LEGISLATIVE COUNCIL

Wednesday 4 March 2009

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:18 and read prayers.

LEGISLATIVE REVIEW COMMITTEE

The Hon. R.D. LAWSON (14:19): I bring up the 14th report of the committee.

Report received.

PAPERS

The following paper was laid on the table:

By the Minister for State/Local Government Relations (Hon. G.E. Gago)—

The State of Public and Environmental Health—Report, 2007-08

PRISONS

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:20): I table a copy of a ministerial statement relating to significant prison expansion made earlier today in another place by my colleague the Minister for Correctional Services, the Hon. Tom Koutsantonis.

STANDING ORDERS SUSPENSION

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:22): I move:

That standing orders be so far suspended as to enable me to move a motion without notice forthwith.

Motion carried.

STATUTORY OFFICERS COMMITTEE

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:22): I move:

That pursuant to section 21(3) of the Parliamentary Committees Act 1991 the Hon. J.A. Darley be appointed to the Statutory Officers Committee in place of the Hon. S.M. Kanck (resigned).

Motion carried.

QUESTION TIME

TAXATION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:23): I seek leave to make a brief explanation before asking the Minister for Small Business a question about government taxation policy.

Leave granted.

The Hon. D.W. RIDGWAY: A number of us have just had the pleasure of attending the MTA president's annual lunch. While that was a pleasure, we were addressed by the Premier and I am not sure that that was entirely—

The Hon. R.D. Lawson interjecting:

The Hon. D.W. RIDGWAY: The Hon. Robert Lawson interjects that it was not an address; it was a lecture.

The Hon. C.V. Schaefer interjecting:

The Hon. D.W. RIDGWAY: The Hon. Caroline Schaefer interjects, saying that it was a campaign speech. Mr President, I know you are becoming a bit upset by the interjections and I thank you for your—

Members interjecting:

The Hon. D.W. RIDGWAY: You cannot stop them now; they have all started!

The PRESIDENT: Order! The Hon. Mr Ridgway has the floor.

The Hon. D.W. RIDGWAY: Thank you, Mr President. In his lecture to the gathering the Premier spoke about how the government had reduced the massive tax burden on South Australian businesses—in particular, significant reductions in payroll tax. In fact, he went on to talk about the $3 billion in tax cuts that business in South Australia has received since his government came to office. He spoke about the changes to WorkCover, and it is interesting to note that the unfunded liability now is in excess of $1 billion. He also mentioned the 25 per cent reduction in red tape. It would be interesting, at some stage, to see whether you could quantify that reduction.

However, of most interest to me was a comment made by one of the MTA members I spoke to at the lunch. In fact, they were sitting at my table. As a result of their land tax bill, they now have had to lay off staff. They could not afford to keep the staff as a result of this arrogant approach to land tax. The Premier said that he was not interested in reducing land tax and that, in fact, sometimes you just have to pay tax. Does the minister now agree that his government's arrogant approach to land tax is costing South Australians jobs?

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:26): This is extraordinary: an arrogant approach to land tax. I remind members that, in the past 15 years—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —there have been only two reductions in land tax rates, both of those under a Labor government. The only effective increase in land tax because of thresholds occurred under the previous Liberal government. That is the history of land tax.

The Hon. D.W. Ridgway: It's costing jobs.

The Hon. P. HOLLOWAY: The honourable member said that it costs jobs. Any charge that is paid by industry, whether it is a payroll tax, corporate tax, GST or any other form of tax, will presumably, at the end of the day, be one of the extra charges for business. You can put the argument that it will cost jobs, but why would it be one form of tax more than any other?

If there have been increases in land tax for industry in those areas, there would essentially be two reasons why that would happen: one, because there has been a significant increase in property values, because the rates certainly have not gone up, so that would mean that the wealth of the company or the individual concerned would have significantly increased; the other, because people had been using artificial contrivances to avoid land tax and they have been tightened up under the legislation.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: The honourable member laughs. Does he think it is good to have an uneven playing field out there? If you have businesses and individuals paying the right level of tax—

The Hon. D.W. Ridgway: I think it's good to have people employed.

The Hon. P. HOLLOWAY: So, you let people cheat on their taxes. So it is good. Providing somebody has a job, it is okay if they do not pay their WorkCover levies or taxes? In other words, it is done illegally. Of course, there is a black economy. Effectively, the Leader of the Opposition is arguing that we should have a black economy in this country where people do not pay taxes.

This government tried to remove anomalies in land tax which favoured some individuals over others. The principles of taxation are such that there should be a level playing field so that all individuals and all companies in the same situation should pay the same tax. If people use artificial contrivances to reduce that, then this parliament has an obligation to close those off.

That is the equity argument for tax and, if the honourable member wants to argue for an inequitable tax system, one where companies in similar positions pay different levels of tax because some can use contrivances, he is welcome to produce that policy at the next election. If the Liberal policy at the next election is to create artificial contrivances for certain companies to avoid tax but not others, they can do that.

The fact is that, at the moment—and this is a policy that the Liberal Party has 12 months to come up with—members opposite know that we are facing incredibly difficult world economic times. We know that budgets around the world are moving into deficit. If members opposite wish to put up a policy to cut particular forms of tax, then they can do so, but they will need to explain to the people of this state how they are going to balance the books in the longer term. Although we are already moving into deficit because of the cyclical problems we face, if we give away our tax base, ultimately, this state will be in big trouble. Of course, it was no coincidence that, during the previous eight years of Liberal government, there were deficits. If honourable members opposite wish to put that policy, they are welcome to do so, but several things need to be said. There is no doubt that businesses within this state are hurting; there is no doubt that government budgets are hurting; and there is no doubt that the economy throughout the world is hurting. We are going through difficult economic times and, of course, people will be looking for every advantage that they can. It is important that, through this time, governments support—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Well, you do not support people by throwing away your tax base. Essentially, the Leader of the Opposition is saying that, under a Liberal government, a much larger deficit would exist than under this government, because they are saying that we will be giving our tax base away. In the short term, you might argue that that will save a job or two but, in the long term, we know that running policies that are totally fiscally irresponsible will lead to much greater, prolonged and deeper unemployment and, indeed, a whole lot of other social ills.

This government has managed the finances of this state responsibly for the past seven years, and we will continue to do so. Where we have the capacity to offer tax relief, we will do so. This government is mindful of the pressures that face individuals of this state, as well as companies, and we will do what we can within a fiscally responsible environment to help them. What members opposite need to do is come up with some proper costed policies that will assist industry in the longer term rather than going for short-term political gain. They have failed to do that today, they failed to do it when they were in government, and I think it is pretty obvious that they will fail to do it in the next 12 months leading up to the election.

HEALTH AND FITNESS CODE OF PRACTICE

The Hon. J.M.A. LENSINK (14:32): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about the code of practice for the South Australian fitness industry.

Leave granted.

The Hon. J.M.A. LENSINK: On 2 September 2007, the former minister for consumer affairs made an announcement that the revised health and fitness code of practice had been amended in the interests of better consumer protection. This includes that agreements with consumers will be either periodic or fixed-term agreements of no more than 12 months. On the social networking site, Facebook, a blog was posted yesterday at 7.34—

The Hon. R.P. Wortley interjecting:

The Hon. J.M.A. LENSINK: I prefer Facebook—in which one of my Facebook friends posted her discontent with a particular gym. It has since elicited some 55 comments as of one o'clock this morning. I would just like to quote from the blog. My friend states:

> I have been a member of the Adelaide Next-Generation gym for probably close to two years now, paying around $100 per month for the honour...Recently, due to my 3 month trip overseas, I decided my $300 could be better spent and tried to cancel my membership. They would not let me do it. I sent numerous emails and called several times, but they insisted that I needed three months notice to do so...I am paying month by month as my initial 12 month contract has expired—

I wonder whether that is in breach of the code—

> but this seems to make no difference to them...I then tried to place my membership on hold, offering to show them travel documents to prove that I was overseas. Again they said it was impossible, citing medical reasons as the only reason I could place my membership on hold.

Someone then responded to Kelly, as follows:

> I would think that, once you are out of your original 12 month contract, the three month notice clause would be hard to enforce. I suggest you go to your bank and ask them to cancel the direct debit.

Kelly then states:

> Oh trust me, I have tried to cancel the payment via my bank, but apparently even though I have, the paperwork the gym has means they can just reinstate it...I have to close my bank account.

A further complainant states:

> Me too, they got me! Thought I joined for only 12 months but apparently not, until you inform them in writing it continues and then when you do inform them they say it continues for another 3 months. I signed a letter when I joined stating that my membership will only be 12 months and will expire at the end of that. When I contacted them they said that I signed another document rescinding the initial one. WHY would I do that? They continued to remove my funds and despite numerous written request to provide me with the documents I supposedly signed still they cannot produce them. I've engaged a lawyer to recover my funds and the cost of legal aid.

Another person—

The PRESIDENT: I hope the honourable member is not going to read the 55 complaints into *Hansard*.

The Hon. J.M.A. LENSINK: No; it is only three extracts out of the 55, sir. Sam said, at 12.30 this morning:

> I still have a Next Gen membership at the moment but should have got around to cancelling it by now...Last year I had a knee injury and even with a certificate from my physio, doctor and orthopaedic surgeon they would not 'freeze' my membership for any length of time because I had not been a member for twelve months. Then, when I had been a member for twelve months, by December, I had to go to Melbourne for work for the entire month but they wouldn't freeze my membership because they would only freeze it if you were going interstate for medical reasons.

As the you are clearly aware, Mr President, there are numerous other complaints, some of which refer to other fitness centres, but Next Generation is the main one. I have also examined the fitness code. My questions are as follows:

1. Is the minister aware of significant consumer concerns about this industry and, in particular, the Next Generation gym?

2. Will the minister instruct OCBA to investigate practices in this industry?

3. Will the minister conduct a review of the code of practice?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:36): I thank the honourable member for her important questions. The sorts of issues to which the honourable member has referred concern unfair contract terms and. indeed, these are matters the staff of the Office of Business and Consumer Affairs have been putting their mind to for some time.

I am happy to receive the specific details the honourable member cites, and I will have the office follow that up to see whether any further steps can be taken to address that specific instance. Generally speaking, this is an issue that has been pressing the mind of ministers for consumer affairs right around the nation, and they have examined and agreed to a series of proposals for far-reaching consumer policy reform. The agreement follows the decision of COAG, in March 2008, that an enhanced national approach to consumer policy must be developed, as recommended by the Productivity Commission in its extensive review of Australian law and policy.

Ministers for consumer affairs, through their ministerial council, have agreed with the Productivity Commission that the linchpin of these reforms should be the enactment of a single national consumer law to replace the fair trading act in the individual states and territories. So, a forward looking, best practice approach has been undertaken in that regard. At a meeting in August 2008, the Ministerial Council for Consumer Affairs agreed that all Australian jurisdictions would adopt a new national consumer law based on the current consumer protection provisions of the Trade Practices Act 1974, incorporating the best practices of states and territories. A new law has to be agreed by all jurisdictions, and those provisions will remain constant.

Some of the areas this new consumer law is looking at are regulations to prevent and respond to unfair terms in standard contracts. As the honourable member points out, many companies are adopting a 'take it or leave it' approach, often leaving the consumer with a most unsatisfactory service or product. It has generally been considered that this is an area that needs a fairly considered review, and a review is currently being undertaken. A wide range of other areas of the code are being looked at as well, including, in a lengthy list, such things as implied warranties and conditions, penalties, disqualification orders and public warning powers.

I understand that it is proposed that all Australian governments approve these arrangements, and the plan is that administrative arrangements will be in place by the middle of 2010, with parliaments having passed legislation by 2011. So, there is obviously a significant commitment to review those sorts of matters, and that is currently being undertaken. South Australia is committed to be part of that national consumer law review.

In relation to the specific example mentioned by the honourable member, I am not sure under the current arrangements whether much can be done; however, I am happy to have the agency follow that up and try to address those concerns.

SIGNIFICANT TREES

The Hon. S.G. WADE (14:40): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question relating to significant trees.

Leave granted.

The Hon. S.G. WADE: I recently spoke with a resident of the Adelaide Hills who expressed his concerns regarding the impact of significant tree legislation on bushfire prevention. As Adelaide approached the extreme fire conditions of 7 February, the resident, also a member of the CFS, contacted his local council for permission to trim a significant tree on his property which presented a fire risk.

The tree was a 40 year old gum tree, which is significant by virtue of being two metres in circumference. While the proposed trimming was approved by the Native Vegetation Council, the local council required the resident to go through the normal application process under significant tree legislation.

In spite of the latitude within the Native Vegetation Act for bushfire prevention, he was advised that there is no such capacity in the significant tree planning controls. The application process would take six to eight weeks and would involve an application fee of $80 and an arborist's report of between $300 and $400 before the application was considered. I stress that the landholder was only proposing to trim the tree, not remove it.

In mid-February, the government released a code of practice for the management of native vegetation to reduce the impact of bushfire. The code refers to the significant tree legislation but makes no mention of any accommodation for bushfire prevention in relation to significant trees.

My question is: will the minister review the significant tree planning controls to ensure that landholders are able to undertake appropriate bushfire measures without significant cost and delay?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:42): Indeed, we did review it, we made significant changes to it and we put it to this parliament and, guess what, the honourable member voted against it, and so did his colleagues and so did a majority of people in this council. As a result of that, that legislation was delayed.

So, yes, I have reviewed the significant tree legislation. I do agree that there are some absurdities in it. The honourable member referred to native vegetation, but the same could apply to a pine tree. There are some very large radiata pine trees that have been removed in national parks because they are regarded as weeds, but under the current act they are significant trees.

What I sought to do with some of the amendments that we debated 12 months ago in this place was to look at exempting some types of trees, and that could well include olive trees, for example. If you have an olive tree that is more than two metres in circumference it could be argued that that is a significant tree and you would need planning approval. There are some anomalies, and I sought to address that in the significant tree bill that was stalled in this place, but in view of the—

Members interjecting:

The Hon. P. HOLLOWAY: It stalled. It did not have the numbers in this place to get through and it was—

Members interjecting:

The Hon. P. HOLLOWAY: They are not bad, are they? They oppose this tooth and nail and they are caught out, and now they are trying to say, 'Why didn't you get it?' Isn't this great?

This is the sort of economic sabotage that members opposite specialise in. In this place they block key bits of legislation, they damage the economy of this state through their utilisation of powers within this parliament and then they go out there and say to the government, 'You haven't done anything.'

What I can say is that it is my intention that we revisit the significant trees act, and I look forward to the honourable member's support in making some much needed changes to the legislation.

The Hon. S.G. Wade: Show us any mention of bushfires. Does it mention bushfires once?

The Hon. P. HOLLOWAY: So, you have an absurdity in a piece of legislation that makes certain types of trees, such as radiata pine trees, which many people would argue grow like weeds in the Adelaide Hills, subject to planning approval. I would try to change it so that we can exempt some species, but no, you cannot do that, but as long as you mention bushfires you can. Clearly we need to clear up—

The Hon. S.G. Wade: They will hold your government personally responsible.

The Hon. P. HOLLOWAY: They hold our government personally responsible, and you blocked it! I tell you what: they will be holding you responsible. You have just been found out because you had no idea what you were voting for. I am sure he had no idea! He did not mention it. He has been found out; no wonder he is embarrassed! You voted against it. When they said, 'Will you vote for the change?', you put up your hand up and said no. No wonder he is embarrassed.

Notwithstanding that, he may try to misrepresent the position. Being a Liberal, he is highly experienced at misrepresentation to the electors. From the Leader of the Opposition in another place down, they are great at doing that sort of thing. This government will not give up on the issue of significant trees. We will bring back measures, notwithstanding members opposite, and we will see whether they have changed their mind and whether they accept the reforms to the significant trees legislation, which are badly needed.

SIGNIFICANT TREES

The Hon. S.G. WADE (14:46): By way of supplementary question, in relation to the minister's commitment to bring back the legislation he has delayed for 12 months, despite the risk of bushfires, will he in that legislation remove the need for emergency workers combatting a fire to contact significant tree authorities before they touch a significant tree during an emergency?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:47): I believe some issues are covered under other legislation in relation to emergency measures.

The Hon. S.G. Wade: That is not true. You look at the code of practice.

The Hon. P. HOLLOWAY: Other measures are covered under other pieces of legislation that deal with those things. The honourable member is quite correct: there are some absurdities in there and I have sought to correct them.

The Hon. S.G. Wade: Well, address it—stop delaying it.

The Hon. P. HOLLOWAY: We put it up and you voted against it. If you are going to change your mind and not vote against it, that is great and I will be happy to bring back that legislation as soon as possible.

Members interjecting:

The PRESIDENT: Order! The honourable member may want to give the name of the constituent to the minister so that he can write to him.

Members interjecting:

RESIDENTIAL DEVELOPMENT CODE

The Hon. B.V. FINNIGAN (14:48): We have wasted half an hour listening to those guys, so I will not be too quick to get going.

The Hon. J.S.L. DAWKINS: On a point of order, the honourable member has been here long enough to know that, if he gets the call, he should stand up and seek leave to make a brief explanation before asking a question and not give commentary.

The PRESIDENT: Order!

The Hon. B.V. FINNIGAN: That was a regular Henry V contribution. I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the process for gaining planning and building consent for residential developments in South Australia.

Leave granted.

The Hon. B.V. FINNIGAN: South Australia's planning and development system was subjected to a thorough and comprehensive review, with the results and recommendations published by the government in June last year. The review found that there is an opportunity to unlock significant economic benefits for the state by introducing a more streamlined planning approval system for residential development. What action has the government taken to implement the recommendations of the review and deliver those economic windfalls to home buyers and renovators?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:49): Earlier this week I had the great pleasure of launching a revolutionary new era in planning approvals for South Australia with the introduction of a residential development code. The code, which came into force from Sunday, makes planning and building approvals for residential housing in this state simpler, faster and cheaper.

Many homebuyers and renovators will be able to save both time and money when lodging development applications with their local council. A more efficient planning approval system should translate into substantial savings for home buyers and builders, which in turn should provide a significant boost to our state's economy. The first stage of the new code means South Australians can expect reduced waiting times for approvals on their home extension and other improvements. As long as applications meet certain requirements, waiting times for approval should be slashed to 25 days for many carports, larger sheds, large shade sails, verandahs and swimming pools, and to 35 days for alterations and additions to existing homes. That is a major improvement on waiting times under the previous system, which sometimes could stretch out to 12 months.

