a good cook and has a great interest in the arts.'

It is also worth noting that in an *Advertiser* article of 3 December 1991, the Hon. Diana Laidlaw was described as 'strong, gutsy and determined'. I note that in her maiden speech she made the following point:

. . . South Australians also require from the government decisive, creative and compassionate leadership—leadership that is prepared to take us into its confidence to capitalise on all opportunities as they are presented, and to work diligently and with integrity on our behalf. . .

South Australians deserve the best from their elected representatives, and it is certainly the case that the Hon. Diana Laidlaw has worked hard to achieve the hope she expressed in her maiden speech. She has worked diligently and with integrity on behalf of all South Australians. On behalf of the government, I wish the Hon. Diana Laidlaw every success in what will be, I am sure, a very busy retirement.

**Honourable members:** Hear, hear!

**The Hon. DIANA LAIDLAW:** I thank the leader for moving this motion at this time when there is government business to attend to and also for his generous words to me personally and on behalf of the Labor Party. The generosity which I have seen in this place today and in the other place reflects well on the parliament, and I hope to see that reflected in community support for this chamber in the longer term.

This is my last full day as a member of the Legislative Council. Tomorrow, when I hand in my letter of resignation to the President, I will do so confidently knowing that I retire as a woman. Earlier today, I received advice from our Clerk, Jan Davis, that Her Excellency the Governor, Ms Marjorie Jackson-Nelson had this morning in Executive Council given her assent to the Constitution (Gender Neutral Language) Amendment Bill. All members will recall that I introduced this private member's bill in this place on 29 March to delete all 83 references that stated that all MPs are male. So, from today, officially as well as in fact, all 69 members of the South Australian parliament are recognised as a man or a woman. I would like to thank all members of this place and the other place, the officers of Parliament House, Government House and the Cabinet Office for expeditiously processing this bill and for their acute sensitivity to the timing, granting me my last wish on the day that I retire—not gender neutral but as a woman.

The past 14 hours have been pretty amazing for me. In addition to the assent being given to that bill, there was the passage of the most comprehensive liberalisation of shop trading laws in the 21 years that I have been a member of this place. I place on the record that never did I believe that I would see an issue which I have championed for so many years come to pass while I was here, let alone in my lifetime. It has been amazing to be part of this experience. I was not

sure whether the parliament was presenting me with a passing gift for recognition of my advocacy over the years; nevertheless, I have taken the liberty of interpreting it in that way, not just because you are responding to Graeme Samuel but the fact that you actually believe in the cause that I have been advocating for all of those years. However, it is amazing what a bit of money can do.

It was also amazing for me to sit in the other place for 2¼ hours today to hear, following the motion of the member for Waite, the tributes to me. I should indicate on the record today that it was my request to my colleagues yesterday that if anybody spoke only one did so, and we all dobbed in the Hon. Rob Lucas, so, he had better be good—

*An honourable member interjecting:*

**The Hon. DIANA LAIDLAW:** —or we will withdraw the request; yes. I understand from those who have witnessed proceedings in the other place for a long time that this was an unprecedented move by the other place in recording a tribute to the retirement of a member of this place. It was certainly unprecedented to have 20 speakers, 12 from the Liberal Party, seven from the Labor Party and even the Speaker; he was nice to me today. So, I thank you all—

*An honourable member interjecting:*

**The Hon. DIANA LAIDLAW:** Not contrite: just nice. They brought back to me so many memories of my earlier time working with Murray Hill, and the Leader today went back even further than that: I think you were working with Ralph Jacobi and I was working with John McLeay at the time. It has been an eventful and very special day for me, and I thank everybody for their generosity. Some of the members of my own party in the House of Assembly were so nice that when they receive *Hansard* I will ask them to sign it as a true and correct record, because it has not always been my recollection of what they thought of me from time to time over recent years. Their contributions reminded me that I learnt early that as a member of the Legislative Council it was unlikely I would achieve much in public office without gaining the trust and respect of others. Sometimes this was not easy, but the process of doing so was always worthwhile, and so was the outcome.

Earlier I specifically mentioned our Clerk and our Governor by name because, when I entered this place over 20 years ago in December 1982, there were very few women in South Australia or anywhere in the world who held decision making positions in public office or generally. I certainly recall the day when we all celebrated Mrs Jan Davis's career rise in winning the position—I am not sure whether it was even competed for; you may well have been the unanimous choice—as the first woman Black Rod in any Westminster parliament in the world and then the first woman Clerk, and I have quoted that many times in many meetings. Jan, like so many women who have risen to high public position and held those positions with honesty, integrity and dignity, it has been wonderful for me to see you excel. It has also certainly been one of the big changes that have unfolded in our society over the past two decades, that is, more and more women in decision making positions. I trust that it will continue and even gather pace.

I would like to think I have played a role in this change, and certainly by advocacy and example I have always been conscious that I should be a role model for women generally and younger women in particular. Therefore, I suspect you all know that I was ecstatic when the Liberal Party called for nominations to fill my casual vacancy in the Legislative Council and seven women nominated and there was not a man in sight.

**The Hon. R.K. Sneath:** They aren't game!

**The Hon. DIANA LAIDLAW:** I am not too sure what the reason was, but I was thrilled. I congratulate Ms Michelle Lensink on winning that pre-selection and hope that she too will find her representative responsibilities as rewarding as I have, overall.

There is one issue I would like to raise in relation to women, and I refer back to my maiden speech on 15 December 1982. I said:

> I do not strive to enter this chamber in order to be a spokesperson for women's rights. It is my view that every member in the performance of his or her job has a responsibility to understand the aspirations and needs of women and to help advance their interests and prospects. Only if that happens will our society be healthy, strong, wise and robust.

I express in passing a small disappointment, because I believe today that it is generally still left to women to be advocates for the advancement of women. In terms of change, certainly we have seen more women in decision making positions, but I would certainly like to think that in future we will see more men, particularly members of parliament as leaders in our community, taking up this issue with genuine commitment to see change.

When I entered this place I was only the fourth woman to be elected to this council since 1836. I was only the second Liberal, following the Hon. Jessie Cooper, who had retired some years earlier, and therefore when I came to this place I was the only Liberal woman in this council at that time and for some time. Of the 69 members there were only six women overall; today there are 22. It was wonderful last night to have a photograph taken (and I regret the absence of the Hon. Caroline Schaefer, who was ill) with all women members of parliament. Caroline, I have been assured that with computer imaging we can squeeze you in.

I am also excited that, on the eve of my retirement, the House of Assembly has taken the initiative to produce a pamphlet, which will be widely distributed to all visitors to this parliament, which celebrates the tapestries in the other place that remain on the walls in that chamber—and long may they remain there. It was important to me to be involved in this publication so that all visitors in future understand the extraordinarily important role that this parliament has played in social legislation over time for the benefit of women, families and children, and that role has been so positive in our system of democracy overall. I did want to ensure that the people generally were proud of what we did as a parliament.

As I said earlier, as I go it is one of the really upsetting things to see such undermining of this institution of parliament that is happening, particularly in another place but also generally. I pray that, coming up to the Constitutional Convention, this government will proudly and firmly promote the parliament as a whole as the bastion and champion of democracy in our state—and the parliament includes the Legislative Council. We need a system of checks and balances; that is how the Westminster system works. We do not want to get into a situation where there is no Legislative Council, as occurred in Queensland, where there was real corruption through the parliamentary system and calls for royal commissions because there was no system of checks and balances. I plead with you: as custodians of the Legislative Council and this parliament, do not allow the demise of this place. Certainly, there will always be improvements; that is important. You do not want to relax and be content; change

will always happen, but do not take the step of getting rid of this place, because thereafter there will be no check on change.

I wish to thank the Liberal Party for pre-selecting me on three occasions. I refer back to my maiden speech on 15 December 1982, when I said:

> Although I stand here because the Liberal Party included me in its council team and although I believe strongly in Liberal principles and will work to uphold them in our community, it is my hope that I will be judged as an individual who does not harbour undue prejudices and as a person who has the ability to understand if not agree with a variety of points of view.

I can say that, 21 years on, the Liberal Party has been able to accommodate me. I want to say, too, that I could only have ever been a member of the Liberal Party: it allowed me to express my views from time to time and did not expel me for doing so. I want to say that the Liberal Party has also provided me opportunities that no other woman in any parliament in Australia has ever had, and therefore the first opportunities women have had in a whole range of positions.

Over the 21 years in which I have been a member of this place, I have served 17 years as a shadow minister and 12 years as minister in the same three portfolios—transport, the arts and the status of women. I understand that is unprecedented. In 1987, when I gained the shadow portfolio of transport, I was the first woman in Australia to be entrusted by her party with the transport portfolio, and at the time I know my rural male colleagues were not the only ones sceptical about this move. But 15 years later, I feel that the faith placed in me initially by Dale Baker and then all my Liberal leaders was not unjustified.

Today I want to refer to a statement made by Transport SA's longest serving employee, Mr Dean Whitford—and he has given me permission to use this statement. At a celebration earlier this year to mark his 47 years of service, when asked who was the best transport minister over this period, Dean initially hesitated and then said, 'It is hard to say, because until Di came along, they all did as they were told.'

I knew what I wanted to do at the start of my responsibilities as minister of transport because I had been fortunate to have four years apprenticeship as shadow minister, and, because there was scepticism about my having this role of transport, I suppose I listened and learned and was out to prove myself. I had a very clear agenda about what I wanted to achieve on behalf of the Liberal Party, and we set a cracking pace from the start. In fact, my first acting chief of staff, incidentally a male, told me to ease up after six weeks because I would burn out. He retired after eight weeks into his job—eight years later I was still there and still firing on all fronts.