At the launch of the code in South Brighton on Monday, the home owners who provided their property—and I thank them for that—explained how they had to wait eight weeks for approval for what was basically a simple extension to the rear of their house. Such a long waiting time for a simple home renovation or a project home is just unacceptable in this day and age. We can speed up things and that is the aim of the new code.

There will be a twin track for the introduction of the code, with complying development applying initially to alterations and additions to existing homes. For new homes the code will initially apply only in areas nominated by local councils and only for detached and semi-detached dwellings. Local councils have until 31 March to nominate areas to be covered by the new code.

I also stress that this code does not just apply to metropolitan councils but, rather, all regions throughout the state. Many regional councils, which are expanding into new subdivisions due to our state's growing population, can benefit greatly by adopting this code. It will also free up their often stretched planning departments, allowing them to focus on the more complex and difficult development applications. I urge councils across the state to ensure that their ratepayers and potential ratepayers are able to enjoy the benefit of these revolutionary changes to the residential planning system.

As members are aware, the code will not apply to local heritage places, state heritage places, state heritage areas, historic conservation zones and policy areas, and high risk bushfire protection areas. Also, the code will not apply to development that is subject to a referral, such as those referrals to the Country Fire Service or the Coast Protection Board.

A special process is now under way through which councils are being asked to nominate areas for character assessment that will define specific local variations to the code. This process will prevent new dwellings from having an adverse impact on an identified area's desired character. This government wants to deliver the most efficient planning system in the nation, but not at the expense of the characteristics that give Adelaide its essential character and charm.

In the months ahead, the Department of Planning and Local Government and my office will be working closely with local government and the community to identify the specific features that distinguish character within our suburbs. Some of this work is already being carried out. A recent

development plan amendment approval for the City of Unley identified many of these character issues, such as setback and architectural style, which form part of a residential streetscape.

The Legislative Council was put in the unique position of being able to consider the regulations that gave effect to the code when debating recent amendments to the Development Act. Some variations of a technical nature have been made to those regulations since that legislation was approved by parliament. The regulations that give effect to the code were published in last week's *Government Gazette*, including those variations that involve exemptions from planning consent requirements, such as outbuildings, carports, verandahs and shade sails. All these are conditional on size, height and siting on an allotment and will require building rules consent to ensure minimum standards are met, especially in relation to the safety of occupants.

Furthermore, we have introduced a streamlined assessment provision that will take a maximum of 10 business days for planning consent and 20 business days for building consent. These new rules now apply to house additions and alternations where the addition or alteration is single storey in nature and does not affect the front facade of the existing dwelling: it is altering or adding. Of course, there is a range of particular rules that will apply to specific situations. Examples of these include rear setbacks, wall heights and open space.

In order for the code to work effectively, the government needs the support of local councils, and we have been working closely to road test these reforms. Only last week I had a very productive meeting with the Local Government Association to discuss the rollout of the code. At the same time, I appreciate that reforms of this magnitude will have some teething problems—that is to be expected—and I urge members of the public to bear with us during this transitional period.

However, the end result should mean a more efficient planning approval system for all South Australians—one that is simpler, faster and cheaper than ever before—which, in turn, should boost our state's economy and put dollars in the pockets of home buyers and renovators.

RESIDENTIAL DEVELOPMENT CODE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:54): How much money has been provided to local government for the training and implementation of the program?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:54): I think it was, in total, about half a million dollars over the course of the introduction and trialling of the process to assist local government. I will take that question on notice and get the exact figure and a breakdown for the honourable member.

RESIDENTIAL DEVELOPMENT CODE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:55): How much money was provided to industry to educate and train industry in the residential code?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:55): There has been no money provided to industry in relation to that. Of course, local government will be the principal authorising body in relation to these new changes and, clearly, it is their officers who will most need to be up to speed.

The government is running information sessions and will provide a significant amount of information to industry. That will be happening very shortly. Our first priority was to ensure that local government was up to speed on these particular changes. Once that is in place we will be extending those information sessions to industry and, in particular, to smaller home builders.

Clearly, the larger developers in this state, through their various organisations (the MBA, the HIA and the UDIA) are very well aware of these forms. We have had a number of meetings and discussions with those bodies and they are generally aware. What we need to do now in terms of information is to ensure that that information flows through to the renovators and the small business sector so that they, too, can receive the benefit of these new changes.

We believe that there have been some people who, in relation to additions, have been holding back awaiting the introduction of this code. I am sure that a number of applications under the new scheme would have been lodged with local government following its introduction this week. However, as I pointed out in my answer, the main initial benefit of these changes will be to additions and alterations to existing homes.

The code for new dwellings (the second stream I referred to) will, in the first instance, apply only to those areas which are nominated by local councils. One would expect that will largely be in the greenfield areas of councils in the outer areas. Over the course of 2009 we would expect to gradually extend the areas to which the new residential code applies to new detached or semi-detached dwellings.

OMBUDSMAN

The Hon. A. BRESSINGTON (14:57): I seek leave to make a brief explanation before asking the minister representing the Attorney-General questions about the Office of the State Ombudsman.

Leave granted.

The Hon. A. BRESSINGTON: In my speech to the Children's Protection (Harbouring) Amendment Bill I made a passing reference to the case of Mr John Ternezis and his daughter. This case is so scandalous that it warrants retelling very briefly. Mr Ternezis' daughter ran away at the age of 13, only to end up living with three men who were supplying her with drugs, resulting in a serious drug habit. She then got pregnant at 15 and had a baby. None of the three men were ever charged with any offences although even our current laws could have been sufficient to ensure an appropriate remedy and protection for the child.

Mr Ternezis says that all former ministers of Families SA and the department's attitude was always one in which they felt that the best thing for his daughter was for them to support her in doing whatever she liked to do. The added tragedy to Mr Ternezis' story is that he has spent the past 11 years since that time trying to hold the child protection authorities to account in order that no other family should relive his horror.

His detailed chronology, compiled with the help of two lawyers, makes shocking disclosures about departmental malpractice. I am advised that every member in this and the other place has been provided with a copy of this report, including the current minister for Families SA.

In a letter from the Office of the State Ombudsman, dated 11 November 2002, Mr Eugene Biganovsky, in defence of the department, reiterated the suggestion by the then department's general manager that:

> In care and protection applications for custody and guardianship orders, Family and Youth Services must establish an evidentiary base, beyond allegations and suspicions, to bring forth an application for Youth Court deliberations. Family and Youth Services consulted with the Crown Solicitor in relation to the matters raised...who is of the view that there is insufficient evidence to remove Katrina from her present living arrangements [that is, with the men] or make an application to the Youth Court.

At the time of this statement the child had already become pregnant, and a report by an in-house psychologist dated 24 August 1999 even corroborated that the child had admitted to sexual relations and drug use (supplied by the men). In many ways this case compares to the Heiner affair in Queensland in which it is alleged that the gross abuse of a child, at a time when they were most vulnerable and in need of protection, was covered up by Queensland state authorities, while Mr Kevin Lindenberg's attempts to get a procedural remedy have since been met with the dead-end processing of his public interest disclosure statements.

Not so long ago the Attorney-General was quoted in the media as stating that where people have serious complaints about the misconduct of government departments they should approach the State Ombudsman's Office, as the Ombudsman has royal commission powers that he can use to bring about a full investigation and remedy. I am advised that the current Ombudsman—

The PRESIDENT: I remind the honourable member that matters of interest are after question time.

The Hon. A. BRESSINGTON: This is not a matter of interest, Mr President.

The PRESIDENT: Well, do it in matters of interest.

An honourable member: It is a matter of interest.

The Hon. A. BRESSINGTON: No, it is not; I have questions.

The PRESIDENT: Then please get to your questions. Five questions in 40-something minutes—

The Hon. A. BRESSINGTON: That is not my fault! We have a minister who takes 20 minutes to reply to a question—

The PRESIDENT: Order! You will not back-answer the President. You will ask your question now.

The Hon. A. BRESSINGTON: What can a citizen do to correct a gross act of procedural corruption by the department and its minister when even the Ombudsman and Crown Law collude to cover up such a heinous act against an innocent child? Does the Attorney-General consider it an appropriate role for the Ombudsman, who avails himself of the same source of legal advice as do the ministers (namely, Crown Law), to hold the powers of a royal commission when he is clearly unable to exercise those powers for the good of the people? Finally, where does one go and to whom does one complain when even the Ombudsman has become assimilated to the culture of the bureaucracy of the office he is supposed to scrutinise?

Members interjecting:

The PRESIDENT: The honourable minister will disregard the numerous opinions in the question.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:02): Let it be recorded that the Hon. Rob Lucas said 'Hear, hear' to those comments. So, here we have the most senior Liberal (in terms of service) within this state reflecting upon the Ombudsman of this state and his impartiality or otherwise. Let that be recorded, because I think it reflects on us—

Members interjecting:

The Hon. P. HOLLOWAY: What an incredible opposition we have in this state.

Members interjecting:

The Hon. P. HOLLOWAY: Incredibly bad, that is. That is the sort of level to which they drop. It is very easy for people who do not get the result they like in investigations to blame those who conduct the investigations, and it is very easy to talk about public figures such as the Ombudsman colluding and so on. However—

The Hon. A. Bressington interjecting:

The Hon. P. HOLLOWAY: I believe it is quite out of order to make accusations against senior people like that; it should be done by way of a substantive motion, and it should have a bit of evidence to support it. I cannot comment on those questions, but I really think that this parliament deserves better than allegations of collusion by people such as the Ombudsman being made in question time. I do not believe the questions deserve any further dignity than that.

OMBUDSMAN

The Hon. A. BRESSINGTON (15:04): I have a supplementary question. Is the minister saying that he has not received the report circulated by Mr Ternzis—written by two lawyers—to every member in this place, or has he simply not read it?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:04): The honourable member has raised a case and I will refer it to the Attorney for a response. However, the important point is that I do not believe that it is appropriate for those sorts of allegations of collusion to be made in question time—

The Hon. A. Bressington interjecting:

The Hon. P. HOLLOWAY: I will be very surprised if they used those words, but—

The PRESIDENT: Honourable members should be able to say outside what they say inside.

The Hon. P. HOLLOWAY: Exactly, Mr President. As I said, I will leave it up to the Attorney whether he wishes to make any comment on that.

LAND TAX

The Hon. T.J. STEPHENS (15:05): I seek leave to make a brief explanation before asking the Leader of the Government a question regarding land tax.

Leave granted.

The Hon. T.J. STEPHENS: On Monday, the Treasurer was on ABC Radio on the Matthew Abraham and David Bevan program responding to a caller who complained about his land tax bill having increased from $15,000 per annum to $58,000 per annum. The Treasurer stated:

> Well, firstly, I'd be more than happy if Mark had a complaint to write to us and we'll look at it, but Mark is saying his bill has gone from $15,000 to $58,000. Two things have occurred. It's either a factor of property value increase, and bearing in mind in South Australia we have a shortage of industrial property and it may well be a fact that he has received a significant increase in the capital value in his land which is a benefit to both him and to his business.

Does the Treasurer, you, leader, and this government have any understanding that, as the capital value of a property increases, it does nothing to improve the actual cash flow of a business or an individual and provide any extra capacity to pay what can only be described as outlandish, outrageous and unfair land tax bills?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:06): On what evidence does the honourable member say that a land tax of that amount is outrageous or outlandish? Does he know what the property is worth? Would he share that with us? Is he going to—

The Hon. T.J. Stephens: You're missing the point, Paul.

The Hon. P. HOLLOWAY: I am missing the point! The fact is that the land tax will depend on the value of the land; whether it is outrageous and outlandish will depend on the value. If the Liberal opposition wishes to go to the next election saying that it will abolish land tax, then I guess it can do that. It can also tell us where those hundreds of millions of dollars will be made up, or, alternatively, it can tell us how we will deal with all the additional debt that would impose on the state. Perhaps the Liberals could also tell us how, in terms of equity, it is fair to the people of the state because, if you are making a selective tax cut for one section of the population, inevitably, in one way or another, that burden will shift onto the rest of the population, and that is the dilemma involving all forms of taxation.

Whether you like it or not, state governments are unhealthily dependent on taxes such as payroll tax, land tax and other forms of tax that relate to employment and economic activity; unfortunately, that is our fate under the federal system of government, particularly if states are to provide the services that people ask for—and particularly when members opposite keep asking for additional expenditure on the one hand and then say that taxes are too high. They are never backward in coming forward over requests for additional expenditure. There would not be one question time in this parliament that goes by without a member opposite, in some way or another, asking the government for additional expenditure. At the end of the day, you have to balance it. However, in relation to capital value, I think the point the Treasurer was making is that the value of your property and assets—

Members interjecting:

The PRESIDENT: Order! Has the honourable minister finished his response?

The Hon. P. HOLLOWAY: I was just waiting for some—

The PRESIDENT: Quiet?

The Hon. P. HOLLOWAY: The point the Treasurer was making was that, if the capital value of a property increases, clearly, that is of benefit to either individuals or, in this case, companies.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: If the honourable member does not believe so, perhaps he should go to Europe, the United States and other parts of the world where their property values have collapsed and see what it has done to those companies. Has it helped those companies? That was simply the point that the Treasurer was making: the last thing you need is a collapse in values because, if the value of your property has declined by about 500 per cent like it has for some of these property trusts that have now gone bankrupt, then certainly they will not be paying any land tax because they are out of business, and I think that was the point that the Treasurer was making. Clearly, having capital appreciation is of much greater benefit to industry than capital decline which, as I said, has wrecked many companies in other parts of the world at this present time.

LAND TAX

The Hon. T.J. STEPHENS (15:10): As a supplementary question, can you bank the increased capital value of a property? Do you know?

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:10): If you have capital decline, what we have seen with many commercial property companies around this country and overseas is that they have gone broke.

An honourable member: We're talking about working people in South Australia; hard-working business people.

The Hon. P. HOLLOWAY: Hard-working business people. It will be interesting to see whether members opposite have something to say about some of the quite outrageous payments that some of the corporate chiefs in this country have been getting. Are they happy with the sort of returns that—

Members interjecting:

The Hon. P. HOLLOWAY: Do they believe that it is acceptable that, at a time when the economy is declining, people like Sol Trujillo, and others, are about to leave after four years with a $20 million-plus payout? The fact is that we are moving into difficult financial times. Companies will be under pressure. Land tax is just one part—and a relatively small one, I would suggest—of the pressures faced by companies.

Why is it that members opposite are always suggesting that the first thing that has to go is people? Where we have examples of corporations under pressure, have their directors taken a commensurate reduction in their payments? I suspect not.

When you are in difficult economic times, there will be many cost pressures on companies, but the solution should not always be to sack workers. Nor should the solution be to blame one relatively small part of the taxation that is applied; especially when the members doing it are members of the only party which, in the past 20 years, has actually increased land tax rates.

An honourable member: You don't believe that.

The Hon. P. HOLLOWAY: I do believe it; it's true.

WOMEN'S HONOUR ROLL

The Hon. R.P. WORTLEY (15:12): My question is to the—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order! The Hon. Mr Lucas should leave the council if he cannot be quiet.

The Hon. R.P. WORTLEY: Will the Minister for the Status of Women provide information about the South Australian Women's Honour Roll?

Members interjecting:

The PRESIDENT: I note that the crossbenches are getting rather annoyed with the opposition. Members are continuously disrupting question time and therefore they are not getting to their questions. We might have to do something about that.

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:13): I am very pleased to announce that I opened the nominations for the 2009 South Australian Women's Honour Roll at the International Women's Day luncheon which was held today. I was very pleased to note that the Hon. Michelle Lensink was present at that luncheon, as was the member for Florey, Francis Bedford.

The Women's Honour Roll celebrates women who are passionate and committed to assist in making our community a better place. The 2009 roll will build on the success of the 2008 roll, when over 140 women were nominated, and will acknowledge women who have not previously been recognised. The honour roll is an ongoing initiative. One hundred women will be added to the South Australian Women's Honour Roll and, from these 100 women, 10 will be highlighted for their extraordinary contribution. Nominations will close on Friday 5 June, and the honour roll recipients will be announced later in the year.

As I have mentioned previously, I am also very keen to ensure that more of the state's outstanding women are put forward for national and state public accolades. It is disappointing to see that there are still more men than women being recognised in these awards. Between 1999 and 2008, men accounted for around 68 per cent of those honoured within the general division of Order of Australia. The key reason for this is that more men than women have been nominated, therefore there have been more male honours recipients. That is why it is important to ensure that women are nominated for these awards.

Obviously, there are thousands of women across South Australia who are worthy recipients of our nation's top awards, and it is our challenge as a community to ensure that they are recognised. The Governor and Mrs Scarce, who hosted the 2009 Australia Day Awards function at Government House, have also indicated their commitment to promoting South Australians for national awards.

I believe that the South Australian Women's Honour Roll provides an ideal opportunity for women to be acknowledged by their local community, and it will profile the wonderful work that women do. I look forward to seeing many women on the South Australian Women's Honour Roll being nominated for national awards and honours.

COPPER COAST DISTRICT COUNCIL

The Hon. DAVID WINDERLICH (15:17): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question about the District Council of the Copper Coast.

Leave granted.

The Hon. DAVID WINDERLICH: Members would be aware that the District Council of the Copper Coast entered an agreement last year to sell land to Leasecorp and that members of the community, former councillors and other parties who sought to buy the land allege that Leasecorp received preferential treatment in the tender process.

In a ministerial statement, on Wednesday 18 February, minister Gago informed this council that an investigation by the Crown Solicitor's Office into whether the District Council of the Copper Coast has breached section 49 of the Local Government Act in selling land to Leasecorp had cleared the council of financial impropriety or improper personal relationships between the council and Leasecorp.

I have since been contacted by residents from the Copper Coast, who tell me that two key people were not contacted by the Crown Solicitor's Office in the course of its investigation. They are former councillor Tommy Tonkin, who initially supported the sale to Leasecorp, then became concerned about the process and became a leading critic of the process, and Mr Bob Soang, General Manger of Drake's Foodland, one of the competing parties in the purchase of the land, who also raised questions about the process of the sale to Leasecorp. My questions are:

1. Is it correct that the Crown Solicitor's Office did not speak to either former councillor Tommy Tonkin or Mr Bob Soang?

2. Did the Crown Solicitor's Office speak to other parties that expressed an interest in purchasing council land?

3. Did the Crown Solicitor's Office restrict its inquiries to the District Council of the Copper Coast and Leasecorp? If the Crown Solicitor's Office spoke only to the parties alleged to be guilty of impropriety (that is, just the defendants) and not any of the witnesses, why does the minister have confidence in its findings?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:19): There have been numerous questions in this chamber about this matter. There is a great deal of background

information already on record, so I do not intend to go back over that information in detail. However, an exhaustive investigation took place when the agency received complaints about the sale of the property referred to today, and that has been completed.

A range of initiatives has occurred in terms of seeking information as to whether an investigation under my powers was appropriate and needed to occur. The agency raised a number of questions with the council; it responded, and further questions were raised and then a further response was made.

Finally, the Crown Solicitor completed an inquiry into the matter and I advised the council, through a ministerial statement, of the outcome of that inquiry. The Crown Solicitor did not find evidence of financial impropriety on anyone's part, did not find evidence of a personal relationship between council members and council staff (or at least a relationship that might raise concerns), and did not find evidence of conduct that gives rise to any serious allegation of improper conduct. Upon that advice, it was my view that a formal investigation was not warranted at this time.

The issue of who the Crown Solicitor took evidence from was a matter for that office in relation to the complaints in question. They are the lawyers. I am not a trained lawyer. They sought the information they needed at the time to investigate the matters before them and to satisfy themselves that they had adequate information and detail to answer the charge being considered. So, it is a matter for them in terms of whom they believe they would need to interview or receive reports or information from; it is not a matter for me. I would obviously trust the Crown Solicitor's Office to do its job the way it sees fit and would not want to interfere with that: that would be most inappropriate.

If the honourable member is suggesting other members of the community might have additional information that could reflect on the outcome of this matter, I invite him to encourage those people to take that to the Ombudsman. That is the obvious independent authority to investigate any further matters or any further accusations. That provision has always been available to them. So, if they are not satisfied with my findings then I urge them to do that.

That is certainly not the end of the matter. There were some issues in terms of the council's policy arrangements relating to the tender process and expressions of interest process. I had some concerns about that and I put some steps in place to ensure that officers visit and ensure that those matters are addressed to my satisfaction. So, those issues are being dealt with, and the agency has also conducted a workshop with councillors to assist in the process of public consultation and information.

MATTERS OF INTEREST

INTERNATIONAL WOMEN'S DAY

The Hon. R.P. WORTLEY (15:24): I would like to use today's matters of interest debate to reflect on and celebrate International Women's Day. International Women's Day is on 8 March. This annual event is a global celebration of the social, cultural, economic and political achievements of women all around the world. This is a day when women celebrate the progress that has been made and also contemplate those areas of women's lives where more can be done.

The theme of the 2009 International Women's Day is 'Women and men united to end violence against women and girls'. Violence affects the lives of millions of women world wide, in all socioeconomic and educational classes. It cuts across cultural and religious barriers, impeding the right of women to participate fully in society. Violence against women takes a dismaying variety of forms, from domestic abuse and rape to child marriages and female circumcision—violations of the most fundamental human rights.

Domestic violence comes in many forms, such as physical and sexual violence, threats, intimidation, emotional and social abuse and economic deprivation. The most influential factor of domestic violence in the community is the continuation of the cycle of abuse. Children who experience domestic violence can be severely affected throughout their lives. This is not something that we want to pass down through the generations.

We all know that women's access to education health care and paid labour has improved, particularly in western democracies, and many countries have enacted legislation that promotes equal opportunities for women and respect for their human rights. Despite this, nowhere in the world can women claim to have all the same rights and opportunities as men. Of the 1.2 billion

people living in poverty, 70 per cent are women; of the 27 million refugees in the world, 80 per cent are women; and of the 1 billion-plus illiterate adults in the world, two-thirds are women.

International Women's Day originally started as a trade union protest in the United States of America. In 1908, 15,000 seamstresses marched through the streets of New York City, protesting for equal rights, including better pay, shorter working hours and the right to vote. In the early 1910s, the concept gained recognition across international communities, and momentum grew as women across Europe continued to fight for the right to work and to protest against world conflict. Since that time International Women's Day has been widely observed in both developed and developing countries alike.

International Women's Day marks an occasion for celebration as well as reflection on the world's progress towards achieving gender equality. Gender equality means the equal value of women and men. We want to overcome the stereotypes and prejudices so that both sexes can contribute and benefit equally. Let us not forget that as recently as the 1970s women constituted one-third of the workforce but were still paid less than men. In 1972 the Whitlam government ruled that women doing the same job as men should be paid the same wage. Few women, however, were employed in managerial or high status roles.

South Australia led our country in giving women the right to vote and enter parliament back in 1894. It was not until 1918 that a woman first stood for parliament, and it was not until 1959 that two women—Jessie Cooper and Joyce Steele—first stood for parliament and were elected. Currently in South Australia there are 21 women in our houses of parliament: 16 in the House of Assembly and five in the Legislative Council. In the federal, state and territory parliaments across Australia, 37 per cent of all Labor representatives are women, including both the Governor-General and the Deputy Prime Minister, but women are still under represented in our parliaments. I have said before and I will say again in passing, that it looks as though they will be even more under represented on the opposition benches after the next election.

The Labor Party strives to maintain gender balance in our parliament in order to ensure that policy outcomes reflect the needs of women in the Australian community. The National Labor Women's Network is an official national women's system within the ALP and provides a forum to increase the number of women active within the Labor Party. It aims to facilitate and develop relationships between state Labor women's organisations and the national network as well as support the development of skills that assist women to participate in the ALP at all levels.

All levels of Australian government have recognised the need to work together to ensure that women and men are treated equally, and to treat each individual with the respect to which he or she is entitled.

Time expired.

COUNTRY PRESS SA AWARDS

The Hon. J.S.L. DAWKINS (15:30): I rise today to speak about the Country Press SA Awards, which were held last Friday night at the Adelaide Town Hall. I was pleased on that occasion to represent the Leader of the Opposition in another place, Mr Martin Hamilton-Smith, and also to attend in my own right as a sponsor and judge. I acknowledge that the member for Light in another place represented the Premier.

I was delighted that this was the first event that Mr Ben Taylor, General Manager of the Murray Pioneer Group of newspapers, attended in his new role as President of the Country Press Association, having taken over earlier that day from Mr Michael Ellis, Managing Editor of the *Yorke Peninsula Country Times*. The Taylor family, of course, has been involved over several generations throughout the 97 years of the Country Press Association in this state. I am also delighted that Mrs Margaret Manuel, former editor of the *Plains Producer*, and also a former president and past executive officer of Country Press SA, was awarded life membership of that organisation.

The award that I sponsor, and on this occasion judged, is the community profile award. The spirit of this award is to acknowledge an interesting and well-written profile (life story) on a member of the entrant newspaper's community. First prize went to *The Courier*. This article on Bridgewater man Denis Noble was written by Judy Richards. It featured in the weekly 'In the spotlight' section dedicated to community profiles of local people. Denis is a Bridgewater-based architect, but his face and voice would be familiar to many South Australians through his long involvement in television, radio and film.

Judy's article captured the many and varied aspects of the life of Denis Noble, ranging from his professional performances in *McLeod's Daughters* to his voluntary work with amateur theatrical bodies, service clubs, and school and church bodies. Judy also presented an interesting and entertaining perspective on Denis's further wide-ranging interests, including his participation in hill climbs, painting watercolour scenes and a long-time dream to build a wooden boat. I note that Judy Richards was second in this award last year when it was judged by Mr Dick James.

Second prize went to *The Loxton News*. Pat Koopman's profile on Les Burgemeister demonstrated how the local mechanic had built a small business, based on his commitment to customers, dedication to his trade, trust and respect. Third prize went to *The Recorder*. This profile by Belinda Palmer of Port Pirie's Ted Mertens coincided with his 60th birthday. It outlines Ted's lifelong passion for snake-handling, described as a 'venomous hobby', which became far more than a recreational pursuit.

I will run through some of the other awards on the night. The best newspaper over 6,000 circulation went to *The Courier* at Mount Barker, from *The Bunyip* at Gawler and *The Times* at Victor Harbor. In the 2,500 to 6,000 category, the *Murray Valley Standard* was the winner for the 5th year in a row, ahead of the *West Coast Sentinel* and *The Recorder*. In the under 2,500 circulation, the *Plains Producer* at Balaklava was the winner, ahead of *The Loxton News* and *The Islander* on Kangaroo Island.

The best advertisement for image and branding went to *The Times* at Victor Harbor. The best advertisement for priced product went to the *Northern Argus* of Clare. The best advertising feature was awarded to the *Port Lincoln Times,* and the best supplement went to the *Murray Valley Standard*. The best news photograph was won by Amy Moran of *The Flinders News*. Graham Fischer of the *Barossa & Light Herald* won the category for best sports photograph. The *Murray Pioneer* won the award for best front page. *The Islander* was successful in the section for best editorial writing, and Genevieve Cooper of *The Courier* won the excellence in journalism category. I look forward to the Country Press Association conference at Renmark next year.

MEMBERS OF PARLIAMENT

The Hon. B.V. FINNIGAN (15:34): My contribution today may seem a little indulgent, since it is principally about other members of parliament. I take the opportunity to congratulate the Hon. David Winderlich on his election. He is not someone I know particularly well, but I am sure I will get to know him. I am sure we all have been impressed with his contributions so far, which have been mercifully brief on occasion. The Hon. Mr Winderlich is clearly a man dedicated to his family, with strong country roots. Whilst I do not wish him electoral success, I nonetheless wish him well in his service in this place.

I wish to place on the record my thanks to the member for Mount Gambier, Rory McEwen, in another place, and my good friend and colleague, the Hon. Carmel Zollo, for their service in the Rann cabinet over the past number of years. It may seem a little premature to make tributes, particularly to the Hon. Carmel Zollo, since she is going to be here for another five years, but I think it is worth noting some of her achievements as a minister and particularly some of the records and firsts that she has set.

The Hon. Mrs Zollo is the first Italian-born woman to be elected to the Legislative Council and the first Italian-born minister at all, as I understand it, in the state. The Hon. Carmel Zollo is also the first woman to have headed the ALP ticket to be elected before a Liberal candidate at the last election. Under the Hon. Mr Lucas's leadership, the Liberals had a particularly bad election and the Labor Party topped the poll on that occasion, and so the Hon. Carmel Zollo was elected in the No. 1 position, the first woman to be elected as the lead ALP candidate.

I know that the Hon. Carmel Zollo is very dedicated to her family, her faith and the values that are important to her. She is particularly devoted to her children and her two grandchildren. The Hon. Mrs Zollo can be very proud of her achievements as a minister. The investment in prison infrastructure, which began under her watch, is something that will stand for a long time and will be a very important part of the future in respect of community safety in this state. It is not a particularly exciting project in the sense that people are clamouring to see new prisons but it is, nonetheless, a very important part of our law and justice system. Unfortunately, when people have committed crimes that require them to serve time in a prison, it is important that we have the right facilities for that. The Hon. Carmel Zollo has played an important role in getting off the ground what will be very long-term infrastructure for our state.

I also pay tribute to the work that the Hon. Carmel Zollo has done as minister for road safety—the first minister for road safety we have had. Safety on our roads is something which affects all of us. It is certainly something I am particularly passionate about, as are most people who have grown up in the country and have country roots. They know just what an enormous burden and tragedy it is when so many good people—and good young people—are lost to road accidents, and the tremendous impact that has on families all over country South Australia and, of course, in the metropolitan area as well. It is good that we have that focus on road safety, and I particularly congratulate the Hon. Carmel Zollo on her work as the first minister for road safety. I look forward to working with Carmel as she continues to serve in the Legislative Council as a backbencher, and I wish her all the best in that endeavour.

I congratulate also my good friend the Hon. Tom Koutsantonis (the member for West Torrens in another place), the Hon. Michael O'Brien (the member for Napier), and the member for Bright on their elevation. The member for West Torrens in another place is the son of immigrants. As I think he indicated yesterday, it is an extraordinary testament to our nation that these opportunities are afforded those who come to our shores and, to me, it is wonderful that the parliament of South Australia can be a part of that.

Time expired.

CABINET MINISTERS

The Hon. R.I. LUCAS (15:39): I want to talk also about what some sections of the media refer to as the 'appointment of young Turks to refresh and reinvigorate a fading and lacklustre Rann cabinet'. The first young Turk was evidently Mr O'Brien who, at 59 years of age, must be the oldest young Turk in Christendom—someone who will be collecting his Seniors Card this year. I am not sure how he can be classified as a young Turk to reinvigorate and refresh a fading cabinet.

The second young Turk (as described by some sections of the media) is factional hack and wholly-owned subsidiary of Labor Unity, the Hon. Mr Finnigan's friend, the member for West Torrens, Tom Koutsantonis. As members will be aware, I have often referred to him as the welsher, and I think it is ironic that he has been appointed the Minister for Gambling. In my view it is unAustralian to have a Minister for Gambling who welshes on a bet he has with anyone, let alone a member of parliament, and it is now time for him to clear his debts and pay up, because it will become widely known that the Minister for Gambling does not uphold the bets that he undertakes with others.

The Hon. Mr Koutsantonis, as a person of Greek heritage, would also probably be offended at being referred to by the media as a young Turk. However, I guess that is an issue for him to take up with those sections of the media.

There is no doubt that members and media commentators are aware of the intense hatred that exists between the Premier and Mr Koutsantonis. This is not a recent thing; it has been known for many years. I think the headline in the paper this morning—quoting the Premier as having said that Mr Koutsantonis would be appointed to cabinet over his (the Premier's) dead body—is fair testimony to the hatred that exists between the two of them. Certainly, those who know Mr Rann and Mr Koutsantonis know the intensity of that feeling.

Mr Rann's feelings are based largely on the fact that he knows that for many years Mr Koutsantonis was probably the most prominent 'leaker' in the Labor caucus to members of the media on a variety of things. He was certainly prominent in Mr Rann's view in his losing the 2002 election—

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): The honourable member should use correct titles.

The Hon. R.I. LUCAS: —the member for West Torrens—and in looking at organising the replacement for leader of the opposition Rann (as he was then) in the period leading up to 2002.

What has changed? Last year it was widely reported—in particular by Matt Abraham and David Bevan, who have very good contacts not only with the Premier but also with senior representatives of the Labor caucus, particularly the Right—that during last year's reshuffle, when there was to be one potential vacancy, the Labor Right offered up only one nominee: the member for West Torrens, Mr Tom Koutsantonis. Mr Rann said, 'No way', the political equivalent of 'Not over my dead body.'

Of course, the difference this year is that there were two vacancies manufactured, so in the end the member for West Torrens became the political equivalent of a set of steak knives—that is, Mr Rann got the nominee that he wanted, Mr O'Brien, the member for Napier, and the political equivalent of a set of steak knives was thrown in at no extra cost. He had to put up with the member for West Torrens, Mr Koutsantonis, who at last got his much desired new position.

The Hon. R.D. Lawson: Undeserved.

The Hon. R.I. LUCAS: Undeserved and much desired. The feeling and enmity that exists within the Labor caucus about this is still very intense. Certainly, the division between the Left and the Right remains, and around parliament members of caucus from the Left are talking openly about the trifecta of political jokes that occurred in the past week.

The first two were the fact that Pauline Hanson and Warwick Capper were running for parliament in the upcoming Queensland election, while the third leg of the trifecta was the fact that Premier Rann had just appointed Mr Koutsantonis, the member for West Torrens, to his cabinet. That is the intensity of the feeling between the Left and the Right and from members of the Left caucus towards the appointment of Mr Koutsantonis to the cabinet.

Time expired.

MURRAY RIVER, LOWER LAKES

The Hon. DAVID WINDERLICH (15:44): This is my first matter of interest, although looking at the empty red seats it looks more like a matter of disinterest.

An honourable member: We're listening.

The Hon. DAVID WINDERLICH: Good. As members know, the government has sought approval to flood the Lower Lakes with sea water. This is an important, almost certainly irreversible decision, and it is vital that the community feels they are receiving an accurate, scientifically rigorous account of why it is necessary. Unfortunately, we do not have this information and the government has been less than open in the way it has presented the evidence we do have.

In fact, the government has propagated and perpetuated three myths that are being used to gain support for the flooding of the Lower Lakes. It has been argued that the lakes were historically sea water and, therefore, they can be flooded with sea water. The facts refute this argument. Sediment cores, middens, and oral and written histories show that most of the time the lakes were predominantly freshwater. Inflows from the river kept the salt water out. At times of low flow, the salt water would move further up the river; that is why Captain Charles Sturt reported brackish water. That is just one report at one point in time. It is like taking an account of the 1956 floods as an indication of the natural level of the river.

There are other accounts around this similar time to Captain Charles Sturt that paint a very different picture. According to Hamilton, one of the overlanders in 1839:

> There in the distance was the lake. We were soon tasting the water. It was fresh and it was not salt. It had a vapid sweet taste but it quenched our thirst.

Eminent Adelaide geologist, Victor Gostin, has said that in recent history (that is, for thousands of years) the lakes were freshwater. Over the longer period of geological history, they were saltier but then, over the longer period of history, much of the Murray-Darling Basin was under the sea. You can find seashells and other marine fossils in the Riverland, but that is hardly the reference point for environmental policy today. The saltwater history of the lakes is a convenient myth.

The second myth is that we should not keep these lakes as freshwater because water there will evaporate. Evaporation is part of the water cycle, so it is not necessarily a problem. If we were really concerned about evaporation, we would not permit water to be stored in Lake Menindee where the evaporation rate is 2.5 metres a year and the rainfall is 243.7 millilitres or in the giant cotton dams in Cubbie Station.

If evaporation was the primary concern, we would completely change our management of water from the current system of storing it in shallow evaporation ponds (which is what they are in effect) to a park and pulse system whereby, every time it rains in Queensland, for example, we would let the equivalent amount of water out of Menindee to flow down to the Murray and refill with the water coming down from Queensland. Of course, that would rely on stopping diversions of water by the cotton dams.

The third convenient myth is that of acid sulphate soils. We are told we must flood the lakes otherwise the sulphuric acid in the cracked wetlands will get into the river and lakes and they will acidify. This may be so, but the scientists cannot predict the rate at which this will happen. They have models but they do not yet have sound science based on rigorous testing and random sampling. In the absence of this, the locals have argued that we can deal with the acid sulphate through a process of bioremediation—planting the right plants, mulching and so on—which sounds idealistic except that they have good evidence.

Locals can report participating in a very solemn tour with scientists about the perils of acid soils while a dog walked through a pool of supposed battery acid without immediate harm. They point out that the shores of Lake Alexandrina near Milang, a supposed acid sulphate hot spot, is covered in vegetation. The land appears to be healing itself.

It is interesting to reflect on the similarities between the Lower Lakes and the battle against the bureaucracies of the Upper South-East where there was a similar debate about whether to deal with saline water by draining it or planting salt-resistant plants, which was the preference of most of the locals.