Across transport I worked with many wonderful people and some excruciatingly stubborn engineers and regulators. I am really proud that together we gained for South Australia infrastructure improvements that had been promised for decades but had never been delivered, and we did so notwithstanding the inherited state debt—the Southern Expressway, which had been talked about for years as the third arterial road, the Berri bridge, the Far North roads, the jetty upgrades, the sealing of the rural arterial roads, the Burra-Morgan Road, Kimba-Cleve and the like which had been promised for some 40 years.

These were important commitments not only in terms of transport infrastructure in this state but also to the communities across the state. They were particularly important to me at a personal level. They were not just pieces of infrastructure and they were not just dollars that I somehow got from the treasurers—Robert Lucas and Stephen Baker earlier. I just did not see them in terms of fights and infrastructure: I saw them in terms of benefits for people.

I want to relate quickly one story of a woman at the Kimba-Cleve opening who thanked me for this road because of the personal time that she gained in her life. She took her son and others to footy practice, but because of schools closing, smaller teams and other things, over various years she was having to travel further and further each Saturday, and therefore having to get up earlier and, on top of this, allow time for punctures on all those roads. She said that I and the Liberal government gave back at least half an hour to her personal time on Saturdays. I just thought it was a great story to see such infrastructure providing such personal benefit to people.

We also got money out of the federal government, which was not easy, either, for the Adelaide-Darwin railway, the realignment of the Adelaide-Crafers Road and the Port River expressway, including the twin bridges. We established the rail infrastructure fund. We enabled A-trains to travel south from Port Augusta and B-double access routes were extended. Overtaking lanes were built across the state, new regional road programs were commenced with local government, safer routes to school were promoted, cycle paths were established everywhere and it became legal for kids to use roller-blades on footpaths—and I will never forget that I nearly lost my job, not my life, over this reform. National road rules were introduced for the first time since federation and cowboys (or rotters) in the heavy vehicle industry became a focus of enforcement efforts.

My plea to the government after seeing its two budgets is that it just has to invest more money in infrastructure, and particularly transport infrastructure in this state. We are too reliant on export and we are so distant from market. If we are to have investment in this state and if we are to have jobs and keep our young people here, we have to guarantee that we have the infrastructure which will ensure that we are cost competitive in getting our product to market. I do not see that recognition by this government in its last two budgets. I plead to them: if you do not have the money in your state budget, work with the private sector to get it and do not be narrow in terms of the union perspective because the state as a whole, our young people, require you to think big in terms of exports, products, job and transport infrastructure.

In terms of the PTB, TransAdelaide and public transport, I inherited skyrocketing operating costs demanding more and more taxpayer subsidy each year and plummeting patronage. I worked with others to develop the competitive tendering policy for public transport. It is fair to say that collectively the public transport unions were not impressed with the policy but they were equally unimpressed with the Labor Party, and I knew that fact gave me an opening to work with the unions through their fears and concerns. I was always accessible and I always kept my word. We worked through a lot of issues over many years. I believe that they came to respect me. I certainly came to respect them and I learnt a lot. One of the big lessons I learnt from working with the unions was to try to reach a win-win situation—not winner take all, a win-win situation. We had many late nights on the balcony smoking. I even drank beer to be nice to the union guys and the workplace committees. That was a big sacrifice for me—I have never done it since—

**The Hon. T.G. Roberts:** They started swearing?

**The Hon. DIANA LAIDLAW:** They started swearing, yes, and they have stopped since I have gone, too! Anyway, we reorganised the state transport authority as TransAdelaide and restructured it to compete. I inherently have never thought that there was anything a great deal better in the private sector than in the public. What I believe in passionately is competition. I wanted TransAdelaide public sector to believe in themselves, to compete and to win. I can say that I was devastated when the PTB on two occasions—after all the work that went into trying to make TransAdelaide competitive as a public transport organisation—did not win in its own right any of the competitive tenders. I was left to pick up much of the flack publicly and much of the heartbreak across the organisation. It came on top of the bombshells with the federal government's decision to sell Australian National, but I have to say that, on reflection, all the operators that have come into the transport system—road and rail—have all built their businesses—freight and passenger—and have all served this state exceedingly well.

I just repeat, I will not go over the other benefits of competitive tendering—the $7 million annual savings that the former Liberal government reinvested in public transport infrastructure—but I do want to make a brief reference to a letter I received this week from Mr Geoff Mountjoy, Chairman of Directors, Australian Transit Enterprises Pty Ltd. He is also the operator of Transit Plus services in the Hills and Southlink, and also one of the big private sector bus operators in Australia. He said:

> You must be congratulated for your determination and enthusiasm in improving South Australia's transport system for, as we have observed since, it is held in such high regard both nationally and internationally. I am sure that without this drive and political commitment the system would not have achieved the improvements required to reverse the patronage decline that has troubled other systems. You should be aware that patronage in this state continues to go up by 3 per cent—in all other jurisdictions it is going down.

In relation to the arts, I could say so much because it has been a passion of mine. One of the big thrills was establishing Windmill Performing Arts Company for children and women (I spoke on that during the Matters of Interest debate yesterday). I also mention the Cabaret Festival, the Festival of Ideas, Wagner's Ring Cycle, Music Business Adelaide and Music House, our nation's second great orchestra the ASO, the resurgence of the film industry (and I do particularly want to thank Rob Kerin for his phenomenal help in securing the *McLeod's Daughters* series for South Australia), Australia's only subscription series of performances in country areas championed by Country Arts SA, the Come Out Festival, commissioned work, the best Fringe Festival almost anywhere in the world, the Aboriginal Cultures Gallery, South Australian Living Artists Week, Arts SA emerging artists program, the arts-led recovery of Hindley Street, the redevelopment of the Festival Centre and all our cultural institutions along North Terrace. I applaud all the people I worked with in those companies, including the artists, the musicians, filmmakers and the like, and the unsung arts administrators.

I had lots of tests in the arts, including the last Adelaide Festival which nearly destroyed me emotionally. I could not believe that it was being managed so consistently badly, and that I was being hit consistently from Hitler to 10-day programs and much, much more. On reflection, I suspect I survived all the tests in the arts and went on to be South Australia's longest-serving arts minister because for me it was—and still is—impossible to imagine a world without the arts. As Christopher Hunt, another difficult Adelaide Festival arts director, said to me early in 1994, 'civilisations are remembered for their wars and their arts.' In 1997 I gained the urban planning portfolio, and I quickly discovered that there was hell on earth. Everyone assumes that they have rights to develop on their own property, but in the next breath they are more than ready to deny their neighbour exactly the same rights. It is a political minefield out there in planning and it is hard to keep the big picture, but I tried. I am really pleased to have been, with my party, part of introducing an urban growth boundary for Adelaide—the first in Australia to limit urban sprawl and protect our prime agricultural and horticultural land adjacent to our boundary. I have been involved in closing down Wingfield dump from next year, bringing in legislation to streamline the development process to protect significant trees, to provide for energy efficiency in housing, and to promote the strategy of Parklands 21 and our coastal linear bike and recreation path from the Treasurer's electorate, North Haven, to Sellicks Hill.

Overall I think the best job I had was that of the Status of Women portfolio, because it gave me a licence to interfere everywhere—and I did. I have loved my job, and I have lived it. I want to thank everyone: my colleagues; the parliament as a whole; all the people in the agencies; and in particular Cynthia Richardson who worked with me as a personal assistant for 17 years (and I really wonder how she ever did it, when I saw her last night, but she is surviving without me and thriving). I also made many friends in parliament—one in particular I acknowledge, the Hon. Sandra Kanck. When I came into this place the advice from my father was that I would make no real friends—that was not true, but I never imagined that if I made a friend that it would be you Sandra, and a Democrat!

I thank you for many shared experiences and I acknowledge also the support and encouragement gained from the Hon. Carolyn Pickles from time to time. The Hon. Caroline Schaefer has also been a real pillar of strength for me, but what happens in political parties is that it is sometimes difficult to say exactly what you wish to say, because you are sometimes more vulnerable speaking to your colleagues than you are across party lines. It is a strange part of political life and it was easier not to tell the Hon. Caroline Schaefer or my other women colleagues some of the things I felt from time to time because it might compromise them and I did not feel easy with them knowing some of those things when I went into battle for other causes. I would never wish to have been vulnerable in that regard. So, the Hon. Sandra Kanck became my friend.

I retire with few regrets other than the fact that my cabinet colleagues were never prepared to make me acting treasurer for even half a day, and I tried for eight years. Just imagine how much more I could have achieved if the Hon. Robert Lucas had just been nicer to me for half a day. I do regret, as I said, the undermining of the Legislative Council and then there is the issue of prostitution; but I am not going to dwell on it because it was not the biggest issue for me in the parliament. It was, though, perhaps, one of the most disappointing in the sense that the Legislative Council, in my view, not only in regard to that issue and justice for women, did not address the issue in terms of law reform and review and justice such as it is our job to do.

I do hope that in terms of raising the status of and arguing for the role of the Legislative Council, somehow members can come to grips with those big responsibilities, that is, what is required in terms of social justice and fairness to all South Australians. Women came into this place as members of

parliament—and it was the first place in the world where they were entitled to stand for parliament—because of that overwhelming sense of justice and equity of opportunity. We started off with such a grand history. I hope that as we advance in this century we retain a respect for the Legislative Council because we are able, not only through our conduct, but because we ourselves are prepared to, to address the best issues of justice for all, and that means the most vulnerable in the community.