In truth, members, we have absolutely no reason to trust the advice of the bureaucrats and river engineers in this current crisis. Clearly, they see the river as a drain, a channel, and not a living system. There is no clearer example of this than in the use of the phrase 'transmission losses' to describe the progress of water down the river. It is true that when we let water down the river, or if water is allowed to run down the river, some soaks into the ground, some evaporates, and some flows off into tributaries. This process is not transmission loss; it is the process of reviving the river. It is a natural, organic, ecological process.

That may sound like something a city greenie would say, but it is what the locals, farmers and fisherfolk are saying all along the river, and it is supported by the evidence. The strongest case of all to choose natural, low intervention strategies over dams and weirs is that we have been following that road for decades, and look where it has brought us.

Time expired.

FORENSIC PATHOLOGY REPORT

The Hon. A. BRESSINGTON (15:49): I table a two-volume report entitled 'The report of the inquiry into paediatric forensic pathology in Ontario' by Commissioner Justice Stephen Goudge. This report was released on 1 October 2008. Justice Goudge states that the failures of forensic pathology in Toronto became a nightmare for those unfortunate enough to be caught up in it. He pointed out that Dr Charles Smith became the head of Paediatric Forensic Pathology without formal training or certification, as did Dr Colin Manock in South Australia. He points out that there were serious criticisms of Dr Smith by judges in a number of legal cases. The same has occurred with Dr Manock in South Australia, as documented in Dr Robert Moles' book *A State of Injustice*.

Justice Goudge tells that the warning signs were ignored and that people in positions of authority who either had a duty or an opportunity to do something either turned a blind eye or else made false and misleading statements to cover up for Dr Smith's inadequacies. As detailed in *Losing Their Grip—the Case of Henry Keogh*, the then coroner Wayne Chivell (now Judge Chivell) stated that he decided, of his own volition, to delay publishing the findings until after the trial of Mr Keogh concluded. The findings referred to are those of the coronial inquiry into the baby deaths in South Australia which were highly critical of Dr Manock.

As part of the Ontario inquiry, Dr Robert Moles and Ms Bibi Sangha were commissioned by the inquiry to provide a research report on the baby deaths and other cases in South Australia. This has now been published in Volume 2 of the Independent Research Studies of the inquiry, which I seek to table today.

Professor Roach stated in relation to the South Australian report that the study poses the question whether there may be a connection between paediatric forensic pathology, which arguably produced false negatives in the three baby death cases, and other cases that may have produced false positives in terms of findings of non-accidental death that are open to dispute. He said that the authors also examine how a royal commission that led to improvements in other forensic sciences in South Australia had little impact on the practice of forensic pathology.

Dr Moles and Ms Sangha are now engaged on a book which will be published in Canada early next year. It is a comparative study of responses to miscarriages of justice in Canada, the UK and Australia. It compares the developments in the UK (with the Criminal Cases Review

Commission) and in Canada (with eight judicial inquiries) with the denials and obfuscation in South Australia, where officials have continued to deny that there is anything amiss.

Justice Goudge explained that, in relation to Dr Smith, serious systemic failings included sloppy and inconsistent documentation, that he was indiscriminate in accepting information about cases, his conclusions were skewed by unscientific considerations, and his ultimate opinions were fundamentally wrong. However, he went on to point out that those charged with overseeing his performance cannot escape responsibility. They accepted false, misleading and deceptive statements by Dr Smith to cover up his shortcomings. The commissioner points out that, despite clear opinion that Dr Smith's conclusions were 'unsubstantiated and baseless', those in authority still continued to assert that they fell within a reasonable range.

The UK has spent some 10 years attending to miscarriages of justice by means of the Criminal Cases Review Commission, with some 240 convictions overturned as a result. Canada has spent a similar amount of time working through miscarriages of justice by means of judicial inquiries.

South Australia still continues to deny the existence of a problem despite overwhelming and compelling evidence to the contrary. It is clear that, in due course, a royal commission in South Australia will reach conclusions about the delay and prevarication on the part of officials, similar to those found by the Goudge commission. The only question will be how long it will take us to achieve that result and how many more people may yet see their reputations tarnished or demolished by their inaction.

I implore all members to read these reports in the hope that we can all play a part in delivering genuine justice for the people of South Australia.

ATTORNEY-GENERAL

The Hon. R.D. LAWSON (15:54): During the debate on the Criminal Investigation (Covert Operations) Bill, I drew attention to the Attorney-General's dismissive description of a Law Society committee as 'the usual suspects' and as 'enemies of the people', repeating gratuitous comments made by the Premier in 2002. This is yet another example of the Attorney's attitude to the legal system and the legal profession.

Yesterday, in the other place, the Attorney-General added to the long list of embarrassing politically motivated actions which bring the high office he holds into disrepute when he made a feeble attempt at political point scoring against a member of the opposition. I will not dignify the point by repeating it, except to say that the Attorney referred to the remarks made by Judge Millsteed when recently sentencing one Terry Norman Stephens on his plea of guilty to making a false report to police.

The background is that in 2002 *Today Tonight* televised an interview with Stephens in which he made allegations against the former speaker. Mr Stephens, who, it transpires, has a long criminal history, has belatedly admitted to the falsity of his allegations. However, the Attorney-General chose to rely upon the Stephens statement—this now discredited person—to allege that a Liberal member was guilty of the offence of consorting with Stephens. It was a puerile attempt to besmirch a member who has expressed support for the establishment in South Australia of an independent commission against corruption, an issue much opposed by the Attorney-General for reasons he never satisfactorily explains.

The Attorney used the occasion to make gratuitously offensive remarks about Channel 7 and the producer of the *Today Tonight* program, Graham Archer, just as he has been making similarly offensive remarks about Hendrik Gout, a journalist who writes for *The Independent Weekly.* The Attorney-General's resuscitation of the Stephens affair reminds me of a discreditable attempt by the Attorney-General in 2004 to get the opposition to agree to the tabling of a report into Stephens' allegations by the then solicitor-general, Mr Brad Selway QC (now deceased), which was some 18 months old.

Mr Selway produced, I have to say, a very quick and shallow report, which is not surprising given the time allowed. Its shallowness was reflected in the fact that, notwithstanding Selway's view, it was the Channel 7 program that subsequently tracked down some of the guns which Stephens alleged had existed in the home of disgraced paedophile, Peter Liddy.

In February 2004, 18 months after that, the Attorney approached me seeking opposition agreement to support a motion authorising the publication of that report because section 12 of the Wrongs Act would have conferred upon the report certain protection. However, the Attorney

declined to give the reasons for it. I promptly replied in writing, asking whether there were any pending civil or criminal proceedings and asking for the reasons that it was necessary. I received, surprisingly, no response to that letter, and the Attorney thereafter never attempted to table the report.

However, I later learned that, in fact, civil proceedings were coming on for hearing the very following day and that the Attorney had thereby sought to aid litigation without disclosing to the opposition the reasons why. This was conduct unworthy of the Attorney.

The title of 'first law officer' in relation to the Attorney-General is a mark of respect which accords to that office holder the respect which really arises from the position he holds in the hierarchy of the bar and the legal profession. It is an honour that has been earned over the centuries by the efforts of many. The conduct of the incumbent Attorney calls into serious question whether he is entitled to be accorded that honour.

INDEPENDENT COMMISSION AGAINST CORRUPTION BILL

The Hon. R.L. BROKENSHIRE (15:59): Obtained leave and introduced a bill for an act to establish the Independent Commission Against Corruption; to define its functions and powers; and for other purposes. Read a first time.

The Hon. R.L. BROKENSHIRE (16:00): I move:

That this bill be now read a second time.

Today I hope is another nail in the coffin of what is clearly now the government's resistance to the establishment of an independent commission against corruption (ICAC) in South Australia. I am not Robinson Crusoe in moving for an ICAC today. I know that every other party in this place, including Independents, and in the other place, are committed to an ICAC. There is only one party that is not, at this point, committed to an ICAC, and that is on the public record, namely, the Rann government.

The Family First bill bears a lot of similarities to what has been proposed before. I am sure that parliamentary counsel has had plenty of practice in preparing bills of this nature. I will soon outline the fundamental differences between my bill and others, but I think the time has come for a couple of things to happen.

First, the time has come to stop knocking over one bill or another because of disputes about the particular model. I am hoping that this bill will be the vehicle through which we have this debate, that it is amended according to the will of the people represented in this parliament and ultimately passed. I flag that Family First will be very receptive to amendments that members may want in order to get this bill passed, given the intent of most members to see an ICAC in South Australia.

Secondly, the time has come to stop the political games on an ICAC. The opposition states that it is its policy, but I do not see it pressing on with this through our parliament at present, although I do note that it has a bill in the other house, which I will speak about later; just as I will speak later today on an education ombudsman bill. I indicate that, if it is party policy, push it now and not before or during an election.

South Australia needs both offices now, not after 20 March next year. Conservatively, I estimate that there are approximately 28 members out of 69, or 40.5 per cent, who via their parties or as independent members have indicated their support for an ICAC—the number is growing each time a bill is debated.

If the government wants to go to an election on this that is fine. Perhaps in a promised referendum on abolishing this place it can also have a referendum on an ICAC and, while we are at it, it should have a referendum on the benefits and the disadvantages of either building the RAH on a greenfields site or remodelling the RAH on its existing site and, who knows, a host of other things, so that we do not have this nonsense of 'we have a mandate for this or that', as is often heard from the government.

Whoever wins the next election—the government or the opposition—there will be a clear indication of what the people want. I know the government, from listening to it in the past, will not want to do this, because I think it knows that those things will not go particularly well for it.

Before I turn to the fundamental differences between this and other bills, I will outline a bit of background on why Family First comes to the council today moving for an ICAC. Corruption is

something that in many countries around the world has come to be accepted as a way of life. In trading in some places overseas corruption is accepted as part of the cost of doing business.

I will put members' minds at ease: I am not trying to defend corruption; I am simply putting this debate into context. I think it is foolish to think that in Australia we are immune from corruption. There is no cultural superiority or anything of the like that makes us less likely to be corrupt, nor would immigrants from other countries necessarily bring in corruption. It is, unfortunately, part of the human condition that some people will try to get ahead in the world by dishonest means.

We are naive and foolish to think that corrupt people do not sometimes find their way into even the highest offices in the land. That is partly the reason why we have seen ICACs set up, sometimes by Labor governments, in other states of Australia. Whilst we are proud of the general record in South Australia, unless there is an opportunity for an ICAC then we cannot be guaranteed that there is not corruption growing or existing in South Australia.

I refer to the politics of ICAC. This bill has significant ramifications for this state, and I cannot understand the government's hesitation in establishing an ICAC. It uses the argument that it is about cost. I will not wear that because in the Budget and Finance Committee this week we heard that the government is still prepared to spend many millions of dollars on government advertising and propaganda. The community of South Australia would rather see an ICAC than millions of dollars being spent, particularly—as has been acknowledged, I understand, from the Department of the Premier and Cabinet during questioning—if there is to be an increase in that funding in the lead-up to the election. The longer the government resists, the more questions will be raised.

There are interstate examples of ICAC that others have explained to the parliament, and I will revisit them in a moment. An ICAC has the potential to bring about a great deal of change and healing to this state if corruption in high office or organised crime has been so pervasive that it merits wide-scale prosecutions, convictions and removal from public office. We do not know if that is the case. That is the nature of things deliberately kept in the dark. Light is a great antiseptic. We must consider what corruption has been alleged in South Australia to justify creating an ICAC. This is a question one must answer with an element of guesswork, as corruption by its very nature is secretive and hidden from public view. I acknowledge that as a minor party we see people who claim that corruption is so widespread that they have lost interest in the government of the day and consider everyone else corrupt. I heard comments from a senior justice official recently, on which I will expand later, wherein he stated that he gets letters claiming that his decisions are wrong. He said that in those letters they claim he is corrupt.

I think members can sympathise with that and can go back to their offices and produce similar letters. Difficult decisions have to be made without any corruption by the judiciary, members of parliament and other people in high office. Complainants may not have any real corruption to complain of but, remember, they may have. The merit of having an ICAC is that the commissioner can hear out these people and make a determination and, if their claim is deemed frivolous or vexatious, I suspect that they will have a hard time saying that the commissioner is corrupt also.

I refer to the question of cost. Family First is always careful about putting additional costs into the Treasury budget, knowing that we have priority areas of human needs in this state. Let us consider what will be involved. There will be the salary of presiding officer and his or her assistants, which will in the case of the presiding officer have to be something comparable to his or her salary in the judiciary. Other costs include seconding administrative staff, as well as police officers and people providing witness protection, legal representation and legal aid. We know that the opposition in April 2008 said that its model of ICAC would cost about $15 million per annum and have a staff of 80 people.

In *The Age* newspaper of 6 April 2004—almost five years ago—Colleen Lewis wrote in her editorial that the New South Wales ICAC had a staff of 112 people and a budget of $16.5 million per annum. Queensland's Crime and Misconduct Commission had a staff of 280 and a budget of $25 million, but I note that it does some of the work SAPOL does here now, so one would expect the cost to be higher. The deputy opposition leader, Vickie Chapman, said in another place on 25 October 2007—17 months ago—that, first, the New South Wales ICAC had a staff of 110 people and a budget of $15.6 million per annum and was founded way back in 1998. She said that the Queensland CMC had a staff of 300 and a budget of $35 million and that the Western Australian ICAC had a staff of 150 and a budget of $25.5 million.

Family First's research reveals that New South Wales budgeted $17.1 million for 2006-07 and $17.9 million for 2007-08 for its ICAC. Western Australia did have a staff of approximately 153 in 2006-07and had budgeted $24.1 million for 2005-06 for its ICAC and, looking forward, it is expected that its budget will run to $28.6 million by 2010-11. So, I think the opposition's $15 million cost estimate is about the right mark.

It is worth making the point that three out of the six states—and we could be the 4th—have seen fit to incur the cost (and have done so for several years) in running an ICAC or its equivalent. I also note that there has been debate for several years in Tasmania as to whether it should have an ICAC but, to date, its Labor government has not seen fit to support one. We also have to consider the cost of not having an ICAC. That is the other side of this debate. Can this money be an investment that becomes a net benefit for South Australia? It could.

I want to speak about public support for an ICAC. I will retrace quickly the comments of some of the people in the public arena who have expressed support for an ICAC or demonstrated its merits. On 31 May 2007, a person well known to you, Mr Acting President, the retiring federal member for Port Adelaide, Mr Rod Sawford, said on FIVEaa morning radio that he believed that there was merit in all states, including South Australia, having an ICAC. That was said by a well-respected and diligent local federal member of the Labor Party.

Simon Slade, a lawyer and regular guest on Mr Leon Byner's FIVEaa morning program, said in early August that he supported the idea of an independent commission against corruption. On 16 August 2007 on the ABC 891 afternoon program the opposition leader said that he was not sure whether the Democrats bill for an ICAC was the right solution but did not offer his thoughts on what the right solution was. On 23 August—the research was put together a week later—a plan was announced with an estimated budget of $15 million.

I want to place on the public record that a former member, the Hon. Sandra Kanck, was also a strong supporter of a model of ICAC. On 23 August 2007 on FIVEaa morning radio, Peter Alexander, chair of the Police Association of South Australia—a man for whom I have huge respect and with whom I worked for several years—said:

> What I think the public wants to know, they are not averse to there being an ICAC but they want to see the model being proposed.

Of course, that is what we are putting to the parliament today and, indeed, it has been tabled.

In March 2008 corruption came to the forefront of public attention with the sacking of the Wollongong City Council. The story broke, awakening the media from their post-election and Christmas break slumber, with the saucy headline of a town planner accused of having sexual relationships with developers and approving several non-conforming property developments in Wollongong in return for gifts.

Chris Berg, writing in *The Australian* of 5 March 2008, pointed out that Wollongong was the 8th council in New South Wales to be sacked in the past five years. Berg put forward his thoughts on why this sort of local government corruption happens in councils in New South Wales. I put this on the record as a reference to councils in New South Wales, without any sledge on South Australian councils. This is already on the New South Wales public record and it ties in with the theme of and the reasons behind South Australia's having an ICAC. The article by Chris Berg in *The Australian* states:

> A main cause of the corruption in local government is the often cited problem of lack of transparency and accountability. Few media organisations are interested in the day-to-day goings-on of individual councils, at least until a corruption watchdog puts a councillor in front of a judge. Free from the close scrutiny that federal and state governments are subject to, councils are free to follow their whims. It is perhaps indicative that some of the earliest casualties of the subprime crisis have been local government investment portfolios.

Berg goes on to argue—and I raise it because, in the context of this debate, we are also faced with significant development reforms that this government wants to get through quickly, which is against the standard procedures—a point he was making about political donations where he says:

> But, more crucially, limiting political donations to local councillors does not tackle the real problem. Local governments have too much power over questions of property development. After all, this is virtually the only reason that bribery occurs between councillors and property developers. Most of the time, local governments are doing little more than imposing petty, nanny-state regulations.

I want to put on the public record that these are his views, not mine, and I will not run through the examples he gives. He then continues:

> ...when they deal with the issue of property development, these councillors suddenly hold vast levels of discretionary power, able to approve or reject multi-million dollar investments with the stroke of a pen.

I include that point to again illustrate the potential for corruption. I cast no aspersions on particular councils or the LGA here, for whom I have the greatest respect. I even have a family member working in local government. I am simply using examples from another state which have nothing to do with South Australia.

We certainly have not had eight councils sacked in five years. I simply point out that in New South Wales, in the area that Berg was referring to in his article, the potential existed and, in the Wollongong case, it manifested into corruption. On the whole, I find my dealings with local government very satisfactory. I have confidence in the people who give their time for little financial reward in the interests of their own local community in our state.

I do hope that a commissioner is able to wisely sift between trivial and vexatious claims about councillors and those that are—like those in Wollongong—substantial claims of corruption. The main emphasis, though, I believe would be the links between abuse of public office and organised crime, be it bikies, transnational crime gangs or paedophile networks. My main focus is not aimed at local government at all. Obviously, local government, like state parliament and the state government, would be subject to ICAC legislation if, indeed, it is passed by the South Australian parliament.

I add, in conclusion, the public comments I could find in support of an ICAC. On 15 September 2008 the very well experienced and highly respected professor of politics at Flinders University (Dr Dean Jaensch) indicated that he has supported an ICAC for years. It is hard to ignore a growing chorus from a range of areas supporting this concept. For Family First the fundamental points in the debate about whether we have an ICAC are these: the government argues we have enough anti-corruption measures, with the Anti-Corruption Branch of SA Police, an ombudsman and the like. Put simply, I do not believe that is a compelling argument. The functions of the Anti-Corruption Branch can be complemented or subsumed by an ICAC. For instance, the Queensland Crime and Misconduct Commission website states:

> The Queensland Police Service and the CMC work together to fight major crime, protect witnesses, and strengthen integrity within the police service. This partnership began at the time of the Fitzgerald Inquiry.

So there could be some economies of scale and so on out of that model. Some other states have an ICAC. New South Wales created an ICAC act in 1988. The Queensland Crime and Misconduct Commission was formed on 1 January 2002 as a merger of their Criminal Justice Commission and the Queensland Crime Commission. The CJC, of course, had been formed as a consequence of the 1987-89 Fitzgerald Inquiry, and the QCC had been formed in 1997 to investigate paedophilia. The Western Australian Corruption and Crime Commission was established on 1 January 2004. It is also interesting to note that Hong Kong has had an ICAC since 1974.

I place on record my view that there would be merit in considering a network of ICACs across all states. We are, perhaps, naive to assume that corruption does not spread across borders–certainly organised crime does—and over international borders, too. Victoria, for instance, does not have an ICAC and it would be a step in the right direction for South Australia to add its name to the list of jurisdictions with an ICAC to put pressure on the states that do not. In any case, I am sure that liaison and information sharing can occur between equivalent anti-corruption measures in all states, be they ICACs or not, to combat trans-border crime and corruption.

I now come to the fundamental differences that this bill has against other models. Difference No. 1 is: other commissioners as potential commissioners here. The Family First bill expands in clause 10 who might be a potential commissioner. All models proposed so far say that the commissioner would be a retired judge or a judge who retires specifically to take up the role of commissioner. That is one desirable avenue. This judge would then assume very significant powers.

Further, I think we have struck the right balance here where these powers do not include the power to proceed from investigator to prosecutor, judge, jury and executioner. The significant power of the ICAC is that it must communicate to the appropriate authorities the results of its investigations. That, one would assume, would lead to charges being laid. This bill includes measures to ensure that we know if law enforcement agencies are listening to the communication the ICAC gives them about possible investigations, and allowing parliament to investigate why that is so.

I was privileged to attend (along with MPs from several parties) a presentation of the Lawyers Christian Fellowship, where the Chief Justice of the Supreme Court shared his thoughts on faith, fidelity and impartiality in judicial office. It was a candid and excellent presentation, revealing something of the upbringing and experiences of the Chief Justice. I congratulate the Christian lawyers for holding that event. What impressed me was the Chief Justice's dogged commitment to impartiality, the cold forensic examination of the facts and judgment on the facts, putting aside one's own bias or beliefs. I mention this because I believe that judges like the Chief Justice would, in my opinion, be an ideal candidate for South Australia's first independent commissioner against corruption.

Aside from judges, we have added the potential for a commissioner from another jurisdiction to also be a candidate for our commissioner. I think the appointment of Stephen Pallaras QC from Western Australia to be our Director of Public Prosecutions was an innovative move. This difference in Family First's bill ought to be supported by the government and the opposition—that is, if the government still stands by its reasons for appointing Mr Pallaras as an Eliot Ness. I congratulate Mr Pallaras on the good work he is doing with his team.

Whilst a judge can come to office with a familiarity with the South Australian community, I believe that a good commissioner can quickly and easily familiarise himself or herself with the community and its issues. As an example, I highlight our Police Commissioner, Mal Hyde, who did all his policing in Victoria until being appointed here. He is arguably—in fact, in my opinion, without doubt—the best, as well as the most experienced, police commissioner now serving in Australia. He has done a fantastic job for South Australia.

Of course, they may lack some in-community familiarity, but they would make up for that by having ICAC experience that the judiciary does not have. So, Family First believes it is sensible for such a person to be in the mix for potential commissioner.

The second difference to the bill in another place is the oversight committee. One strong criticism that Family First had of the Hon. Sandra Kanck's previous ICAC model was the structure of the Democrats' proposed oversight committee. In Family First's opinion, it was too limiting. The parliament best represents the make-up of our community and it is best placed to inform itself of community views. To that end, Family First preferred the opposition's model to the Democrats' model, but in clause 88 has changed the make-up of the parliamentary oversight committee. We believe it is best that the Legislative Council, as an independent watchdog in this state, has stronger representation on the committee than the House of Assembly. Hence, our model is for four Legislative Councillors and three members from the other place on the oversight committee.

One compelling argument for this make-up is that the Legislative Council, to the frustration of governments of various persuasions, is rarely controlled by one party. That is its strength as a watchdog, the reason it must not be abolished, and I believe that South Australians vote for a Legislative Council for precisely that reason. So, the strength needs to be in Legislative Councillor oversight and not with members of the other place dominating this committee.

To illustrate the need for a bold, watchdog-style oversight committee I refer to an article published in *The Australian* of Friday 31 May last year. It was headed, 'CCC claims win over QC.' In it, Amanda O'Brien, a Western Australian political reporter, explained:

> Western Australia's powerful Corruption and Crime Commission has had a significant win in its damaging feud with its parliamentary overseer, Malcolm McCusker QC, over his repeated rejection and criticism of its misconduct findings. The bitter war has undermined the CCC's ongoing investigations into the influence of disgraced former premier Brian Burke over a string of politicians and bureaucrats after Mr McCusker suggested that its work was flawed.

I will not read the rest of this article, but I think the article and the situation in Western Australia both demonstrate the merit of a robust, independent, seven-member oversight committee rather than one individual charged with oversight (as is the case in Western Australia).

The third difference is in who can refer investigations to the commissioner. A subtle but important variation is in clause 7, and it follows the point I have been making about an independent, watchdog Legislative Council. If it falls to both houses of parliament to refer matters to the commissioner, again, on party lines the government could block any investigation. Allowing either house to refer complaints to the commission empowers a watchdog upper house to refer such investigations. Whilst the commissioner is under a stronger compulsion to investigate matters referred to him or her from the parliament, ultimately the commissioner can, with sound reasons, decline to investigate a referred matter. I am confident that this fundamental change to the models

proposed by others will be a change that is used wisely and cautiously by either chamber of this parliament.

The fourth and final difference to the opposition's bill in another place relates to self-incrimination. I am almost finished, but it is important that I explain this one to my colleagues. Clause 51 of the Family First bill creates a fundamental difference aimed at making sure that the commission is not stymied by legal tricks and legal principles that are, in our view, designed to protect the guilty and not the innocent. Hence, our clause on self-incrimination does not allow a witness to refuse to give evidence on the basis that it might be incriminating; the person concerned must give that evidence. However, that evidence cannot be used against them in proceedings on the incriminating conduct in question. It is fundamentally important that the commissioner can get to the bottom of corruption, and I believe that this change to the criminal law is necessary in this circumstance as otherwise corruption investigations might be stopped dead in their tracks time and time again on self-incrimination grounds.

I conclude by flagging that Family First may itself make amendments as it discusses this bill with interest groups, and it would certainly look favourably on other members in this place putting amendments on any front they wish. Family First has an open mind to amendments; it is the importance of the ICAC that we are so strong on getting into South Australian legislation. I encourage comment from colleagues in a couple of areas in particular: whether the mandatory reporting requirements are strong enough; and whether penalties for offences such as impersonating an ICAC officer are severe enough. On that second point, I believe the Wollongong council matter involved allegations of someone impersonating an ICAC officer, so those provisions could well be strengthened.

In moving this bill now, we can get the debate going again in South Australia. As I have said, we will consider amendments from other honourable members and vote on all those. This is an opportunity for an ICAC bill that is very similar to the model proposed by the opposition in another place to be passed in this house and then, prior to the next election, for the challenge to be taken up to the government to support an ICAC. If this bill passes in the Legislative Council and does get into the other house, and the government then refuses to support it there, it will be the government, and only the government, that will have to explain to the South Australian community why there is no bipartisanship in the passing of ICAC legislation that will ensure the integrity, security and well-being of the future of South Australia.

Debate adjourned on motion of Hon. J.M. Gazzola.

PASSENGER TRANSPORT ACT

The Hon. R.D. LAWSON (16:30): I move:

That the general regulations under the Passenger Transport Act 1994, made on 22 January 2009 and laid on the table of this council on 3 February 2009, be disallowed.

These regulations deal with taxi services. In particular, they have a serious effect upon non-metropolitan country taxi services, and they raise a number of serious issues.

We hear a lot of rhetoric from the Rann Labor government about its commitment to small business and regional development in this state; about how it listens to and consults with the community and that it acts in response to what it hears and on what it consults.

However, these regulations, insofar as they affect country taxis, give the lie to all four commitments. These regulations will have the effect of destroying small business and will have disastrous effects on certain small businesses currently operating. They will not improve services or businesses in rural South Australia. They are not the result of the government's listening or consulting. Consultations have been going on for a long time, but the ultimate result is that these regulations will have very serious unintended consequences.

The Hon. Robert Brokenshire has moved for the establishment of a select committee into the taxi industry. We will be supporting that, and we certainly hope that the government supports it. I believe that the select committee will be an appropriate forum to examine not only the issues raised by these regulations but a number of other important issues in relation to taxis.

Perhaps I should begin my presentation to the council on this matter by putting on the record a letter from Lake City Taxis which has been sent to all parliamentarians and the government. I thank that business for putting this material out, and I think it deserves to be placed on the record.

Lake City Taxis is a taxi business operating in Mount Gambier. I think Mount Gambier is the only city in South Australia whose council has passed a by-law which is currently operating in relation to the country taxi service in that city. I think Victor Harbor at one stage had a similar regime and Murray Bridge had a regime in place which I do not believe was effectively operating, certainly not in recent times.

The capacity exists in the Passenger Transport Act for local government to have by-laws relating to taxi services. As I said, Lake City Taxis is the major taxi operator under those by-laws in Mount Gambier and environs. Its letter to parliamentarians refers to the regulations and states:

We have detailed Government actions we consider urgent, essential and necessary to prevent a total collapse of the excellent local taxi service we have provided to the community of Mt Gambier over many years, and the business investments which we have built up and rely on for our livelihood.

We are greatly disappointed that changes with such serious impact on our small businesses operations have not been given prior exposure as a draft for industry comment and the seeking of professional advice.

The outcomes we now seek from members of Parliament and the Government can best be summarised as follows:

- A disallowance of the amendments to the current Regulations in their present form;
- Failing that, compensation commensurate with lost business income and capital investment value; or
- The issuance of General Taxi Licenses for each operator under council by-law.

The letter continues:

The City of Mount Gambier is the sole remaining regional Council to retain taxi by-laws and to issue taxi licenses with restricted numbers—just as the State Government does for Adelaide Metro taxis. This practice was established by the City many years ago and has been in continuous operation ever since. Operators, new and old, have come to rely on that legal policy framework for security, investment and business confidence.

The amended Regulations have created a new country taxi category which is totally deregulated, un-licensed and with no restrictions on the number of country taxi services able to be approved. This covers all non-Metro regions.

Consequently—and this is a key and crucial point—regional councils are no longer able to restrict license numbers within a taxi by-law and subordinate policy framework. This arises because Councils must avoid regulating a matter so as to contradict an express policy of the State that provides for the deregulation of the matter (see Local Government Act 1999 s247(e)).

The letter continues:

Thus the Mount Gambier City Council would need to amend their taxi by-law and restrictive numbers licensing policies to comply with the recently amended state [government] regulations in this matter. The law requires them to do this now following the effective date of 28 February 2009 of the new regulations.

Clearly this policy response would have major negative financial impacts on local taxi operators who have invested considerable capital in their council issued taxi licenses and the goodwill of their businesses.

The local taxi operators and council have expressed a strong will to retain current council taxi by-laws with its restricted numbers of licenses and they see that as the best way to manage and control the local taxi service.

However, if that is no longer a policy option the government wishes to keep open, then they seek compensation for lost income and invested capital.

As a further alternative the operators have stated that they each be granted a general taxi license which would retain their licensed status with restricted numbers.

The Adelaide Metropolitan taxis have been covered by this restricted and controlled taxi licensing system for years, and, as the Minister for Transport is able to issue 50 new general licenses per year, such an alternative may offer a suitable policy response in this instance.

Whether or not one agrees with the particular points being made in relation to this issue and, in particular, the effect of section 247(e) of the Local Government Act, it is not for us here to decide. Nor are other policy options that are advanced by Lake City Taxis matters to be considered in this particular resolution because, as the council knows, our only option is to disallow regulations of this kind. It is not possible to introduce amendments in either house of parliament. That is the sole prerogative of executive government. Therefore, if some of the other policy responses suggested are to be adopted, that cannot arise as a result of the motion currently before the chamber.

I am placing some historical matters on the record today, and I will be seeking leave to conclude my remarks. It is worth putting on the record that discussions and consultation about how country taxi services are to be regulated have been ongoing for quite some time. For example, I refer to a paper issued in March 2007 by the Local Government Association where reference is

made to a country taxis working group which, at that stage, had proposed six options for the licensing of country taxis. The report of the LGA contains a useful summary of some of the background, as follows:

> The state government has not previously regulated the number of taxi licenses available in non-metropolitan South Australia. At present only two councils license taxis outside metropolitan Adelaide.

I interpose here that it was two at that stage, but it is obviously only one now. The LGA paper continues:

> As a result approximately 30 operators currently operate about 150 vehicles to provide a taxi service in non-metropolitan South Australia in areas where councils have not or no longer license taxis. This presents a difficulty for the country taxi operators, who wish to be recognised as taxis.
>
> The preferred position of operators is they would like the state government to license country taxis that are not covered by council by-laws and that this include restrictions on the number of licenses issued. Country taxi operators have previously raised this situation with the government of South Australia through the Premier's Taxi Council.
>
> In November 2005 the LGA AGM called on the state government to review all state legislation relating to the operation, licensing and accreditation for non metropolitan taxis.
>
> The meeting also requested that the state government develop legislation that would enable non metropolitan councils (as an option) to 'opt into' the management of local taxi operations. Where any council decided against 'opting in' to the total management of non metropolitan taxi operations then control responsibility should rest with the Office of Passenger Transport (or its authorised officers).
>
> This issue was referred to the Minister's Local Government Forum (MLGF). A Country Taxis Working Group was formed under the auspices of the MLGF. The membership of the Country Taxis Working Group was the Local Government Association, the Office of Local Government, and the Public Transport Division of the Department for Transport, Energy and Infrastructure.

The function of the working group was to provide a forum for discussion; to review existing legislation; and to consider whether an appropriate regime is for councils to 'opt into' the licensing of country taxis, with the state government taking responsibility for the licensing of those taxis not licensed by local councils. The working group was also to develop a paper to explore and identify options and to make recommendations.

The LGA notes that this has been 'a challenging issue'. A recommendation report proposing six options was presented with possible solutions. It is unnecessary at this stage to go through those particular policy options; suffice to say that the Local Government Association paper clearly indicates the number of working groups and the amount of consultation and discussion, etc. that happened in relation to this issue. However, the message we have from Lake City Taxis refers to disastrous consequences for its business and also for country taxis generally as a result of this policy introduced by the government.

It is interesting also to see the sort of misinformation that can easily be derived from announcements of this kind. For example, a very positive article appeared in the Mount Gambier newspaper, *The Border Watch*, in February. In that article, the council, certainly its Chief Executive, appeared to think that what had been achieved with these new regulations was something wonderful. The article in *The Border Watch* states:

> The rest of the state will follow Mount Gambier's lead to ensure that taxis can provide a sustainable service, according to city council chief executive Greg Muller. Mr Muller welcomed creation of the new licensing category for country taxis under the Local Government Act by the State Government's public transport division. Taxis had previously operated unlicensed in most areas of South Australia, apart from Mount Gambier, where council maintains bylaws to regulate the industry.
>
> Lake City Taxis manager Perri Rasmussen said support from the council had sustained the city's taxi services, which was particularly important in Mount Gambier where other public transport was limited. She said council regulations restricted the number of taxis in the area to 11—nine of which were operated by her business. 'The business can operate viably as a 24-hour service when you don't have the cherry-pickers that only work on Friday and Saturday night instead of all the times when taxis are needed during the week,' she said. Ms Rasmussen said it was disappointing the government had not always licensed taxis across the state, as it did in Adelaide.

Ms Rasmussen is quoted as saying:

> The government does not put the same emphasis on regional public transport as it does on metropolitan areas or see the need for a 24-hour service for things like getting people home from the pub so we don't have drink drivers on the road. It surprises me they don't have the same priority on regional areas as metropolitan taxis, which is a shame for rural people. We shouldn't be any different.

The article continues:

Ms Rasmussen said council also had arrangements to allow extra 'gold plate' vehicles on the road at peak times, such as New Year's Eve, to ensure public needs were met while the industry was protected.

Ms Rasmussen is further quoted as saying:

It is good for local people to realise Mount Gambier City Council supports the taxi industry and makes sure we have a 24-hour service available. But in the bigger picture it is disappointing the State Government does not acknowledge it is important to have public transport in regional areas.

This particular item from *The Border Watch* would suggest to any reader that what was being done was reasonable. It was not strictly being objected to by Lake City Taxis. However, the true devil was in the detail of this, and I think that at that stage Lake City Taxis had not fully appreciated the damage these new regulations would do not only to its business but also to all other regional taxi businesses in South Australia. It is not only to the detriment of their business, which is obviously an important consideration, but it is also to the detriment of local communities who will not have the same dedicated, committed, well capitalised and profitable taxi services you need if you are to provide 24 hours' service and an appropriate service that delivers, not some sort of part-time cherry-picking service.

An interesting message was posted on *The Border Watch* website in relation to that item by a Mr Chris Brougham. Mr Brougham is a principal of Des's Taxi Service, which operates a large taxi service in Whyalla and which probably has the largest fleet of country taxis. He said:

The new regulations under the Passenger Transport Act create a country taxi accreditation category. They do not license country taxis. Under these regulations new council-licensed taxis operating in Mount Gambier do not have to be accredited. Is this fair? Does the Mount Gambier council require the Mount Gambier taxi operators to provide a national police clearance every five years and to record their public liability details?

He poses that question. I understand, incidentally, that they do, so that is something of a furphy. Mr Brougham goes on to say:

Every other country taxi in the state is going to have to do this. If Whyalla can support 30 taxis with a similar population to Mount Gambier how come Mount Gambier only needs 11 taxis?

That would create the impression that Mr Brougham might have been suggesting that he was in favour of the new regulations and that he was unsympathetic to any special consideration being given to Mount Gambier operators. That is not the case. Mr Brougham is part of a group of country taxi operators who have made representations to the opposition about the effect of these regulations.