I retire tomorrow and from the day after that I am going to do lots of things, including lose weight. I complained—I just want to put this on the record—some years ago about putting on weight and Julia Mourant in my office told me to shut up, that I weighed only eight and a half stone and all the rest was thick skin. From tomorrow, I will no longer need my thick skin. It has been useful to date, but it can go from Saturday. Thank you all most sincerely for the best years of my life, and the majority of my life, and thank you for indulging me this afternoon.

**Honourable members:** Hear, hear!

*Honourable members then rose in an ovation.*

**The PRESIDENT:** I will allow the breach of standing orders on this occasion.

**The Hon. R.I. LUCAS (Leader of the Opposition):** I rise on behalf of my colleagues to say a few words about shared experiences with Di and wish her well for the future. Can I indicate that, given the lateness of the hour in terms of the parliament's processing of legislation, a number of my colleagues, as Di knows, intend to place on the public record their tribute later in this session. They have undertaken that copies of their *Hansard* transcripts will be sent to Di.

*An honourable member interjecting:*

**The Hon. R.I. LUCAS:** Signed copies as well. I have to say, this morning at 10:40 we sat in our small party room on the first floor, where Legislative Council Liberal Party members have met for many years, and there was a real sense of sadness for me as I acknowledged and we acknowledged that this was to be Di's last Liberal Party Legislative Council meeting.

I remember our very first Liberal Party Legislative Council meeting some 20½ years ago—and Di will probably recall this, too. Without going into all the gory detail of party meetings—because that might not be for children's ears—the meeting was to elect Liberal Party office bearers as we went into opposition straight after the 1982 election. It was a bitter affair. Di and I, and Peter Dunn, our other colleague who was a little older and more mature than Di and I were at that stage, proceeded to vote for the party positions. Our first experience of the camaraderie and spirit of togetherness in the Liberal Party was that one unsuccessful candidate stood on his feet and delivered a very powerful speech—and I will not go into the detail—and left the party room, never to return again.

It is fair to say that Di and I were partly responsible for that, in that we did not vote for that person. It certainly was an eye opener in respect of the spirit of camaraderie and togetherness we were looking forward to in our careers in the Legislative Council! Di and I have shared many experiences over 20½ years. We come from vastly differing backgrounds, as she will acknowledge. She has a slightly greater interest in the Art Gallery and the opera than I do—only slightly. She has certainly trained me a little bit in recent times.

*The Hon. Diana Laidlaw interjecting:*

**The Hon. R.I. LUCAS:** Exactly! And the advent of young boys with an interest in the area helps, as well. I have a slightly greater interest in sport and a variety of other things, as well. We have shared together tears of joy and sadness over 20 years in terms of our own personal experiences. However, more importantly for Di and me are the experiences of our own party, the party we joined and for which we have worked very hard to try to see it in government. As Di indicated—and the Hon. Mr Holloway referred to this—the first 11 years of our collective experience in parliament was sharing the joys of opposition. For new members who complain of one staff member and perhaps a trainee, Di and I can remember that when first we came in Premier Bannon allowed us to have one secretary between five members.

**An honourable member:** Very generous!

**The Hon. R.I. LUCAS:** We had the joy of one secretary for one day a week to do all our work. The loyalty that many of her staff have shown her is to Di's credit—and this is one of the unfailing attributes she has demonstrated over the years. As she indicated, Cynthia Richardson is one staff member who spent 17 years in various forms working with Di, very loyally, just as Di was loyal to her during that long period.

As we sit in our first floor party room it will not seem the same not to have Di as an active part of the party room. As I thought about what I might say today, my mind went back to that period of opposition in the 1980s. Di indicated that one of the great attributes of the Liberal Party that attracted her was the ability to be able to freely express her own view, and she did that on a number of occasions through the 1980s. Indeed, on a number of occasions there was safety in numbers, Di. I remind you about votes where we were the two Liberal members supporting the Labor government at the time in relation to the introduction of the casino.

I remind you also of cannabis law reform in relation to removing the penalty of gaol for a first minor offence. I also refer to issues in relation to homosexual law reform and the extension of powers of protection under the antidiscrimation legislation. In addition, there were the votes in relation to poker machines, which we still debate these days. Di and I share the view that the votes we took then we would take again today if we were in such a position.

All through that period, Di formed her views quickly and, when she did, she argued for them passionately. It might have been individually with somebody in the corridor, the Legislative Council party room, the joint party room or in public. Wherever it was, Di was unfailingly prepared to argue passionately for her views. Indeed, she indicated on a couple of occasions last week the history of her representations in the Liberal Party regarding shopping reform dating back to 1984, with various papers calling for reform of shop trading hours. If I recall rightly, one of the first arguments we had in those days was whether we could sell red meat on Saturday mornings. It would be the end of civilisation as we knew it. Butchers would no longer exist, and that was just 20 years ago in terms of shop trading reform. There were many issues during that period.

Mr President, you will recall former colleagues of ours, Peter Dunn and Martin Cameron. I recall with fondness our very first trip—and the Hon. Terry Roberts will be interested in this—to the Pitjantjatjara lands. There are a number of stories. I will recount one, Di; you can recount the others if you like. You might have a right of reply. Peter Dunn was a well known pilot who flew a very small plane. There were four or five of us. This was only a small plane that had to fly a long way. We had sworn that we would take no more than

a little sports bag of clothes and other things with us to the Pitjantjatjara lands for three or four days. Of course, Martin Cameron arrived, as was his wont, probably with the clothes on his back and that was about it, having travelled before.

**The Hon. T.G. Roberts:** And his bagpipes!

**The Hon. R.I. LUCAS:** He probably did have his bagpipes, knowing Martin. Peter Dunn was a similar case. I had done my best in terms of getting a reasonable sized sports bag. As we sat on the tarmac at Adelaide Airport, Di arrived with the biggest suitcase Peter Dunn had ever seen. He looked at Di and realised the futility of having an argument with Di, because it was all essential. This would have been about 1984. I did not know much about small planes; I am not a great small plane flyer. As we took off, there was this little noise that little planes make when they are overloaded. It went, 'Beep, beep, beep.' I said to Peter Dunn, 'What on earth is that?' He said, 'Don't worry. I think we're all right. We're just overloaded. It's Di's bloody bag.' I should not say that, should I Mr President? It was Di's bag.

**The Hon. Diana Laidlaw:** He was less charitable than that.

**The Hon. R.I. LUCAS:** Yes, I censored it for the purposes of *Hansard*. It was an enormously informative and enjoyable trip, full of laughs. As I said, I will leave it to Di if she wants to recount the stories of that trip. In those days, the Legislative Council did many things in opposition in trips to the regional areas and communities, flying the flag for the Liberal Party. When cleaning out some of my old papers a month or so ago, I found a specific one, and I have a copy for you, Di. Di was a great one for publicity in terms of being the shadow minister for transport. At one stage, when Dale Baker was the leader—and it must have been world bike day, world exercise day or world something day—one of her great ideas was that Dale Baker would get on a bike and ride from his home at Burnside, or wherever it was. I have photos of David Wotton and, me (I was always rounded up into these things; I was under 50 I suppose, so therefore I could ride a bike)—

*An honourable member interjecting:*

**The Hon. R.I. LUCAS:** Not for much longer; sadly I will soon be on the other side. Also in the photograph is Ian Smith, who the democrats will know (and I have a copy of the photograph to send to Smithy as well). The photo shows the five of us bedecked in lycra racing suits. However, it happened to be a day like yesterday afternoon; it absolutely pelted down with rain. There were jackets, and whatever else, to try to protect us. There we were, endeavouring to get publicity for World Bike Day, or whatever it was. The five of us were riding down Kensington Road and through Victoria Square with this bright idea. Di, I cannot remember whether it worked—

*The Hon. Diana Laidlaw interjecting:*

**The Hon. R.I. LUCAS:** I remember it and I have photographs to prove it. I give those examples to demonstrate that during those long years in opposition Di was an extraordinarily hard worker—one of the hardest workers I have seen amongst all members of parliament in my period in the parliament. She was a hard worker in matters of reform and the argument of her case within the various forums of the party, a hard worker in the community in generating publicity for her ideas, a hard worker for the Liberal Party in terms of trying to win the first couple of elections during the 1980s—although unsuccessfully—and a hard worker in her community work and her portfolio. Some of her testimony, to which she referred today, and from others she has worked with, is evidence of not only the pleasure and joy she brought to many people but also the benefits she has brought to her time in opposition, and, more particularly, in government.

I will not spend much time talking about government, because Di devoted many of her comments to her time in government. She has listed some of her achievements, including the Southern Expressway, her package of reforms in relation to passenger transport and the difficult decisions in relation to outsourcing bus services. If I may put on my hat as a treasurer, I am aware of the complexity of outsourcing arrangements or privatisation deals. They are extraordinarily complicated arrangements, and Di demonstrated her capacity, in terms of her management and oversight as minister, to deal with what was a complex deal.

**The Hon. J.S.L. Dawkins:** She delivered the Berri bridge.

**The Hon. R.I. LUCAS:** She delivered the Berri bridge, as the Hon. John Dawkins said—not that that helped us in the Riverland seat of course—not that that was the purpose! In relation to the arts portfolio, on a previous occasion Di has listed her achievements. But one only has to walk along North Terrace to see testimony of eight years of hard work and passionate argument—believe me—within the cabinet—

**The Hon. Diana Laidlaw:** It was hard to wear you down!

**The Hon. R.I. LUCAS:** Well, you only had to wear me down for the last four years. During the first four years I was a spending minister, as well as minister for education. The walk along North Terrace is testimony to the changing face of North Terrace. I invite members to recall what North Terrace and the institutions were like 10 years ago and to note what they are now. In no small part that is due to Di and the support that former leaders, first, Dean Brown and, in particular, John Olsen gave to Di.