I urge all members to consult with those who are interested in this issue, and I urge the government to reconsider its position in relation to these regulations. Too often in this state, and in Australia generally, under the rubric of national competition policy, businesses have been unnecessarily destroyed with no consequent public benefit. The consultation, as some of the material I have read indicates, has not been satisfactory in relation to this issue. Clearly, some people may not have appreciated the effect of the regulations as drawn. I do not believe the government deliberately intends to destroy small business in country areas; it would be a shameful situation if that was its intention, but I do not accuse the government of that. However, the point is that the government's actions will have that effect, and the government should reconsider. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

NCA BOMBING

The Hon. A. BRESSINGTON (16:52): I move:

That the Legislative Council commemorates the 15th anniversary of the passing of Sergeant Geoffrey Bowen in the bombing of the NCA headquarters on 2 March 1994 and prays that the person/persons responsible are brought to account for their actions.

This is a simple motion to recognise the tragic passing of Detective Bowen and to remind us all that the perpetrators of this brutal attack have not been called to account. A memorial service was held in Adelaide on Monday to mark 15 years since the National Crime Authority bombing.

The family of Geoffrey Bowen, the police officer killed in the attack, returned to Adelaide for the ceremony in Waymouth Street in the city. Speaking to the ABC, Mr Bowen's widow, Jane Bowen-Sutton, stated that it would have been their wedding anniversary, so it is always a sad time. She stated:

That grief in the beginning, that's a very dark place to be, and especially with a murder like that, but we've worked through it.

I've never allowed that to be an excuse to feel sorry for myself or for my sons to go off the rails, so it's been a challenge but, yeah, I just continue to do this and honour Geoff's memory.

Both Mr Bowen's sons are now members of the Western Australian police force.

As I continue with this motion, I hope that some members in this place make the connection between drugs, organised crime and the fact that, after 15 years, we have no arrest in this matter, which only solidifies the fact that organised crime is not just a pimple on the backside of our community but an oozing boil that needs to be lanced.

Because of the actions of these urban terrorists, a wife and mother does not celebrate years of happy marriage to her husband and the father of her two sons, but commemorates his death. Because of this most vile attack against the authority of our law enforcement officers, two sons have grown up without their father and, as a result, have grown up without the positive experiences that a father would bring to their lives. It says a lot of Jane Bowen-Sutton that both of her sons have become police officers in Western Australia, and that fact is also testimony to their father.

From all accounts from people who knew Detective Bowen, he was an honest and fine man who conducted his professional work in the most diligent and conscientious manner. One of the shames of his passing is the suggestion by the Coroner and the media that Detective Bowen was targeted for applying these characteristics during the police operation Cerberus, which focused on large scale cannabis cultivation by the Italian mafia.

Although Mr Domenic Perre was initially charged with Detective Bowen's murder, the then director of public prosecutions, Mr Paul Rofe QC, declined to pursue these charges. The Coroner's report (later) again suggested that Mr Perre had been in some way responsible for Detective Bowen's murder.

I am advised that two police investigations into the NCA bombing, the reports of which cannot be made public, have also failed to find new leads. We do not know what information and evidence was considered. What we do know is that, ultimately, no-one has been held responsible.

It is extraordinary that, despite a reward of up to $1 million, double that offered in 2006, we are no closer to solving this crime, and calls are still being made in the media for the public to come forward with information.

In retracing some of the interesting features of this case, I have come across some information which raises more questions than it answers, and perhaps this may help us understand why we have yet to see a conviction against the killer or killers who perpetrated such a heinous act of terrorism in our city, an act that ultimately changed the perception of safety and security for many from that time on. I have come to believe that it is possible that not all the information available was considered at the Coroner's inquest or, presumably, by other authorities.

Two days after the NCA bombing, on 5 March 1994, *The Advertiser* carried a headline on page 1 which read, 'Police warned of bomb: retaliation for mafia gaoling, says informant'. That informant, we now know, was Mr Tony Grosser, and he was pictured (albeit anonymously) on that front page story.

In this article, Mr Grosser states that he warned police that police stations in Adelaide were targeted for bomb attacks in retaliation for the gaoling of an Italian mafia figure. He is quoted as stating:

I became involved with (the bomber) who wanted me to sell cannabis for him here...I spoke to him in late May or early June last year and he told me all about weapons and explosives coming in and what they were going to do with them.

He said police buildings in SA were going to be targeted but didn't say which ones. The two other men involved told me the same things. They were going to get coppers for locking up (the crime figure).

The article continues:

The man said he had first informed the police through the Anti-Corruption Branch on 29 June 1993.

I am aware that some in this place are still quietly aware of the circumstances surrounding the Tony Grosser case and the evidence he has about those responsible for the NCA bombing.

I have been given copies of documents indicating that Mr Tony Grosser had on many occasions disclosed to police a suspicion that police would be targeted with explosives. It is clear from one letter that police had received this forewarning. A Bureau of Criminal Intelligence (BCI) circular on police letterhead, dated 13 July 1993, states:

> Information sought re: Theft of explosives.
>
> Story: The BCI is currently monitoring an alleged threat against a police establishment involving the use of explosives. A copy of any report concerning the theft of explosives is to be forwarded to the chief project manager of BCI as soon as possible.

A few weeks later, Mr Grosser also made a report to Channel 7's newsroom. In short, I wish to read a letter dated 31 July 1993 written by Mr Chris Gunn, who was in the employ of the Channel 7 nightly news team. Mr Gunn took a call from Tony Grosser, which he documented in a letter that he subsequently sent to Chief Superintendent Geoff Eaton of the Fraud Squad. The letter states:

> Mr Grosser says SA Police have established a special task force to investigate the importation into South Australia of hundreds of kilos of plastic explosive. He says Chief Superintendant Geoff Eaton is in charge of this squad.
>
> He claims to have a two ounce sample of this explosive, which he says is A4 grade...a very powerful version. Mr Grosser says Interpol and federal police are also aware he has this sample, which he says proves the shipment has already arrived in South Australia. He told me the shipment had been arranged by Bruno Romero Junior and an associate called Cass, who he says has links to the Hells Angels bikie club. Grosser says that he got this sample through his own associate in the Hells Angels. He also told me Cass had become aware the police had been warned about the explosives and he, Grosser, feared for his life as he was now being sought out by Cass and the Hells Angels.
>
> He told me the plastic explosive was to be used to 'destroy' police headquarters in revenge for the arrest of Bruno Romero's father (also named Bruno Romero) who was involved in drug dealing. Mr Grosser told me he'd also reported his fears to his lawyer, Mr Nick Vadasz, who had warned him to contact police because such a large amount of plastic explosive would damage more than police headquarters, including his (Vadasz) office, which was nearby. Mr Grosser told me the plastic explosive was of the type normally used in torpedo war heads. Mr Grosser made the call to me from a public telephone because he feared any conversation from his regular phone may be intercepted.

It is signed by Mr Chris Gunn. A number of other early disclosures by Mr Grosser made their way into police files, providing information that the Italian Mafia was planning a reprisal attack. In fact, in sheer desperation Dr Jean Lennane, Sydney psychiatrist and founding member of Whistleblowers Australia Incorporated, was also contacted by Tony Grosser to disclose that the life of police was being threatened by major players in a South Australian drug cartel. Dr Jean Lennane was willing to give evidence to this effect at the High Court appeal by Mr Grosser, but she was denied the opportunity to do so. Attempts were made to provide this and other evidence of Mr Grosser's early attempts to notify police of the impending bombing at the Coroner's Court, but again this was denied. To this day it is unknown whether the evidence of Mr Grosser has ever truly been tested or even investigated.

I do not intend to say more on this matter, other than to highlight that there may very well be evidence yet to be considered by the police, as we know the evidence of Mr Grosser was not considered by the Coroner's inquest. Perhaps if we revisit these and other matters the killers may yet be brought to justice, and one of this state's greatest criminal mysteries may finally be solved.

This motion to remember the passing of the late Detective Sergeant Geoffrey Bowen is to remind us that to this day those responsible walk freely, and to pray that 15 years on every effort will be made to bring those responsible to account. Indeed, many lives have been adversely affected by the bombing that took place on 2 March 1994, and I put on the public record my sympathy to Jane Bowen-Sutton and her two sons, and to extend my hope that they will see justice done on the murder of her husband and their father so that he may rest in peace and they can continue their lives knowing that officials in South Australia left no stone unturned to solve this crime and give them closure. May God rest his soul.

Debate adjourned on motion of Hon. J.M. Gazzola.

PARLIAMENTARY DEBATE

The Hon. D.G.E. HOOD (17:03): I move:

> That this council notes that fair and accurate debate is important to the parliamentary process.

Since I was elected to this place nearly three years ago there has been occasion when either I or my party has been criticised in the normal course of debate on the various issues we have been

confronted with. Generally speaking, I have no problem with this as parliament is, after all, a place where different opinions come together to thrash out a solution. Sometimes this can lead to robust debate as each party or individual member seeks to assert their own passionately held views. This is of course entirely appropriate and until now I have never felt the need to respond to a particular contribution made by any individual member of this chamber.

Whilst I have certainly disagreed with the substance of contributions made by other members on numerous occasions, I have not responded because those contributions have not sought to distort, misrepresent or treat unfairly the Family First position. They have been, on the whole, passionate, honest attempts to persuade other members to that member's viewpoint. Family First views this as entirely appropriate and, whilst we may disagree with the position of individual members from time to time, we certainly respect the right of each member to hold their view, whatever it may be.

Furthermore, debate in this chamber is normally done with a sense of respect for others' views, even when those views differ markedly. Sadly, the same cannot be said about the extraordinary contribution made by the Hon. Mr Hunter recently on two separate occasions during the last sitting week, when he made second reading speeches on the Equal Opportunity (Miscellaneous) Amendment Bill and the Statutes Amendment (Prohibition of Human Cloning for Reproduction and Regulation of Research Involving Human Embryos) Bill.

Whilst some of the content of these speeches was unobjectionable, some of it was nothing short of patronising nonsense. The speeches contained extraordinary claims about myself and Family First, which were in some cases misleading, utterly distorting the facts and plainly wrong. Whilst I shall not bother to rebut each of the statements in the Hon. Mr Hunter's speeches which fall into these categories, I shall set the record straight on a number of the comments he made.

In elaborating, I turn, first, to the Hon. Mr Hunter's contribution on the Equal Opportunity (Miscellaneous) Amendment Bill. In his contribution he stated that Family First supporters may continue to urge the burning of lesbians at the stake. It goes without saying that this is not the position of Family First or its supporters, and for the Hon. Mr Hunter to suggest that it is is not only false but a clear and blatant distortion of the facts. The suggestion that my party may be complicit in violence towards any group in the community, homosexual groups included, is outrageous and abhorrent as well as patently false.

The facts that give rise to this outrageous allegation are that on one single occasion a 15 year old boy, who was not a member of Family First but who for some reason was assisting at an event, was asked by a group of protesters whether he supported burning lesbians. Clearly this question was designed to illicit a provocative answer from a young 15 year old boy. The boy foolishly and flippantly answered 'yes' to irritate the protesters. The boy's comments were immediately repudiated by Family First, and he was not asked to assist at any future events. If the Hon. Mr Hunter had bothered to ask me about this, I would have been happy to inform him of the facts.

Using the Hon. Mr Hunter's line of argument that Family First is somehow responsible for the comments of anyone—even those of a child loosely associated with the party, such as a campaign volunteer, as was used in his example—let us apply the same test to volunteers for his own party, which by his own implication should withstand this test. Unfortunately for the Hon. Mr Hunter, the facts conclusively demonstrate that this is clearly not the case and thus demolish his flawed argument on this issue. Let us consider a report from *The Age* appearing on 12 November 2007. The article states that ALP volunteer Garry Burns (who is known for using the New South Wales Equal Opportunity Act to sue John Laws) launched a tirade of abuse at Lucy Turnbull (Malcolm Turnbull's wife) at the weekend, physically intimidating her in a Sydney street and leaving her shaken. Mr Burns later described Mrs Turnbull in an email to Mr Turnbull as 'a fag hag impersonator of a wife' and condemning the minister as 'a weak and pathetic excuse for a human being.

Not surprisingly, the article goes on to state:

> Labor's Wentworth campaign director, Rose Jackson, said today Mr Burns had been removed yesterday as a Labor volunteer.

These are the comments of an Australian Labor Party volunteer who is a full-grown man, not a 15 year old boy, as used in the example given by the Hon. Mr Hunter. Does anyone in their right mind really believe that these comments are a true reflection of the ALP's position on this issue? Surely not. Then neither should they believe that the comments of a 15 year old volunteer in any

way reflect the Family First position on this matter, and to present them as such is completely unfair, clearly unreasonable and absolutely unfounded, as well as just plain nonsense. It is staggering that the Hon. Mr Hunter would seriously attempt to do so and it reflects poorly on him. Plainly, if the standard to which the Hon. Mr Hunter holds Family First volunteers is applied to his own party, his argument collapses.

Next, the Hon. Mr Hunter attempts to continue his attack on Family First by linking a number of statements that Pastor Danny Nalliah has made, either verbally or in print, to Family First. Conveniently, he neglects to mention that none of these statements, either in print or verbal, was endorsed in any way by Family First, yet he uses this as the basis for his sustained attack on the party by saying 'that is the sort of incoherent and inaccurate speech that Family First are desperate to protect in opposing this bill'. Again, this is utter nonsense.

It must be pointed out that Pastor Danny Nalliah was not found guilty in the end, following a marathon case before the Victorian Equal Opportunity Commission. He was not found to have broken any laws; that is, he was not found guilty of any wrongdoing by the Victorian courts, despite their draconian vilification laws. Apparently, this carries no weight with the Hon. Mr Hunter as he finds it necessary to launch a scathing attack on this man, nonetheless.

The Hon. Mr Hunter then makes much of the suggestion that, in regard to a Family First candidate in an absolutely unwinnable seat—that is, No. 2 on the Senate ticket, where winning one seat looked absolutely impossible at the time—the party is somehow responsible for everything that individual candidate has said or done outside politics.

It is true that we hold candidates to a higher standard of accountability than mere volunteers, and the comments made by Pastor Nalliah during the 2004 federal election campaign were in some instances entirely regrettable. However, Family First repudiated those remarks and Pastor Nalliah is no longer a member of Family First, nor has he subsequently been a candidate.

Candidates across the spectrum of the parties sometimes make remarks that embarrass and fail to reflect the sentiments of their parties. Again, let us apply the same test to the Hon. Mr Hunter's own party to demonstrate that his own party does not satisfy the standard that the Hon. Mr Hunter seeks to apply to Family First. I wonder how the Hon. Mr Hunter would feel being held responsible for the following comments and actions made by properly endorsed Australian Labor Party candidates. I will provide a few examples. I quote from the ABC website, as follows:

> Peter Knott, the Labor candidate in the New South Wales seat of Gilmore, has now apologised for saying that the terrorist attacks were a result of US foreign policy. He was spoken to by ALP national secretary Geoff Walsh and late yesterday Peter Knott released a statement taking it all back. Kim Beazley says it should now be all over and done with.

Apparently, Kim Beazley is prepared to accept that these matters can be set aside following regrettable comments, but the Hon. Mr Hunter is not. I quote from another ABC news story, as follows:

> Federal opposition leader Brendan Nelson has criticised the Labor candidate in the Gippsland by-election for promoting an adult comedy show at a local arts festival. ALP candidate Darren McCubbin was a member of the committee that approved the act *The Beautiful Losers* in November. Dr Nelson says the show is sexually explicit and would offend the vast majority of Australians.

I now quote from the AAP general news website as follows:

> Howard backs call for ALP candidate to be disendorsed. Prime Minister John Howard has backed calls for a Queensland federal Labor candidate to be sacked after his wife blamed sitting Liberal MPs for the Bali bombing. Foreign minister Alexander Downer yesterday said opposition leader Mark Latham should disendorse Ivan Molloy, the Labor candidate for the federal seat of Fairfax.

I quote another example from the ABC news website (www.abc.net.au) as follows:

> Dr Ivan Molloy was the subject of the biggest story of last year's federal election. The head of politics and international relations at Sunshine Coast University was the ALP's candidate for the seat of Fairfax in southern Queensland. There was outrage when an old photograph showing Dr Molloy with a machine gun supplied by 'alleged extremists' was dug up during the election.

I quote another example from the news.ninemsn.com.au website as follows:

> Labor candidate Garry Parr called Queensland couple Tom and Rosemary Arthurs 'warmongers' when they approached him at a Hervey Bay shopping centre two weeks ago. The couple's 41 year old son Julian Arthurs is currently serving with the British forces in Afghanistan. Mr Parr, who is standing in the Bundaberg-based seat of Hinkler held by Paul Neville for the Nationals, has now publicly apologised to the couple.

That is not a surprise. I will quote two final examples: first, from the website news.com.au/couriermail, as follows:

> Last November Aboriginal affairs minister Milton Orkopoulos was sacked from state cabinet after being arrested and charged with 30 sex and drugs offences, including some involving minors. He subsequently resigned as a Labor MP for the electorate of Swansea.

Finally, I quote the following article:

> Stephen Chaytor, the MP for Macquarie Fields, was convicted of assaulting his partner and expelled from the ALP by Mr Iemma.

All these statements and actions were made by properly endorsed Australian Labor Party candidates or, in some cases, sitting members and even ministers. Does anyone in their right mind really believe that they in any way represent ALP policy? Surely not. Then why is this absurd standard being applied to Family First by the Hon. Mr Hunter? Is the Hon. Mr Hunter happy to stand by the comments and actions that I have just outlined, as he is asking Family First to do on the same basis? I am certain he is not.

Let us be clear then. This attempt to hold our party accountable for these statements simply does not stack up when the same is asked of his own party. By any measure, this attempt to discredit our party on this basis fails miserably and, frankly, I believe that the Hon. Mr Hunter should have known this prior to using this patently flawed line of argument.

If the Hon. Mr Hunter does not accept this, then he, too, is to be held responsible for the statements which I have read earlier and which have been made by endorsed candidates, elected members and even ministers of his own party.

In future, if the Hon. Mr Hunter seeks clarification of Family First policy, he can simply ask me—something he did not bother to do on this occasion—or he could consider consulting our website which, of course, like other political parties, is where the policies of our party can be found.

The Hon. Mr Hunter did not stop there, however; he wanted to make an extraordinary attack on me by objecting to an article that I had written as an opinion piece, as if that was in some way an unusual thing for a politician to do. The article he referred to appeared in *The Advertiser* of 19 August 2008, stating the Family First position on the Equal Opportunity Bill. It was in response to an article published a week or so earlier by the member for Hartley.

Is the Hon. Mr Hunter really suggesting that I had no right to reply to that article? Apparently, the editors of *The Advertiser* disagree with him, as shown by the decision to publish my response. Somewhat perplexedly, the Hon. Mr Hunter goes on to state just a few moments later in his speech, referring to himself:

> I, too, cherish the right to freedom of speech.

Apparently, his right to freedom of speech is somehow superior to my right to voice our position on this very significant issue. Again, I quote from his speech where he also objects to my 'prophesying about what was going to be contained' in the bill by writing this article. Surely the Hon. Mr Hunter understands that writing such an article forms part of the process of building up enough pressure on the issue to force change. He has, no doubt, noted that, with the greatly appreciated support of the Liberal Party and others in this chamber, we have, indeed, won the battle in the vilification clause by having it removed from the bill in its current form.

Why is it that the Hon. Mr Hunter's right to express his view should, in some way, be superior to mine? Whilst there is much more that I could say about the Hon. Mr Hunter's contribution to the Equal Opportunity (Miscellaneous) Bill debate, I now turn to his extraordinary attack on me and my party made during his second reading speech on the Statutes Amendment (Prohibition of Human Cloning for Reproduction and Regulation of Research Involving Human Embryos) Bill. In that, he picks up where he left off on the previous bill and states:

> The Hon. Mr Hood has made some claims about the lack of success in developing cures and treatments from embryonic stem cells. Really, he was very badly informed.

In making such a statement the Hon. Mr Hunter seems to be trying to paint me as misleading, while ignoring the plain fact, admitted even by proponents of embryonic stem cell advocates, that there are currently, as at the day when I made the statement (two weeks ago), no cures or treatment resulting from embryonic stem cell research—not one. My statement was 100 per cent correct.

I back that up with the fact that the source for that statement was none other than the National Institute of Health in the United States, the government's own body on this matter. I quoted directly from the website and I have a print-off here. It states:

> Thus, although embryonic stem cells are thought to offer potential cures and therapies for many devastating diseases, researching them is still in its very early stages. However, adult stem cells, such as blood-forming stem cells in bone marrow are currently the only type of stem cells commonly used to treat human diseases.

My statement was 100 per cent correct. Further, the Hon. Mr Hunter then went on to state a number of areas where he believes embryonic stem cell research has shown promise. However, this totally misrepresents what I actually said, which was focused on (and I am quoting from my speech here) 'cures and treatments'. I stand by that statement.

Whilst it is true that some scientists suggest that embryonic stem cell research is showing some promise in the areas outlined by the Hon. Mr Hunter, that does not change the fact that the statement that I made was absolutely correct and, therefore, the statement by the Hon. Mr Hunter—that I was 'very badly informed'—is nothing but patronising nonsense, as well as demonstrably false.

It is telling to note that the Hon. Mr Hunter does not name one example of a single cure or treatment (the words I used) resulting from embryonic stem cell research in his speech—not one. Rather, he resorts to outlining what he terms 'promising research'. Promising research is a long way from cures or treatments, which is what I said, and which was absolutely correct. It is completely accurate to say that there are no cures or treatments currently available as a result of embryonic stem cell research. Clearly, it is the Hon. Mr Hunter who has been, to use his own words, 'very badly informed'.

I stand by the statement I made because it is 100 per cent correct. The speech was checked and verified by two experts on cloning before I gave it. Further, after making the speech, I forwarded it to Dr van Gend for comment. Dr van Gend is a medical practitioner in Queensland and a senior lecturer at the School of Medicine at the University of Queensland. He is National Director of Australians for Ethical Stem Cell Research and has given expert testimony on the ethics and science of stem cells and cloning to members of the US Senate and Congress as well as the Australian Senate and five state parliaments in Australia. He wrote, in part, as a response:

> That was a great read. I think anyone listening would have understood the main line of argument—that there is no longer any serious reason for using leftover embryos (that terrible phrase) will continue, but that is a different issue to the deliberate creation of new embryos solely for research.

With all due respect to the Hon. Mr Hunter, when it comes to these matters I will place more weight on the opinion of the learned Dr van Gend than on his opinion. The Hon. Mr Hunter then went on to express his concern that 'contributions in this place are so muddled that they may confuse the public'. He went on to single me out yet again by referring to a passage in my second reading contribution to this debate where I outlined the desire of some scientists to use eggs of other mammals such as rabbits, cows, sheep or monkeys, and the use of this technology on patients. I give the Hon. Mr Hunter the benefit of the doubt here, as he may have misunderstood the point I was trying to make during that part of my second reading contribution. Indeed, perhaps I did not make the point clearly enough.

My essential point here is that this bill allows for the extending of research into new and unknown realms, which allow for the mixing of human and animal genetic material, and that this by itself is a ground for rejection of the bill in the view of our party. Quoting from the Hon. Mr Hunter's speech, he sees this as 'not for any outlandish purpose '. Clearly, he is entitled to his view on this matter, and we are entitled to disagree with his view without any patronising nonsense about contributions being 'muddled'. The Hon. Mr Hunter denies that this bill allows human-animal hybrids and, in one sense, it does prohibit it. It prohibits the gestation of human-animal hybrids, but it allows the fertilisation of animal eggs by human sperm, which can be termed a hybrid.

The PRESIDENT: The honourable member should speak to his motion, not to the bill.

The Hon. D.G.E. HOOD: Thank you, Mr President. I find this abhorrent, and I made that point clearly in my contribution when I noted:

> ...in this bill there is a paradox. Human-animal hybrids are supposedly banned, but clause 13 would allow testing of the viability of human sperm by placing the sperm with eggs of a rabbit or cow or some other animal creating for a short time a human-animal hybrid.

Clearly, there is nothing muddled about this simple fact at all. In closing, let me again quote from Dr van Gend who, after reading the Hon. Mr Hunter's contribution, stated:

...fatal error/deception in Mr Hunter's speech (namely) the attempt to make out that cloning does not really create a living human embryo; that is somehow different to the process used with Dolly.

As Hunter states, 'The cloning used in the—

The PRESIDENT: The Hon. Mr Hunter.

The Hon. D.G.E. HOOD: I am quoting from an email sent to me. It does not say that. I beg your pardon.

The PRESIDENT: You are really having another bite at a second reading contribution on a bill.

The Hon. D.G.E. HOOD: That is not my intention. I have almost finished.

The PRESIDENT: That is certainly the way you are going. You are not referring much at all to your motion that fair and accurate debate is important to the parliamentary process.

The Hon. D.G.E. HOOD: Sir, that is the point I am trying to make, and I am almost finished, if you will bear with me for a moment.

The PRESIDENT: I encourage you to read standing order 174 when you finish.

The Hon. D.G.E. HOOD: Thank you, sir. I will start that passage again. As the Hon. Mr Hunter stated:

The cloning used in the process of creating Dolly was fundamentally different from embryonic stem cell research.

That statement is correct if he means that ordinary embryonic stem cell research can proceed in South Australia without cloning, but in context he was implying that cloning of humans is not the same as the cloning of Dolly. Quoting from Dr van Gend, it is exactly the same. I quote—

The PRESIDENT: That was the Hon. Mr Hunter's opinion when he addressed that bill. It has nothing to do with the fairness and accuracy of debate. That was the honourable member's opinion when he was talking to the bill, the same as any honourable member in the council can have an opinion that might differ from his own. What you are doing is debating what the Hon. Mr Hunter said in addressing the bill.

The Hon. D.G.E. HOOD: I am not trying to do that. I am trying to highlight the point that the Hon. Mr Hunter made the allegation—

The PRESIDENT: Whether or not you are trying to do that, that is what you are doing; you are debating the bill.

The Hon. D.G.E. HOOD: I will refrain from doing that, sir. Dr van Gend goes on to state that he wishes to dispel this nonsense. I will leave some of this out, Mr President, in order to adhere to your suggestion.

The PRESIDENT: It is adhering to standing orders.

The Hon. D.G.E. HOOD: Yes, sir. I have only a couple of pages to go; I have always been compliant with other members and I ask that they bear with me for a few moments.

The PRESIDENT: They do not make the rules. You should ask if I would.

The Hon. D.G.E. HOOD: I ask you to bear with me, sir, if that is possible. Finally, I have also been forwarded by Dr van Gend (and I again I quote from his email), 'the valuable editorial, brief and punchy, in the leading journal *Nature*, which scolded those who tried to pretend cloning created anything different to an embryo in an IVF clinic'.

The editorial, which appeared in the authoritative journal *Nature*, Volume 436, published on 7 July 2000, plainly says:

Whether taken from a fertility clinic or made through a cloning, a blyocyst embryo has the potential to become—

The PRESIDENT: Order! The honourable member is not speaking to his motion at all.

The Hon. D.G.E. HOOD: I am trying to, Mr President.

The PRESIDENT: You are not; you are talking to the bill. You are actually having another chop at the bill and having a chop at the Hon. Mr Hunter's speech on the bill and whether or not he might have been unfair. Your motion talks about fair and accurate debate in the parliamentary process. You are targeting one bill, and you keep referring to that bill. If you keep going I will have to sit you down.

The Hon. D.G.E. HOOD: He was suggesting I was inaccurate, so I am trying to set that straight, sir. I will leave that out.

The PRESIDENT: I am being very tolerant.

The Hon. D.G.E. HOOD: Thank you, sir. In that case I will come to my conclusion. Family First respects the right of any member in this place to voice their opinion on any issue, as they see fit. However, they have no right to distort our position for the sake of supporting their argument and to present it as fact; clearly, the standards that apply to my party must also apply to their own.

Further, members have no right to claim that aspects of a contribution are 'muddled' when plainly they are not, but rather supported by peer-reviewed science—which I was not able to mention. However, what I said was actually taken straight from *Nature*, one of the most respected scientific journals in the world, and, as I said, supported in some cases by editorials published in highly esteemed scientific journals such as *Nature*.

I unreservedly stand by the contributions I made to both bills, and the science upon which they were based—apparently, as do extremely well-qualified experts in the field. Indeed, just in the short time since I made my second reading speech on cloning only a few weeks ago we have seen eminent American senior biomedical scientist and Harvard graduate Dr James Sherley state that 'cloned human embryos are too defective to produce human embryonic stem cells'. In addition, an article published in the peer-reviewed journal *Nature* outlined the breakthrough discovery that now allows iPS cells to be produced without using any virus, demolishing a long-running red herring objection to the new science of iPS cells and their medical uses.

I thank honourable members for the opportunity to set the record straight on these very important matters. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

ELECTRICITY (COMPENSATION FOR BLACKOUTS) AMENDMENT BILL

The Hon. J.A. DARLEY (17:29): Obtained leave and introduced a bill for an act to amend the Electricity Act 1996. Read a first time.

The Hon. J.A. DARLEY (17:30): I move:

That this bill be now read a second time.

I am introducing this bill in response to the recent power blackouts across metropolitan Adelaide in February this year and the inadequate compensation available to customers whose power was cut without warning, sometimes for the entire day. Unfortunately, this was not the first time that South Australia's power grid went into meltdown during a heatwave.

Members may remember the very extensive outages experienced by South Australians in the heatwave of January 2006. Such was the severity and total lack of preparedness on the part of ETSA Utilities for the outages that the minister had to order the Essential Services Commission of South Australia to investigate and prepare a report on what went wrong and how ETSA Utilities could improve its performance.

The report indicated several areas of improvement that needed to be addressed by ETSA Utilities, including a more proactive approach to the interpretation of, and response to, weather forecasts, tracking of jobs, customer service and provision of information to customers.

My predecessor, the Hon. Nick Xenophon, introduced a bill into parliament in response to the inadequacies outlined by ESCOSA in its draft report on the 2006 blackouts. My bill is based in part on his 2006 bill but has been updated to incorporate concerns raised with me since the latest round of blackouts.

By way of background to the bill, under the Essential Services Commission Act, the Essential Services Commission has the power to make industry codes such as the Electricity Distribution Code in order to regulate the behaviour of licensed entities such as ETSA Utilities. Under the Electricity Act, ETSA Utilities is required to comply with these codes, as well as a

number of other industry codes, which incorporate performance standards in relation to various matters including supply interruption.

The bill amends the Electricity Act to make it compulsory for these codes to contain a provision requiring the electricity entity to pay compensation to customers in the event of a failure in electricity supply. The schedule in the bill sets out the particular compensation amounts that are to apply.

The bill contains some limited exceptions to this requirement, such as cases where there has been an act or omission in bad faith, or by negligent conduct of the supplier or if there is some alternative contractual arrangement between the customer and the supplier, or where other parts of the code permit interrupted supply for other reasons, such as maintenance.

Most importantly, the bill proposes a new, more comprehensive scheme for compensation for people who suffer a failure of electricity supply. At the moment, the compensation to customers is contained in what is called the guaranteed service levels scheme (GSL) required under the Electricity Distribution Code. The current payments are as follows: for outages of 12 to 15 hours duration, $80; for 15 to 18 hours, $120; for 18 to 24 hours, $160; and for more than 24 hours, $320.

I think that an $80 payment for going without power for 12 hours is woefully inadequate, both in terms of the amount of money and how long a person needs to be without power to attract a payment. Under the bill, the increments for power outage payments will start at three hours with an affected customer being entitled to the amount of $150.

The highest payment is for an outage of 18 hours or more which attracts a $1,300 compensation payment. I have started the payments at an outage of three hours as I think it would be safe to assume that, after three hours, you would need to start throwing away perishable foods that had previously been refrigerated.

During the recent power outages, my office was contacted by a constituent who was very distressed as she had been without power for 15 hours. Her freezer had completely defrosted and all the food in her fridge and freezer had to be thrown out. She commented that she did not want to make a fuss but was in need of compensation because she could not afford to replace the food she had lost for just $80. This constituent was unfortunate enough to have several outages in a 24 hour period that amounted to a total of 26 hours; however, because the outages were not continuous, she was entitled to only one payment.

Another constituent had a similar experience where she had a loss of power for eight hours, then the power was restored for an hour, only to be cut again for a number of hours. Because the interruptions were not continuous for 12 hours, she was not entitled to any compensation. This bill also contains a provision which ensures that customers can still be eligible for compensation if they have been subjected to more than one power outage in a 48 hour period. It provides for the total number of hours without power over 48 hours to be aggregated and treated as one period, if this means that the customer will be entitled to more compensation.

This bill aims at providing a fairer and more comprehensive compensation scheme for customers who have to suffer through power outages with no warning in the middle of a heatwave. During the heatwave, the air conditioning in my car broke down, and I advise members that it was not a pleasant experience. I can only imagine how much worse it would have been to have no air conditioning at home for several nights and days and no way of keeping food cool and safe, and then to be presented with a cheque for as little as $80. I hope that members will seriously consider supporting this necessary reform to help consumers, and I commend the bill to the council.

Debate adjourned on motion of Hon. R.P. Wortley.

ARMENIAN-AUSTRALIAN COMMUNITY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:37): I move:

That this council recognises that the Armenian genocide is one of the greatest crimes against humanity and—

1. joins the members of the Armenian-Australian community in honouring the memory of the innocent men, women and children who fell victim to this genocide;

2. condemns the genocide of the Armenians and all other acts of genocide as the ultimate act of racial, religious and cultural intolerance;

3. recognises the importance of remembering and learning from such dark chapters in human history to ensure that such crimes against humanity are not allowed to be repeated;

4. acknowledges the significant humanitarian contribution made by the people of South Australia to the victims and survivors of the Armenian genocide; and

5. calls on the commonwealth government to officially condemn the genocide of the Armenians.

Last August, I attended an exhibition called *An SOS from Beyond Gallipoli*. The event unveiled part of Armenia's history, which many people do not know about. As members know, I assist the Leader of the Opposition in another place in his role as shadow minister of multicultural affairs. A couple of Italian and Greek families lived permanently in my country community of Bordertown, and a family from Finland lived there briefly, as I was reminded by one of my old school friends. However, we had very little multicultural exposure, so I had no real understanding of the issue of the Armenian genocide.

This exhibition portrayed the humanitarian and charitable efforts undertaken by Australians almost a century ago and was of particular relevance to South Australia because one of the people at the cornerstone of those efforts was a South Australian.

On 25 April the nation stops to honour the lives of those who fell or fought during the landings under fire at Gallipoli. Many do not know that, at that time, a genocide of Armenians had begun, claiming over a million victims and many more refugees. We commemorate the anniversary of that genocide on 24 April.

I am grateful to be in an ongoing working relationship with the Armenian community. The Armenian National Committee is dedicated to a campaign which advocates recognition of the genocide, and today's motion is also a tribute to its tireless efforts on behalf of the Armenian community. Such work is imperative to our growth as a multicultural community.

In Australia, we have an Armenian-Australian community of about 50,000 and, for many, the two year genocide is a very real memory. Many lost their entire family. I will speak of the relief effort in further detail. An orphanage, established under the fund, cared for many children who were later fostered by everyday Australians. Those people especially join with us today in honouring the lives of the men, women and children who were claimed by this genocide.

It began with the arrest of some 250 Armenian intellectuals and community leaders and quickly led to the uprooting of Armenian families without discrimination. Those taken were forced to trek mercilessly through the barren deserts of Syria and Mesopotamia without food or water.

Physical and sexual assault were regular occurrences throughout the ordeal. For those who did not die throughout the ordeal, it ended in massacre. Women and children suffered the worst of the dehumanisation, and people fell in their hundreds of thousands. Families who were not torn apart immediately were forced to watch each other suffer. A small remnant of the Armenian homeland remained devastated by war and was populated largely by starving refugees.

We honour the memory of those innocent victims and pass on our respect to those who survived this tragic stage of Armenian history and now live to share those memories with family, friends and the wider community. As a member of parliament I am truly grateful to have had the opportunity to learn about this piece of history, and I feel that acknowledging the event within parliament is appropriate.

It goes without saying that such acts as the Armenian genocide epitomise prejudices against race, religion and culture. For most Australians those attitudes are difficult to comprehend but, unfortunately, they remain commonplace in many societies today. The memory of this stage of history was buried, and the remnants of the Armenian culture were either desecrated or misnamed.

Our role as Australians is to harbour attitudes and support policies which are completely opposed to any forms of racial, religious or cultural vilification. In supporting those freedoms as individuals, families, states and nations we contribute to the battle against global injustices. Raising awareness of past acts of intolerance is a most important step in preventing a repetition of those atrocities. We are able to learn about the hardships suffered only once we accept the events for what they were and the attitudes that spurred them.