I acknowledge a shared task. Di did leave my small committee in frustration halfway through, but she shared the same passion—even though she left me to fight the battle—in relation to the Riverbank cabinet committee. We have a shared passion and, hopefully, in the future, when finances permit this government, or indeed a future government, we will see that master vision for turning what we believe ought to be a centrepiece for the future development of Adelaide into a showcase. It is a travesty at the moment that it is a half-finished vision for the future. As I said, we hope that a future government will complete that vision for the heart of Adelaide and its future development.

In conclusion, on behalf of my colleagues, I publicly acknowledge Di's wonderful achievements, not just for herself—as she would be the first to acknowledge—but also on behalf of her party, the Liberal Party, whether it be in opposition or in government, and, in particular, on behalf of the wider public and the community that she chose to serve. I know that in the future, whatever the challenges are for Di, there will be an important element of community service in her work. We said in our party room today that we look forward to continuing contact. She hastened to say that she would provide advice only if asked—and I have that recorded, Di! Seriously, we hope she will stay in contact and provide us with advice and wise counsel from her continuing contacts with the community.

Di, having thanked you on behalf of the party, I personally will miss you a great deal. We come from vastly different backgrounds, but we have shared many tears of sadness and joy over 20 years, and we have shared many achievements. I personally acknowledge all your hard work and achievements in your 20 years of public service. Personally, I am very sad to see you go, following Peter Dunn. As I said, the

three of us came into this parliament together in 1982. I wish you very well for the future.

**The Hon. SANDRA KANCK:** For those members who have not seen it, Diana Laidlaw's 'with compliments' slip describes her as 'backbencher at large' with an exclamation mark. I think that exclamation mark is probably very warranted. For those members who did not already know about some of Di's achievements, we have heard this afternoon that she is a formidable woman. I first came to know Diana shortly after I was elected to parliament, when parliament resumed in February 1994, and on the first day Diana gave notice of motion of introduction of her Passenger Transport Act. I was plunged into very heavy legislation, a complete rewrite with major reforms, and I was put on a very steep learning curve. As Diana has said, she was the first female transport minister. We had a unique occurrence just then. We had the Hon. Diana Laidlaw, the Hon. Barbara Wiese and me, so here was a bill where three women, who were holding the transport portfolios for their respective parties, worked on the bill. It was an amazing experience. There was no chest beating. The rate at which we went through that bill was just incredible. Where we agreed, we moved on. We did not have to grandstand. We knew there would be disagreement and that we would have to sort it out as we went along.

When we got to the sorting out point, I was astounded when Diana invited Barbara and me to her office where she opened a bottle of wine. We sat down and talked about the agreements and disagreements we had with the bill and about the various amendments that Barbara Wiese and I had put up. In between, we strayed and talked about our childhoods, why we were in parliament and a range of significant experiences in our lives, and then we got to the Passenger Transport Bill. It was a wonderful experience, a very affirming experience. It set a pattern for me with Diana. Later, when she was introducing bills, she would invite me to her office for a briefing, which was usually over at least a cup of coffee, often sitting out on the balcony so Diana could have a cigarette. The approach was always inclusive and I very much valued that. As Diana herself has said, she was surprised to find a friendship developing with me, and I must say—because we come very much from opposite sides of the tracks—it was a surprise to me as well. It is a friendship that I very much value.

Diana took her job seriously, for instance, going out and getting a bus driver's licence so she knew what it was that the bus drivers were doing. She was not too proud in any way to mix with the unionists who were involved in that portfolio. In fact, I think she went out of her way to ensure that she knew what those people were thinking. The process of consultation that Diana set up for the first bill was one that she carried through. In relation to the prostitution bill, Carolyn Pickles, Diana and I forged a very strong working relationship. During that time I came to see that Diana was not ashamed to wear her heart on her sleeve; that showed also with other important social issues such as voluntary euthanasia.

Diana combined her ministerial portfolios—transport, arts, status of women and urban planning—in a unique way. I remember one of the early ones was 'Poetry on the buses', which really stretched the overlapping of portfolios, but she managed to do it. She understood how inextricably the transport and urban planning portfolios are linked. She has set things in place that are precedents now that I do not think anyone else would dare to challenge. For instance, she began a twice yearly luncheon for the women who were awarded Order of Australia awards and Queen's Birthday awards.

She would bring the women in for a luncheon with other women MPs, and it gave those women who were going to be given awards the opportunity to meet with their peers so that when they went over to Government House there were people that they knew and it would not be such a daunting experience. With the new Status of Women minister the Hon. Steph Key, that tradition is continuing.

I have served with Diana for a very short period of time on the Environment, Resources and Development Committee and have been impressed by the issues that she raises and the questions that are so well researched. I must say that I am concerned that, with her going, there will be a loss of corporate knowledge. We are all fairly much babes in the wood on that issue. It is another area where I think Diana will be sorely missed. Diana has gone through a whole range of things about her record, and it raises the question of what she will be remembered for.

I think that achieving the first Australian performance of the first complete *Ring Cycle* has to be a marvellous feather in her cap but, at the other end from what I guess some people might call the arty farty set she also set a precedent in including contemporary music in her arts portfolio and in having a contemporary music adviser. I think that she was the envy of other states when she set up Music Business Adelaide, which followed her commitment to contemporary music.

One of the things that I think we are all going to remember Di for, because it hits us almost every day, is the opening up of the undercroft of the Festival Centre, letting in all that wonderful light and air. Every day when I come in off King William Road and drive into that car park I am impressed: it is just so good. I think that South Australia is going to be the beneficiary of the vision that the Hon. Diana Laidlaw had in putting aside some money to make that happen. Come the Festival of Arts, it will really make that place very much alive. Of course, Di is not going to be at the next Festival of the Arts, and I think this says something about the magnanimous person that she is.

Rather than be here at the time of another festival, when a new minister could be wearing some opprobrium for things that go wrong, she is taking herself not only out of the state but out of the country. I think that is a very dignified thing to do, because it could be very easy to sit back and say 'I told you so' and that sort of thing but, instead, she is giving the new arts minister the distance and, if it is a really successful one, is allowing the new arts minister to bask in whatever glory there is. Diana instead will be cycling with her niece through parts of Europe, which is obviously part of her getting fit program, although she might have to do a little bit of training in the next six months.

**The Hon. J.S.L. Dawkins:** Burra-Morgan road?

**The Hon. SANDRA KANCK:** The Burra-Morgan road before it was sealed! You, Diana, are one of the treasures of this parliament, and I believe you still had much to offer. With your commitment to general small 'l' liberal politics, there are not many of your type around, and I think that this parliament and this chamber are going to be the poorer for your going.

**The Hon. A.L. EVANS:** I would like to wish the honourable member all the best in the future. I have had only a few contacts with you in the year that I have been here but

they were generally very straightforward contacts. My first contact was when I walked in the door of this place and you were going the other way. You said, 'I've got to get out of here and have a smoke' as if you were looking at me for some kind of permission. I said 'No, you go and enjoy it.' Then the honourable member decided to inspect my office. I watched with interest as she looked around the various features in our office and then kind of hinted that maybe I was getting this special deal because as an Independent my vote was important.

Then I visited her in her office and she informed me that they had given her this little office but it had a window, and she could open this window and put her head outside the window and have a smoke. We then talked about some of the issues that we probably saw from quite different angles, and I was so pleased to be able to have a discussion that was not based on emotion but just talking about the facts of the case and where we saw it and where we came from. Having watched the honourable member over this year, I have found her to be a very hard-working and efficient person. Her speeches are well thought out. One of the things that really struck me happened just this week.

You can tell a person's character by how they handle certain situations. This was her last week: she had two days to go; and I just looked across the aisle and watched her sitting there on the edge of her seat, listening to every word, very interested and putting up a few questions, and I thought: she is going right to the end, passionate for the cause that she has lived for. The honourable member has brought many positive blessings to this state, but I think the thing that I remember most about her is that she is the only person in this place ever to offer me a date! I would like to read from *Hansard*, from a speech of mine under Matters of Interest. I said:

> The Coles Supermarket Youth Achievement Award was won by Patrick Lim. Patrick Lim was a finalist in the South Australian Youth Award Showcase last year. In the past 12 months he has gone on to win many prizes and scholarships, showing that he is one of the most exciting and versatile artists in this state.

The Hon. Diana Laidlaw interjected:

> Are you going to see him perform at the Festival?

I said:

> I don't know. He's an outstanding young man.

She said:

> If not, I invite you to come with me.

I said:

> Thank you: I would love to go.

So, we set up a date to go and hear Patrick. There was only one snag: one problem that caused that wonderful date not to occur—and that is, I am in love with another woman! I have been in love with this woman for 41 years. She had been away in Europe for a month and on the night of our date she returned, so I had to reluctantly decline or face a divorce, and I did not want that.

**The Hon. Diana Laidlaw:** I didn't want to be named, either!

**The Hon. A.L. EVANS:** So, we do wish you all the best. You are a good sport and it is great to get to know you.

**The PRESIDENT:** I thank all members for their contributions. I rise as President to make a few reflections of my own. I have been here some 14 years, and one of the first people that I met with a friendly smile was Diana Laidlaw. I suppose our paths have changed, the positions have changed. I think we have had a love/hate relationship: most of the time she has loved to hate me for one reason or another, but we have managed to stay friends overall. In my previous jobs through the parliament, from time to time I was given certain functions to perform and sometimes it was attacking a particular minister—which I did reluctantly but feigned enthusiasm.

I remember one occasion in particular when the minister was laying into my friends and colleagues in the Australian Workers Union, suggesting that they might have called a strike when school examinations were on simply to be nasty. The Hon. Angus Redford decided to support the minister by moving a motion to condemn the Australian Workers Union. This was an opportunity too good to miss for me again to support the Australian Workers Union. I understand that the Hon. Ms Laidlaw was not very impressed. My argument went along the lines that actually it was the minister's fault, that she had not conducted the negotiations all that well, and I suggested that it had been revealed that the minister was without clothes and that it was not a pretty sight. She was not very happy with me for some days and decided not to speak to me.

On another occasion I remember feigning some enthusiasm for trying to decontaminate the Festival Centre of asbestos. I was not receiving much of a welcome in that instance, so I suggested again that there was some failing in the minister's ability to get things done. She reminded me that I was just an ignorant country bumpkin, to which I responded something along the lines of: 'I love it when you talk dirty, minister.' When I was about to become the President, I thought to myself,'I wonder what the Hon. Ms Laidlaw will think of me as President.' I hope I have dispelled what she anticipated.

One of the measures of the performance of any member of parliament is the respect that he or she holds, not only within her own party but within the offices of other members of parliament. I often remember when having to do these awful attack jobs on the Hon. Ms Laidlaw that I would return to my office to be severely chastened by my staff who would say, 'You're a terrible person. She's the best minister we've got; we get our answers much quicker from her than from anybody else.' I think it is testament to that that my personal assistant—it is against the rules to refer to people in the gallery—stayed behind tonight to witness the valedictories.

I will have the honour tomorrow morning of accepting your resignation. However, it will also be a sad occasion. As I said to you in the corridor today, you will always have many friends here in Parliament House and you will be welcome at all times. Regarding the question of your offering advice, I am sure there are some people on our side who, from time to time, would like take advice that you might be able to provide about the workings of the Liberal Party and their tactics—and I am sure we will ask you.

I have been through a few traumas with the Hon. Ms Laidlaw. I remember her many attempts to give up smoking. I would offer her some support and she would thank me—we were friends at that time. I remember her saying, 'I'm getting more support from you than I am from my colleagues.' Unfortunately, two days later, she broke down and went back to smoking.

I think I have started a trend. When the Hon. Kate Reynolds was inducted, I presented her with a rose, and I heard an interjection from the side: 'I never got a rose.' So, on this occasion I intend to honour the tradition that I have

started by giving you a bunch of roses. My very best wishes for a long and happy retirement.

Motion carried.

## STATUTES AMENDMENT (RENAISSANCE TOWER—GAMING AND LIQUOR LICENCES) BILL

**The Hon. R.D. LAWSON:** I seek leave to introduce the bill in an amended form.

Leave granted.

**The Hon. R.D. LAWSON** obtained leave and introduced a bill for an act to amend the Gaming Machines Act 1992 and the Liquor Licensing Act 1997. Read a first time.

**The Hon. R.D. LAWSON:** I move:

That this bill be now read a second time.

This bill contains two elements, one of which the council is familiar with and the other will require a little more explanation. Bearing in mind the time, I will endeavour to abbreviate my remarks. The first part of the bill is to preserve the rights of the holder of a unique gaming machine licence in respect of a number of gaming machines. This licence was granted in 1994 to the company, Aaron Pty Ltd., owned by members of the Karagiannis family. This part of the bill was introduced last week by the Hon. Julian Stefani as an amendment to the Gaming Machines (Roosters Club Incorporated Licence) Amendment Bill, which was passed by the council last week with the support of members of the Australian Democrats, the Hon. Terry Cameron, the Hon. Andrew Evans, and all Liberal members. Regrettably, the Labor members of this chamber—in what was a conscience vote—did not support it.

In another place the amendment moved by the Hon. Julian Stefani was not accepted. That was understandable on the grounds that the matter had been connected to the Roosters Club amendment bill, which was a matter of some urgency. I will not repeat the debate, but for those members (both here and elsewhere) I refer to *Hansard* in this place (28 May, pages 2465 to 2468) and in another place on the following day (pages 3247 to 3253).

The bill seeks to reserve the rights of Aaron Pty Ltd., the former operator of the Renaissance Tower. It must be said that this is a point of principle rather than one like the Roosters Club which was of very wide community interest and popular appeal. Aaron has a unique licence. It is the only one of its kind. All other gaming machine licences are tied to a club or a hotel liquor licence, although some holders of special circumstances licences also hold gaming machine licences, but those special circumstances licences were granted on the surrender of a hotel licence. Subject to necessary approvals, a club or a liquor licence can be removed from one venue to another suitable venue. If a gaming machine licence is used in conjunction with the operation, it can be transferred—if I can use that word loosely. In fact, the process is for the gaming machine licence to be surrendered and for a new licence to be issued in respect of the new premises.

Aaron wishes to realise the value of its combined licences, neither of which is in current operation, because the lease on the premises in which they previously operated has now expired. Attempts to sell the licence have failed because, unlike other entities that have a gaming machine licence, Aaron's special circumstances liquor licence was not granted on the surrender of a hotel licence.

That is the respect in which this gaming machine licence is unique. Section 28 of the Gaming Machines Act enables a holder of a hotel or special circumstances licence to transfer a gaming machine licence with the consent of the commissioner. However, this form of transfer only enables a business at one location to be sold to a new operator at the same location. Aaron could have used this section except for the fact that its lease has expired and the business has to be moved to another locality. In November 2002 application was made to remove Aaron's special circumstances liquor licence to premises at 66 King William Street Adelaide, where it was proposed to establish new licensed premises by interests associated with Mr Salagaras. The licensing court approved the removal, notwithstanding the objections of four nearby hotels.

However, that proposal foundered because the Gaming Commissioner determined, correctly, that he could not reissue the gaming licence to Aaron or its successor because Aaron was not the holder of a special circumstances licence which, in the language of section 15 of the Gaming Machines Act, had been granted on the surrender of a hotel licence. In order to overcome that difficulty it was proposed that Aaron apply for a hotel licence for its Renaissance Centre premises and for that licence to be removed to the proposed premises in King William Street.

Although the licensing court was sympathetic, the application could not satisfy the need requirement for a hotel licence and, in a passage which has previously been read to parliament, the judge said:

With all these things in mind I can only suggest an approach to the legislature to amend the legislation.

That is why this approach has been made to the parliament. This is a unique situation for the reasons explained, and in those circumstances it is appropriate to pass legislation, which is the only way of remedying this situation. It has been said that the passing of this amendment would pre-empt a report from the Independent Gaming Authority, but this is such a unique situation that that factor should not in any way preclude the IGA from making whatever recommendations it wishes to make and for the government to implement them in the fullness of time.

The government objected to this proposal on a number of grounds; one of them was that it had been tacked onto the so-called Roosters bill. That no longer applies. The government also suggested that it did not like this situation, because the freeze on poker machines has given this licence a monetary value which it did not have before the freeze. Of course, that is true of all gaming machines licences; their value has been enhanced by the existence of the freeze. However, even before the freeze, Aaron would not have sold the business to a purchaser, who would not have paid some premium on account of a gaming machine licence, and in this respect that is the same situation as all other businesses holding gaming machine licences are in. I urge support for the first part of the bill which I have moved, for the reasons I have just stated.

I should now explain the second part of the bill, which is an amendment to the Liquor Licensing Act. This amendment is prompted by the fact that the Australian Hotels Association has written to all members quite a long letter of some five pages explaining the AHA's objection to the proposal. First, the AHA states that this licence should never have been granted to Aaron in the first place, because the original concept was that gaming machines should have been installed only in clubs and pubs. However, the fact is that this licence

was granted to Aaron. It was granted at a time when the law permitted it to be granted. When the law was subsequently amended to prohibit further licences being issued to the holder of special circumstances licences, the parliament did not choose to revoke the licence which had been granted to this licensee, and nor should it. I must say that I do not accept the argument of the Australian Hotels Association which is based upon the fact that they do not believe this licence should ever have been granted. The fact is that it was granted and it ought be treated in the same way as other licences which have been granted.

The second of the objections of the Australian Hotels Association is on a slightly different footing. The association claims that if this amendment is passed the holder of this licence will have an advantage which it does not presently enjoy. This arises to some extent out of the objections which the AHA and its members had to the proposal to establish new licensed premises with a gaming machine at 66 King William Street Adelaide. That was the proposal of Mr Salagaras. I have been informed and can inform the council that the Salagaras arrangements are no longer afoot, and a letter from Aaron Pty Ltd confirms that. I should put that on the record.

In a letter from the interests associated with Aaron Pty Ltd, it is stated over the signature of Ms Melinda Karydis:

> We did have an arrangement to sell the licenses subject to court approval to Mr Salagaras but we now have no contractual arrangement with that man. What we want to do is to be able to save our gaming licence which we have worked very hard to develop. We are looking around Adelaide for a place to move our licences. We are not looking to move to 66-68 King William Street so we would ask you to disregard those parts of the letter which referred to Mr Salagaras and that venue.

The AHA also says that this bill would effectively circumvent the freeze. I reject that argument; the fact is that, incorporated within the freeze, which is some 14 000 machines, there are the 40 machines which are the subject of this licence and this bill. The effect of passing this bill will not be to circumvent the freeze; it will not mean that these gaming machines are on licence in South Australia. However, in order to meet the objection that this licence holder will obtain a leg-up or a benefit not available to other licence holders, I have incorporated in the bill an amendment to section 61 of the Liquor Licensing Act which will require that any applicant for the removal of a licence has to demonstrate a public need for the licence at the place to which it is removed.

The AHA has suggested that this licence holder would have a benefit that other comparable businesses, namely hotels, would not have. So, the clause which would be inserted requires that that section 61 will apply in the same way it would if the licence were a hotel licence. That is supported by the Karagiannis family in a spirit of compromise. It is a concession that they did not have to make but it is one that they have made; that is, to remove the objections of the Australian Hotels Association.

I might say that, in my discussions with the representatives of the hotels association, they have confirmed that their fears in relation to this application are allayed by the inclusion of that provision. Mind you, they still maintain their objection to the fact that this licence was ever granted, but, as I say, that is all water under the bridge and history. I thank the government for honouring its commitment to permit this bill to be introduced today. I gather that it cannot proceed through all stages as was originally envisaged. I commend the Hon. Julian Stefani for his having brought this to the attention of the parliament, and I urge members of the Legislative Council to support the bill. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

*Part 1—Preliminary*

*Clauses 1 and 2*

These clauses are formal.

*Part 2—Amendment of Gaming Machines Act 1992*

*Clause 3: Amendment of section 15—Eligibility criteria*

The amendment ensures that if the holder of a special circumstances licence held a gaming machine licence on 22 June 1994, the holder continues to be eligible to hold a gaming machine licence even if the holder would not otherwise satisfy the existing eligibility requirements.

Under the existing requirements in section 15(1)(c) of the *Gaming Machines Act*, the holder of a special circumstances licence is only eligible to hold a gaming machine licence if—

- the special circumstances licence was granted on the surrender of a hotel or club licence and the nature of the undertaking carried out under the licence is substantially similar to that of a licensed hotel or club; or
- the premises to which the special circumstances licence relates constitute a major sporting venue or the headquarters in this state for any particular sporting code, and the nature of the undertaking carried out under the licence is substantially similar to that of a licensed club.

*Part 3—Amendment of Liquor Licensing Act 1997*

*Clause 4: Substitution of heading to Schedule*

This amendment is of a consequential drafting nature only.

*Clause 5: Insertion of Schedule 2*

Section 61 of the *Liquor Licensing Act* requires an applicant for the removal of a hotel licence to satisfy the licensing authority that, having regard to the licensed premises already in the locality to which the licence is to be removed, the removal of the licence is necessary in order to provide for the needs of the public in that locality.

Clause 5 inserts a new Schedule 2 which provides that section 61 is to apply to the special circumstances licence in force in respect of the Renaissance Tower, 6th Floor, 127 Rundle Mall, Adelaide, in the same way as it would if that licence were a hotel licence.

This Schedule is to expire on a day to be fixed by proclamation.

**The Hon. R.K. SNEATH** secured the adjournment of the debate.

## CRIMINAL LAW CONSOLIDATION (ABOLITION OF TIME LIMIT FOR PROSECUTION OF CERTAIN SEXUAL OFFENCES) AMENDMENT BILL

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

## NURSES (NURSES BOARD VACANCIES) AMENDMENT BILL

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

## LEGAL PRACTITIONERS (INSURANCE) AMENDMENT BILL

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

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I move:

That this bill be now read a second time.

This bill amends the Legal Practitioners Act 1981 to provide for the suspension of practising certificates held by lawyers who have ceased to carry professional indemnity insurance under the professional indemnity insurance scheme, established under section 52 of the act, where the scheme applies

and is in force. Under section 19 of the Legal Practitioners Act 1981, legal practitioners cannot be issued with a practising certificate unless they can prove that they will be insured for the term of the certificate to the extent required by the Law Society's professional indemnity insurance scheme. This provision ensures that private sector legal practitioners join the insurance scheme, established under section 52 of the act, so as to guarantee protection for South Australian consumers of legal services.

In December 2002, the legal practitioners' registry issued 12 month practising certificates to practitioners. The government recently became aware that, because the Law Society now insures practitioners for a financial year rather than a calendar year, practitioners who received their renewed practising certificates in December, as members of the Law Society's professional indemnity insurance scheme, were insured only for the six months until 30 June 2003. Therefore, there is presently no requirement under the act for practitioners to enter into the new insurance scheme due to start on 1 July 2003.

I am certain that the majority of legal practitioners will become a party to the Law Society's insurance scheme due to commence on 1 July 2003, irrespective of whether they are compelled to do so under the act. It makes both professional and commercial sense for legal practitioners to be insured when providing legal services to the public for which they may be held accountable. However, it would be a concern even if a small group of legal practitioners do not agree to join the scheme and continue to practice uninsured pursuant to the calendar year certificates issued to them in December of last year.

The requirement that practitioners must be insured before they receive a practising certificate is for the protection of South Australian consumers of legal services. This bill will suspend a practising certificate if the practitioner is not insured to the extent required by the Law Society's professional indemnity insurance scheme. Legal practitioners will need to be insured or face a penalty of up to $10 000 for practising without a certificate. I commend this bill to members. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of clauses

*Part 1—Preliminary*

*Clause 1: Short title*

*Clause 2: Amendment provisions*

These clauses are formal.

*Part 2—Amendment of Legal Practitioners Act 1981*

*Clause 3: Amendment of section 19—Insurance requirements*

This clause amends section 19 of the principal act to provide that the practising certificate of a legal practitioner who ceases, during the term of the certificate, to be insured as required by the scheme established under section 52 of the act will be suspended until appropriate insurance is obtained.

**The Hon. R.D. LAWSON:** I indicate that the Liberal opposition will support the passage of this bill and that we are happy to facilitate its rapid passage in view of the fact that events will happen on 1 July which will be undesirable if the bill is not passed. The bill is designed to ensure that legal practitioners have current indemnity insurance. The law currently provides that a legal practitioner cannot obtain a practising certificate unless the practitioner is insured—a very important consumer protection measure. Until recently, both the practising certificate and the standard insurance policy were issued for a calendar year commencing on 1 January. However, the current insurance policy will expire on 30 June this year and arrangements have been made by the Law Society for a new policy which will commence operation on 1 July. Thereafter the period of insurance will change to the financial year, namely, the year commencing on 1 July.

Of course, the current practising certificates will continue until 31 December this year and, if a practitioner does not obtain new insurance, that practitioner will be licensed to continue practising for the following six months without insurance. This bill will ensure that such a practitioner will not be permitted to practice. That is consistent with the spirit of the act and it is designed to ensure continued consumer protection for those who deal with legal practitioners. We are reinforced in our support for the bill by the fact that the Law Society requested it and supports it.

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I thank the honourable member for his contribution and the Democrats for their silent support.

Bill read a second time and taken through its remaining stages.

## SHOP TRADING HOURS (MISCELLANEOUS) AMENDMENT BILL 2003

The House of Assembly disagreed to the amendments made by the Legislative Council.

Consideration in committee.

**The Hon. T.G. ROBERTS:** I move:

That the council do not insist on its amendments.

**The Hon. IAN GILFILLAN:** I believe that we should insist on our amendments. As the council knows, the Democrats and others feel very strongly that the bill itself should fail, but the wrestling with amendments and some fine-tuning at least modified some of the impacts, and the amendments which were passed as the bill left this place were an improvement. To not insist on those amendments is surrendering to the rather overpowering impact applied by, one assumes, members of the House of Assembly; and one could also assume that there would have been some pretty heavyweight pressuring from the government.

I am not privy to the deliberations of the deadlocked conference, if there was one. I did not realise that there was. I think it was probably conversations behind closed doors. If this is the result that the majority has come to in that place and in this place, then quite clearly we do not have the numbers to reverse that. However, I remind the chamber that the second reading contribution given for the opposition by the Hon. Robert Lawson was very strong in saying that if the amendments they had on file were not successful, they were prepared to let the matter drop.

I challenged yesterday to see just what fire there was in the belly of the opposition, how much steel in the backbone. I interpreted, accurately I believe, that there was none and what we have seen in a record amount of time is a backflip which would do an Olympic gymnast proud. It gives me no pleasure to see the inevitability of extended shop trading hours coming in and coming in even earlier and with fewer of the safeguards that were put in place through the amendments. I indicate our opposition to the motion.

**The Hon. NICK XENOPHON:** I share the concerns of the Hon. Ian Gilfillan, although I come to this position from a slightly different perspective. I believe that the amendments that the Legislative Council passed last night were not unreasonable: that there ought to be a review in relation to the

issue of industrial relations; that the amendment passed made it clear that it did not derogate from the independence of the commission. The other amendment that was moved and improved upon last night was in relation to a business advisory service, or hotline if you like, to assist proprietors of businesses and employees because of the very significant changes that the retail industry will be facing with the changes in shopping hours. I would have thought that was an eminently reasonable amendment: it was an amendment that was improved upon last night; it was fair to both the proprietors (particularly of small businesses) and to employees. I know that the Premier has made some comment in relation to this, but I would have thought that the very least you could have given to those small retailers, in particular to those employees, was to have a guarantee in legislation that this service would be available. This was more than reasonable, and I am very disappointed that this amendment was not insisted on.

So it is a question of how the change will be managed in a way that will be fair, particularly to those small retailers that will be affected by the impact of change. For those reasons, I feel that I cannot support the bill without these amendments. I will say, though, that I did note this morning that something quite unprecedented occurred: the Hon. Michael Wright praised the Hon. Terry Cameron. So, if there is nothing else in relation to this debate, these two sparring partners have been brought closer together as a result of this bill. So, maybe there is some silver lining in the cloud with respect to that.

**The Hon. Ian Gilfillan:** But what a price!

**The Hon. NICK XENOPHON:** 'What a price' the Hon. Ian Gilfillan says. I just think it was particularly unfortunate that the government was so inflexible in dealing with this issue, in dealing with amendments that I believe were more than reasonable in relation to the issue of industrial relations and, in particular, in relation to the Business Advisory Service. That is something for great regret and I will put the government on notice that, given the government will be receiving something like $57 million in competition payments as a result of liberalised—

**The Hon. T.G. Cameron:** I'll believe that when I see it. We have heard lots of figures.

**The Hon. NICK XENOPHON:** The Hon. Terry Cameron makes a very valid point and I would think that that will be the subject of scrutiny in this and the other place. But, given that there are substantial competition payments that are meant to be flowing to this state, spending several hundred thousand dollars for a first class advisory service, a support service if you like, for small businesses, and indeed for employees, to manage the significant changes that will occur in the retail industry with the changes in this bill, I thought was a very small price to pay. I am disappointed that the government has not given that degree of comfort and guarantee to those small businesses and employees.

**The Hon. J.F. STEFANI:** I, too, endorse the sentiments of the Hon. Ian Gilfillan and the Hon. Nick Xenophon. Whilst my position was clearly stated, and that is that I am opposed to extended and deregulated shopping hours, if we consider the question of people wanting more shopping hours, the fact is that they have the same money to spend. So it is not about more shopping hours that the family may want; it is about more money, and, unfortunately, they will only have the same money to spend over a longer period of time. I do not think that will make any difference. Having said that, I just want to again say that, whilst I supported the bill, in a defective form in my view, it was to ensure that certain safeguards were provided for small businesses and employees, to enable them to at least come to terms with the advent of deregulated shopping hours. Because we have not achieved even those minor amendments, I feel that in any event it would not be possible for me to support the measure.

**The Hon. T.G. CAMERON:** I outlined my position fairly clearly at the outset of the debate on this matter and that is that, at the end of the day, I will be supporting whatever bill comes back here that delivers the capacity for members of the public to shop on Sundays. As it is, people who live out in the northern, western and southern suburbs, who do not have ready, quick and cheap access to the city on a Sunday are deprived of the capacity to shop.

I am not so fussed about the extension of shopping hours to 9 o'clock on weekdays. The position I brought to this debate was that I supported Sunday trading. I was not going to support Sunday trading if there was going to be a risk that this bill would be used as a vehicle for cutting workers' rates of pay, penalty rates and conditions. The big winners out of this debate and the passage of this bill tonight will be the consumers, those ordinary members of the public who for years have been crying out for the capacity to shop on a Sunday.

I want to follow up on the contribution of the Hon. Nick Xenophon regarding his comments on the Business Advisory Service. When my amendment was adopted and the advisory service was opened up to employees as well as employers—that is, I picked up the Hon. Bob Sneath's suggestion—it was disappointing that the Labor government did not see fit to support that. It was a good initiative by the Hon. Nick Xenophon, and there was not a high price to be paid. We subsequently improved the amendment, only to see it fail in the other house. I must confess that I am not all that disappointed about the Hon. Nick Xenophon's review of awards hitting the fence. He would be aware of that. If he is not, perhaps he should read my contribution of last night. However, at least, as he pointed out, it reached the point where I think we could say that the Hon. Michael Wright actually said something positive about me for once. I would agree with the Hon. Ian Gilfillan that that might be a high price to pay for the passage of this bill.

I was also disappointed that the inspectors will still have the power to demand a trader's bank statements. That is a gross intrusion into an individual's privacy. I am somewhat surprised that both the major parties have been able to reach an agreement so quickly on this matter. One could only conclude from that quick agreement that both the Australian Labor party and the Liberal Party at the end of the day were in the same boat as me. We all support Sunday trading.

**The Hon. R.D. LAWSON:** I indicate that the Liberal opposition will be supporting the proposal. There have been discussions today between the members of the Liberal Party—in particular the Hon. Iain Evans—and the minister which have brought about a satisfactory result to the impasse that has occurred between the houses. The Liberal Party had three objectives in its approach to shop trading hours: first, the liberalisation of hours, and that has been achieved; second, a review of the industrial relations issues, and that has been achieved; and, thirdly, certainty for small business, and that has been achieved as a result of the agreement that was reached today.

It was important that the matter of the retail industry award go to the Industrial Relations Commission, and the President of that commission, Judge Jennings, has today

confirmed that another mechanism of having a review of the award can be adopted and still meet the timetable as well as provide certainty. The president of the commission has said:

I advise that a section 99 review of the retail industry SA award, subject to any variation of review being by consent, will be completed on or before the end of this year.

Of course, a section 99 review of the award will enable an examination of every clause of the award. Before accepting this approach, the shadow minister (Hon. Iain Evans) had discussions with the representatives of the retail industry, just as he has been having discussions with them over the past few weeks, and they agreed to the approach which has been adopted. Accordingly, the objectives that we set out to achieve have been achieved. There will be liberalisation of the hours; and there will be a review of the award, particularly with regard to the industrial conditions applying for Sunday trading. Certainty is delivered to the industry as well as to the community. This is, indeed, a very satisfactory solution.

I should pay tribute to the Hon. Nick Xenophon for the role he played in assisting in a settlement of the issue. His proposed amendment, which was debated extensively last night and carried by the Legislative Council, was, contrary to the claims made by the government and by the Hon. Terry Cameron, not any derogation of the powers, responsibilities or independence of the Industrial Commission. Indeed, there are many similar acts—and we could have drawn them to the attention of the committee last night—such as the Criminal Law Consolidation Act, which sets out precisely the criteria to be adopted by courts in sentencing offenders. No-one suggests that legislation of that kind, passed by this parliament, compromises the independence of our courts.

The Hon. Nick Xenophon is to be commended for producing an amendment which was adopted in this council yesterday. In the event, it will not be necessary to go down that course, because the section 99 review will achieve not only that result but the result in accordance with the letter of the president of the commission by the end of this year rather than by the middle of next year. I know the Hon. Iain Evans would want me to commend the Hon. Nick Xenophon for the role he played. I particularly commend the Hon. Iain Evans for the role he has played in bringing about a satisfactory solution. The position of the shadow minister has been misrepresented in a number of media reports. He has been working hard to achieve a result and ought be congratulated for having achieved that result.

**The Hon. T.G. ROBERTS:** I would like to thank everyone for the cooperation that we have received in being able to put together a composite position between the houses. Regardless of what you think about the extension of or trying to safeguard what already exists, change will be orderly. There are protections in there for the orderly extension of hours. Most other states have either gone further or are considering going the same way as us in relation to deregulation. It brings us into an equal position—certainly not a worse one—in relation to open regulation with other states. I understand Western Australia is still wrestling with the question but, I think, if we all get out and sell it, it is up to the government to put in place the protective mechanisms, about which we have spoken, within current government departmental services. Hopefully, the people of South Australia will applaud the parliament as one.

The committee divided on the motion:

AYES (14

| | |
|---|---|
| Cameron, T. G. | Dawkins, J. S. L. |

AYES (cont.)

| | |
|---|---|
| Gago, G. E. | Gazzola, J. |
| Holloway, P. | Lawson, R. D. |
| Lucas, R. I. | Redford, A. J. |
| Ridgway, D. W. | Roberts, T. G. (teller) |
| Schaefer, C. V. | Sneath, R. K. |
| Stephens, T. J. | Zollo, C. |

NOES (6)

| | |
|---|---|
| Evans, A. L. | Gilfillan, I. (teller) |
| Kanck, S. M. | Reynolds, K. |
| Stefani, J. F. | Xenophon, N. |

PAIR(S)

Majority of 8 for the ayes.

Motion thus carried.

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I move:

That standing orders be so far suspended as to enable the sitting of the council to be extended beyond 6.30 p.m.

Motion carried.

## SUPPLY BILL

Adjourned debate on second reading.

(Continued from 3 June. Page 2554.)

**The Hon. T.G. CAMERON:** The Treasurer has described the budget as a Labor budget. What kind of Labor budget he is referring to, I am not sure. On first impression, it is neither like old Labor, that is, the Dunstan model, nor new Labor, the Blair model. I refer to it more as spin doctor Labor, the Rann model, that is, plenty of press releases, long on rhetoric and short on substance. Any fair analysis of this year's budget will note that, while the government has made some encouraging moves in the areas of economic planning and development, the environment, particularly the River Murray, and the arts, it does fall short in other critical areas, which the Labor party said would be a priority.

I will look at some of these today. The budget is notable for abolishing $30 million worth of corporate welfare handouts for business—and not before time. Previous funding has led to the states trying to outbid each other to attract investment, while encouraging business to be inefficient and to rely on subsidies.

Now the money will be directed to fund programs formulated by the Economic Development Board to help turn around the state's economy. The EDB delivered 72 key recommendations earlier this year on how to improve South Australia's economic performance, which has lagged behind the rest of the nation for the past decade.

Most of those recommendations were good commonsense. I did not agree with them all, but it is encouraging to see the budget putting $11.4 million into a venture capital fund as well as $8.4 million to improve South Australia's broad band communications, an absolute essential in a modern economy. The sum of $6.1 million has been earmarked for science, technology and innovation, another area where this state has sadly fallen behind over the previous decade.

I would have preferred more money to go into science, technology and innovation, because I see that as a niche industry from which South Australia could benefit. Victoria has stolen a march on us because it put over $100 million into its program, which makes you wonder how on earth we will

be able to compete with other states that are pumping that kind of money into research.

I will now have a look at law and order. In doing so, I will be discussing the issues surrounding the government's funding for law and order programs and social inclusion initiatives. The charade of the Rann mantra 'tough on crime' is exposed in this budget in two ways. One is its stubborn refusal to increase police numbers, despite South Australia's poor record of crime management; and the second is its failure to fix the problems with our courts system.

It is clear that the budget and this government are being driven by the late night talkback set, rather than any coherent philosophy, policy or political position. Police operations funding has had an extra $14.4 million injected into it, and new police stations are to be built at Port Lincoln, Victor Harbor and Mount Barker, but there will be no extra police to patrol the streets. Police are only being replaced as they leave or retire. And here in South Australia the government is going against the national trend. While we remain static in police numbers, despite the high levels of crime that we have, other states such as Victoria, Queensland and Western Australia—all Labor governments, all delivering Labor budgets—have all boosted their police numbers substantially. Once again, long on rhetoric, short on substance.

South Australia's police force received no commitment to increase police numbers. Even with a static crime rate, it would make sense that police numbers be increased in line with population. The Australian Institute of Criminology cites South Australia as having the highest rate of homicide in any state; the second highest rate of assault and sexual assault of any state; a higher than national average rate of burglary; and the highest rate of motor vehicle theft.

I can recall one instance when I was secretary of the Labor Party that I had my car stolen three times in seven weeks. We got it back, of course. To add insult to injury, every one of these indicators, apart from assault, is showing an increase in the rate of offences per person. What this means is that South Australians are more likely to be murdered, sexually assaulted, have their houses burgled or their vehicles stolen than ever before.

And still, no more police. I think what ordinary South Australians want is pretty simple. It is the same as Peter Alexander is on about. If police are going to combat crime and reduce crime in this state, they need to be given the facilities to do it. What we do not need is to be harassed. It almost borders on media harassment by this government that they are supporting tougher sentences.

What is the good of giving people tougher sentences if you are not doing anything about crime? Is that the government's only solution to the worst crime statistics in Australia—tougher sentences? That is not what we need. The crimes have already occurred at that point. What we need are preventive police programs that will make people feel safe in their own homes and at least give them some confidence that within three years they will not have their car stolen.

Once again, the government is long on rhetoric and short on substance. The government is content sending people over to the criminal justice system rather than addressing the root causes of crime or preventing opportunistic crime from happening. It would be a wonderful situation if we ended up with the toughest sentences in Australia and the largest percentage of our population locked up in prison, at the same time as having the highest crime rates. It does not make sense to me.

The funding for the criminal jurisdiction of the Courts Administration Authority has been cut again: from $33.136 million in 2001-02 to $28.897 million in 2003-04. This is despite the fact that the number of cases lagging in our courts system is increasing and the percentage of cases committed for trial within six months is sliding rapidly. Once again, look at the election promises and you will find that the government is long on rhetoric, but short on substance.

In 2001-02 only 46 per cent of cases were committed for trial within the first six months. In 2002-03 this figure is expected to improve to 30 per cent. But the government set a target of 80 per cent which, in anyone's language, represents a monumental failure in what was going to be a priority issue for the government, law and order. The budget figures show that the Rann government has accepted this failure rather than tackling it.

It has also revised downwards to 60 per cent the target for cases to be committed for trial within six months. If a target of 80 per cent of cases yields an actual result of 30 per cent and $33 million in funding yields an actual result of 46 per cent of cases, what will a target of 60 per cent and funding of $28.9 million reap? You do not have to be too smart to work it out.

The Rann government is content to do nothing but say everything. When looking at the Magistrates Court figures there is admittedly some improvement, but the figures still lag far behind their targets. In 2001-02, 39 per cent of criminal trials were determined within 30 weeks of first appearance. In 2002-03, 50 per cent were determined. But the target that the government set was 70 per cent.

When will the Rann government get serious about fixing our courts system and stop pandering to populist politics and media grabs? If it has confidence in its measures, then it would have higher targets and high achievements in this area. It clearly has no idea, no confidence and no plan. The people of South Australia may have to wait for a Premier who actually cares about law and order, not a Premier who cares more about what the sound bite on the television sounds like, and we have a Premier who matches the rhetoric—

**The PRESIDENT:** Order, the Hon. Mr Cameron! Can I just interrupt you. I am getting signals, and it is correct. I have to draw your attention to the fact that the Supply Bill is about the supply of money for the Public Service, and the speech that the honourable member is making is, I suggest, a very good speech but it is an Appropriation Bill speech. I have to direct the honourable member back to the supply of moneys for the Public Service. I suppose there is some connection of this with the Public Service, but it is drawing a long bow.

**The Hon. T.G. CAMERON:** There is, Mr President, because I am talking about the cutbacks in the budget and how it has affected the courts system.

**The PRESIDENT:** This is not about the budget: it is about the supply—

**The Hon. T.G. CAMERON:** It is about the moneys that are being provided in the Supply Bill. Next to poker machine taxes, speed camera fines have to be the biggest con trick of the budget. But here we are looking for money for Supply and we have the government resting on government fees and charges, which will rise by 3.9 per cent from 1 July while penalties for traffic offences will double, rising by almost 6 per cent. We will get an extra 42 000 expiation notices, forecast to bring in another $14.2 million per year.

After 13 years of speed cameras with nearly a billion dollars in fines, we still have a road toll that has risen, not

fallen, this year. Speed cameras have to be directed to crash black spots. I will now have a look at some of the social inclusion initiatives. No, I will not: I will go straight to health.

**The PRESIDENT:** I think the honourable member should desist from that line: I think he should talk about the supply of moneys to the Public Service. I have been quite firm with all other members of the council and have to be evenhanded about it.

**The Hon. T.G. CAMERON:** May I talk about the extra funding for the Supply Bill?

**The PRESIDENT:** If you are making that connection—

**The Hon. T.G. CAMERON:** I will stop at that point. You are not going to let me go on.

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I thank members for their contribution to the Supply Bill. I understand that there are a number of members who were going to speak, but I believe they will be keeping their contribution for the Appropriation Bill, with which we will deal very shortly when we resume. So, I thank them for that. Obviously, I will leave my remarks on the budget and the current economic situation facing the state for that occasion as well. I thank members for their support.

Bill read a second time and taken through its remaining stages.

## STATUTES AMENDMENT (RENAISSANCE TOWER—GAMING AND LIQUOR LICENCES) BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2645.)

**The Hon. J.F. STEFANI:** I rise to support the bill. Given the hour, I will not be long in commenting on this bill. It is true to say that Aaron Pty Ltd., a company operated by Frank Karagiannis and his family, had every right to a licence which they gained on 22 June 1994. I dispel the notion that has been promoted by the Australian Hotels Association that that licence should never have been granted. It is mischievous of that association to suggest that. In fact, I spoke personally to Mr John Lewis, the General Manager of the Australian Hotels Association, and enlightened him on some of the fundamental facts about this licence and the operation of the Karagiannis family.

I think this issue is very simple. The government chose to deal with the Roosters bill as a preference bill. I felt that it was equally compelling to have this particular licence dealt with in the same manner, because the Karagiannis family faced the proposition of 20 years of hard work evaporating into nothing. The efforts of a family which invested substantial resources and worked very hard to establish their business over 20 years would have no value.

The fact is that we now have before us a measure which allows the transfer of this special facilities licence (which encompasses a poker machine licence) which they gained on 22 June 1994 to another location. In the first instance, this is all the family wanted. However, the legal advice they received was that it was not possible to do that under the act because parliament had forgotten that they ever existed. This licence is the only one of its kind ever issued. Because of that difficulty and because parliament never recognised that that licence had ever been issued, the family was faced with an impasse in trying to deal with an asset that had been created after 20 years of hard work.

I commend the efforts of the Hon. Rob Lawson in putting a very valid and clear position to this house. I am only sorry that this matter could not have been dealt with more expeditiously, but we all realise that other important legislation was being dealt with by the parliament. Nevertheless, we have been able to address some of the issues that impinge on the licence itself and the concern of the Karagiannis family about losing their licence altogether. I hope that members will support this measure, which will at least give the opportunity to the Karagiannis family to deal with this licence in an appropriate manner.

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I rise to thank everyone for cooperating. We gave an undertaking to the family that we would process this matter as quickly as possible. The government's position is still the same. We acknowledge the uniqueness of this gaming machine licence, although it brings other problems with it, which need to be considered, we believe, through the processes that have been set up for the consideration of such matters.

I understand that the Minister for Gambling has had correspondence with and met the proprietors of the Renaissance Tower gaming venue. The matter they raise has been referred to the Independent Gambling Authority for consideration as part of the broader inquiry into the management of gaming machine numbers. The licensee has been encouraged to put its case before the authority for consideration. As part of its inquiry, the authority will consider mechanisms for the transfer of gaming machines between licensed premises should a freeze on granting gaming machine licences continue.

The government considers that it is pre-emptive to provide for any change in circumstances before consideration of the broader context through the review. The proposed relocation of this licence to any other location would be subject to all provisions of the act, including that the location is not within a shopping complex. I understand the intention of the amendment. I will not belabour the case. I think the proposition has the support of the numbers required to pass it in the council. As I said, the government would prefer that it be handled via the Independent Gambling Authority. I know that the wishes of the council will be to pass it, send it down to the another place and have it considered there.

**The Hon. R.D. LAWSON:** In concluding the second reading debate I thank members for their contributions. I thank the Hon. Julian Stefani for his indication of support. I should say that the Hon. Kate Reynolds indicated to me that the Australian Democrats would support the second reading of this bill. Once again, I thank the government for honouring its commitment to have the matter accorded priority for debate this week.

Bill read a second time and taken through its remaining stages.

## STATUTES AMENDMENT (WATER CONSERVATION PRACTICES) BILL

The House of Assembly returned the bill without any amendment.

## SURF LIFE SAVING

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I lay on the table a ministerial statement about the Australian Surf Life Saving Championships made earlier today in another place by my colleague the Minister for Tourism.

## ADJOURNMENT

At 6.50 p.m. the council adjourned until Thursday 26 June at 12.30 p.m.

***Corrigendum***

Page 2481—Column 2—
Line 13—For '30 April. Page 2168' read '26 May. Page 2391'.