As an individual, attending the exhibition last year was a step in my personal understanding of the Armenian situation. Subsequently, I am able to lead the parliament in recognising it at a state level and urging our commonwealth government to do the same. I am aware that the New South Wales parliament has already passed a similar motion and, once again, I commend the Armenian National Committee for instigating these motions. The essence of learning from these events is that something good can transpire from such a tragedy.

On that note, I would like to recognise South Australia's role in the first major international humanitarian relief effort. As was the case for the genocide itself, that effort was not broadly publicised. In slipping under the radar of public recognition, a lifetime of the work of an important South Australian also went relatively unnoticed in the public domain; that was the late Reverend James Edwin Cresswell. We commend many South Australians within this parliament in recognising an individual to whom many lives are owed and who deserves to be considered with great importance.

Reports of atrocities gradually came out and were eventually disseminated throughout the world, leading to a number of prominent leaders and organisations establishing fundraising drives, which were amalgamated into the Armenian Relief Fund. By 1922 the late reverend became national secretary of the fund. He had already dedicated much to international missions and held ministries throughout Adelaide.

It is clear that he established great networks in his home town of Adelaide. However, upon receiving his posting as secretary, he recognised that an oversight of the fund was not sufficient, and he wanted to give a hands on effort. Calling on his experiences as an overseas missionary, Reverend Cresswell travelled to the Near East and delivered aid to the suffering Armenians. He saw over 6,000 refugees living in caves and was moved and shaken by what he saw. He continued on to visit the Australasian orphanage in Beirut.

At this time, there were some 1,200 Armenian orphaned children in the facility. The reverend visited orphanages in Jerusalem and Armenia. By the end of those visits his understanding of the impact of the genocide would probably have been nearer to those who have experienced at first hand. His bravery in that sense is rare and truly remarkable.

Reverend Cresswell was not discriminatory in where he directed his efforts, and he took time to pay respect to the Anzac graves. In a monetary sense, the reverend also provided invaluable resources. He donated an ambulance in Athens to the Greek community, which was also funded by the South Australian branch of the fund.

In 1923 alone, the fund had an income of over £10,000. I think that is an interesting point: £10,000 in 1923 was a significant amount of money. The fund also had £4,000 in goods. The South Australian branch of this relief fund was considerable, and those who contributed then must be commended. Those involved in the relief effort are certainly deserving of our deepest respect and gratitude. They did not take part with any expectation of thanks or acknowledgement.

In moving this motion, I call on the commonwealth parliament to join with the states in order to recognise as a nation the Armenian genocide and make a strong statement about the expression of freedom in all cultural, religious and racial respects. With those few words, I commend the motion to the council. I know that it is short notice but, given that 24 April is the anniversary of the events that occurred in Armenia, I ask that we conclude the debate on the next Wednesday of sitting so that the Legislative Council carries the motion prior to that date.

Debate adjourned on motion of Hon. T.J. Stephens.

CARBON POLLUTION REDUCTION SCHEME

The Hon. DAVID WINDERLICH (17:46): I move:

That this council—

1. Notes that economists and environmentalists are claiming that flaws in the Rudd government carbon pollution reduction scheme will mean that initiatives by state and local governments, and the installation of solar panels by households, will not reduce greenhouse emissions; and

2. Calls on the Premier, Mike Rann, to seek an assurance from the Prime Minister, Kevin Rudd, that his carbon pollution reduction scheme will not undermine the efforts of the South Australian government, South Australian councils and South Australian households to cut greenhouse pollution.

I have moved this motion because there is a growing case that Kevin Rudd's planned CPRS will actually make things worse, not better. Like many people, I was disappointed at the very low emission reduction target adopted by the Rudd government, but I reasoned that it was better than nothing.

I realise that Australia contributes only a tiny portion of the world's pollution. For example, China's emissions dwarf ours. However, there is such a thing as leadership. If a rich country like Australia cannot act, why should anyone else? In fact, that is exactly what is happening. China will

not make cuts because they are industrialising; the US will not make cuts because China and India will not; and we will not, because we are too small—so almost no-one will.

In a situation like this, someone has to break the impasse and lead. That could have been Australia, but we have failed that test. At least we had something—or so I thought. There are many other initiatives that can make up for the Rudd government's lack of leadership on this issue. Households are installing solar panels and the household sector is responsible for something like 35 per cent of emissions. Local governments are greening their car fleets, installing solar streetlights and making buildings energy efficient.

Our state government has a plethora of programs including greening of government offices; solar panels on top of Parliament House, the SA Museum, the Art Gallery and the State Library; converting government cars to low emission fuels; a target of 250 solar schools; government operations are supposed to be carbon neutral by 2020; and the desal plant is supposed to be carbon neutral. But all these initiatives will count for nothing. They will not reduce emissions; in fact, they will just help big polluters take their foot off of the accelerator because they will have to do less to meet their targets.

Two experts—Richard Dennis, an economist from the Australia Institute, and Chris Reidy, Director of the Institute for Sustainability at the University of Technology, Sydney—have highlighted flaws in the CPRS and explained how it will have negative effects.

The Rudd CPRS sets a low target of 5 per cent reduction in emissions by 2020. It is said that this target is both a cap and a floor: it is the maximum and the minimum. The target is to be reached through a system of tradeable pollution permits in certain designated sectors of the economy, such as stationary power, manufacturing and transport. A polluter in one of these sectors can increase emissions as long as it is able to buy permits from another polluter that is reducing its emissions.

Local governments, state governments and households are not included in the carbon pollution reduction scheme. Therefore, any reductions in pollution that they achieve will just free up pollution permits that can be traded to polluters that are included in the scheme.

Richard Dennis explains it like this: if households all install solar panels, there will be less demand for energy. Therefore, power stations will have pollution permits that they can trade to another polluter, say, a manufacturing plant that needs to increase the pollution it generates. In other words, the households or the state government will be subsidising the big polluters. They will have to do less to meet their target. They will be able to take their foot off the accelerator. Therefore, any investment by state and local governments or households will simply subsidise the big polluters.

This creates two negative consequences. One is that hundreds of millions of dollars of taxpayer funds across Australia will be wasted if the CPRS goes ahead in its current form. Even worse, the good intentions of hundreds of thousands of Australians are being treated with contempt. All those people installing solar panels, taking up the insulation offer of the Rudd government and turning off air conditioners (as they are asked to by the black balloon ads) will be bitterly disillusioned if it transpires they are wasting their time and money.

This matters. People want to do the right thing, and many of them do not want others to be discouraged by the sort of message I am conveying today. In fact, one response I received from someone who is in other ways a keen supporter read like this:

> I feel very strongly that the state government and individuals should be encouraged to cut emissions. Telling people that it is a waste of time (because of the current CPRS) is, I find, depressing. I encounter this attitude all the time. 'Why should I bother when others don't?' I hear this in my own family. It's got to start somewhere. This argument reminds me of John Howard saying he wouldn't do anything while the big emitters like China and the USA were not prepared to contribute (to carbon reduction). I support the state government's initiatives.

Maybe there are flaws in the ETS, but I think discouraging people (including the state government) from doing their bit in reducing carbon emissions is not the way to go. It all starts with the power of one. Eventually, I believe the big polluters will be forced to act.

The questions about the CPRS are growing. Get Up has launched a campaign, Permit Me to Make a Difference, about the very same issue. It explains it like this:

> Action you take at home to reduce energy—like changing to efficient light bulbs and appliances or installing solar hot water—will not reduce Australia's total greenhouse emissions further than the government's weak target. It

will even make it cheaper for industry to increase their own emissions. Kevin Rudd, do your bit to fight climate change and let me do mine.

Get Up further says:

This is about more than policy detail. The Rudd government's scheme insults the very idea that ordinary people have a role to play in tackling climate change. Even the government's own action, like investing in insulating Australia, will only serve to reward polluters, not cut our emissions further than their weak target.

So, clearly, Get Up also thinks that the CPRS is a gigantic carbon con. As I said earlier, the consequences if it goes ahead in its current form will be a tremendous waste of money and it will destroy the enormous amount of goodwill and energy in the community. Goodwill and energy are going to be essential resources if we are to weather the challenges and the sacrifices that climate change will force on us, and they are, if carefully nurtured, renewable resources.

So, the second part of the motion calls on Premier Mike Rann to do what he can to make sure that the flaws in the Rudd plan do not mean his greenhouse schemes, funded by taxpayers' money, are a waste, and to ensure that all that goodwill about climate change does not turn into cynicism. I believe that Rann must act, for several reasons. First, he must protect the investment of taxpayers' money in state and local government greenhouse reduction initiatives. Secondly, he must maintain the community's goodwill on this issue. Thirdly, I would have thought he must act to protect his reputation as an environmental leader—a reputation he has worked very hard to cultivate.

In highlighting this issue, I am joining an unlikely alliance of environmentalists who desperately want a decisive response to climate change and certain industrialists who desperately want to avoid even the smallest sacrifice. Some argue that because this scheme is better than nothing we should not take this risk of derailing it by raising these sorts of questions. I do not believe this will happen. Kevin Rudd cannot afford to have no response to climate change. What he has now is a fig leaf to cover pitiful inaction. If we expose the truth, if we rip off that fig leaf, he will be forced to put something else in its place. I believe the chances are that it will be better.

Debate adjourned on motion of Hon. J.M. Gazzola.

LIQUOR LICENSING ACT

Order of the Day, Private Business, No 4: Hon. J.M. Gazzola to move:

That the regulations under the Liquor Licensing Act 1997 concerning dry areas—Adelaide and North Adelaide, made on 23 October 2008 and laid on the table of this council on 28 October 2008, be discharged.

The Hon. J.M. GAZZOLA (17:55): I move:

That this order of the day be discharged.

Motion carried.

[Sitting suspended from 17:55 to 19:47]

GENETICALLY MODIFIED CROPS MANAGEMENT (RIGHT TO DAMAGES) AMENDMENT BILL

The Hon. M. PARNELL (19:48): Obtained leave and introduced a bill for an act to amend the Genetically Modified Crops Management Act 2004. Read a first time.

The Hon. M. PARNELL (19:48): I move:

That this bill be now read a second time.

This bill is similar to a bill that I introduced about 1½ years ago, on 21 November 2007. At that stage it was part of a package of measures we were considering in this place which included moves to maintain the moratorium on the commercial growing of genetically modified crops in South Australia. As it turns out, this state kept that moratorium going. That was the right decision, but they were not so wise interstate, in particular in Victoria and New South Wales, and that provides real risks for South Australian farmers.

The bill that I have reintroduced has at its heart the question of responsibility and liability in relation to genetically modified crops. The question is: who is responsible when things go wrong? Who is responsible for losses that might be suffered as a result of the release and subsequent escape of genetically modified organisms into the environment? Those who support the growing of

GM crops often raise the issue of free choice. They say that you should be free to grow genetically modified crops just as you should be free not to grow them if you choose not to. However, it is not that simple, because genetically modified material does not respect state boundaries and, certainly, it does not respect farm boundaries.

My bill deals with the freedom that our farmers have to redress if they do end up with genetically modified material on their land through no fault of their own. My bill provides that, if you do end up with your property contaminated with genetically modified material, you have the right to be compensated. So, in effect, it is the flip side of the freedom of choice argument that the pro GM advocates maintain.

The likelihood of genetically modified crops escaping from the place where they are grown and ending up elsewhere is high. In fact, it is close to a certainty. We know that a range of vectors spread plant material, whether genetically modified or otherwise. There is wind, we have water run-off, we have the action of pollinators and we have trucks which are carrying grain up and down our roads and which crisscross our porous state borders.

We can compare the situation of our state borders with the situation when you depart or arrive in Australia, where there are strict quarantine checks and controls. We do not have checks and controls at the state borders, and we know that there are farmers with property in both Victoria and South Australia who are likely to be growing genetically modified crops in Victoria and using the same equipment back in South Australia.

So, the question about compensation for loss is a very real one. The types of losses South Australian farmers might suffer include the loss of premiums they can attract to their clean, green organic crops when those crops become contaminated. Two years ago, I hosted a meeting in Parliament House of Japanese consumer organisations, and they came here to urge us to maintain our GM-free status. They represented millions of Japanese consumers who did not want to eat genetically modified crops.

There is a real risk that South Australian farmers will suffer and, unless we have law reform, there will be nowhere for them to turn. The question is: if they suffer some loss, for example, loss of a price premium through no fault of their own through the escape of genetically modified crops, who should be responsible? My bill provides that the responsible party will be the patent owner in that genetically modified material, and in practically all cases that means big multinational companies such as Monsanto and Bayer.

The alternative would be to try to make liable the farmer from whose land the genetically modified material escaped. I have not gone down that path for a number of reasons. First, it could well be impossible to determine from which Victorian or New South Wales farm the material originated. If we cannot determine exactly who is to blame, it would be unfair on farmers if they were wrongly blamed. More importantly, I do not seek to pit farmer against farmer. Farmers will do what they can and what they must to make a go of their business.

Liability should rest with those companies which are promoting genetically modified seeds and which are wealthy enough to pay compensation when things go wrong. Liability is an important part of the GM debate because it is an important part of the precautionary principle, which states that, when faced with uncertainty as to the outcomes, a precautionary approach might mean that you do not do it. Another way of looking at it is to say that, if you are going to do it—in this case grow GM crops—you should at least bear the risk of something going wrong and another party suffering loss.

The bill is very simple, with only three clauses. The main clause provides for a new section 27A in the Genetically Modified Crops Management Act of 2004, which basically provides that an action for damages lies against any person who has a proprietary interest in the genetically modified material which, in most cases, will mean big multinational corporations.

It is great that South Australia has kept the moratorium alive, but it is disappointing that our interstate colleagues have not. I had hoped that I would not need to bring this bill back to the council and, if our Victorian and New South Wales counterparts had kept the moratorium in place, we probably would not have needed this bill. They have allowed their farmers to go down the GM path. I want to ensure that South Australian farmers are protected.

In conclusion, I remind members of the forum that is being held in Parliament House tomorrow morning from 9.30am. Along with the Hon. David Winderlich, I am hosting two North American farmers, one from the United States and one from Canada, who have direct experience

with genetically modified crops and the attitude of the big multinationals that effectively control them. North American farmers have suffered a severe reduction in their choice about how they farm, as a result of the introduction of genetically engineered crops.

Biotechnology companies such as Monsanto and Dupont own the majority of seed companies, and they have a vested interest in promoting their genetically engineered crops because it means that farmers can no longer save their seed. This means that there are greater profits for the seed selling companies. Therefore, these companies have withdrawn investment from improving conventional varieties, and these varieties are becoming increasingly difficult to buy. Some farmers are finding themselves locked into growing genetically engineered crops because no GE-free option is available. Contamination problems in North America are rife, which means that farmers can no longer get premiums for their GE-free product. In Canada, it is estimated that 90 per cent of conventional canola seed is now contaminated with genetically modified material.

All members will have the opportunity tomorrow morning from 9.30am in the Plaza Room to hear these North American farmers talk about their experiences, one of whom was sued by Monsanto. I think there are some important lessons for us to learn. With those words, I commend the bill to the council.

Debate adjourned on motion of Hon. B.V. Finnigan.

ROXBY DOWNS (INDENTURE RATIFICATION) (OLYMPIC DAM EXPANSION) AMENDMENT BILL

The Hon. M. PARNELL (19:58): Obtained leave and introduced a bill for an act to amend the Roxby Downs (Indenture Ratification) Act 1982. Read a first time.

The Hon. M. PARNELL (19:58): I move:

That this bill be now read a second time.

This is probably about the simplest bill I that have introduced into this parliament—in fact, that has ever been introduced into this parliament. It seeks to do just one thing, that is, extend the period of public comment for the proposed Olympic Dam expansion to a period of at least three months. The reason I say that is a necessary amendment to make to the Roxby Downs (Indenture Ratification) Act is that this is the biggest project that we have ever seen in South Australia, and it deserves a deal more scrutiny than the government and BHP Billiton are intending with their proposed eight week public consultation period.

At present, eight weeks is the period the government has announced. The company has it on their website that that will be the public comment period. I have asked the minister in this place why we cannot have longer, given that we know that the document is being printed and that it will be the biggest document ever printed in this state. It is ready; it is not yet released, so we can in fact have a longer period of public consultation without unduly delaying the process. In other words, we can add time to the front of the process, rather than add it to the back of the process.

In response to my questions of the minister about why we cannot have longer to comment on this document, the minister has reminded us that the standard period for public consultation in the Development Act is six weeks—in fact, it is described as 30 business days—and the government by providing an extra two weeks (up to eight weeks) is doing more than it has to and therefore we should be grateful. The legal situation is as the minister has explained; that is, there is a statutory minimum period, but there are also some provisions which we need to think about which arise from the fact that the environmental impact statement is not just being prepared under South Australian law but it is also being prepared under commonwealth law.

Members may be familiar with the fact that, last year, the state government entered into an agreement with the commonwealth government under section 45 of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999, an agreement relating to environmental impact assessment. This agreement and that which has been entered into with other states is known as an assessment bilateral agreement. The agreement was signed by the federal Minister for the Environment, Heritage and the Arts (Peter Garrett) on 28 March 2008 and signed by minister Holloway (representing the state government) on 2 July 2008. This agreement provides that the commonwealth environmental impact assessment requirements will be met by the state government and the proponent following the regime set out in the South Australian Development Act.

When it comes to setting the public comment period, this bilateral agreement requires at least 28 business days, so it is a pretty minimalist provision. However, there is another provision in this agreement which I think should inform members' consideration of my bill as to an appropriate length of time. Under the heading 'Groups with particular communication needs', paragraph 32 of the bilateral agreement states:

> The State of South Australia will, in giving effect to the requirements in Schedule 1, make special arrangements, if appropriate, to ensure that affected groups with particular communication needs have adequate opportunity to comment on actions assessed in the manner described in Schedule 1. The parties note that indigenous people affected by a proposed action may have particular communication needs, and will ensure, where appropriate, that affected indigenous people have adequate opportunity to comment on actions...in Schedule 1.

That provision calls for the state government to be mindful of the fact that these projects generally might attract interest in a wide section of the community. Indigenous people are pointed out for special noting, but the Hon. Caroline Schaefer raised in parliament that a number of industry groups have special needs, such as the need to assess scientific information that will be presented to us in the environmental impact assessment thoroughly. So, when we put clauses such as this in conjunction with the requirement for a minimum consultation period we can see that there is no bar to the government's giving people longer to comment on the EIS.

It is also important to note what this EIS is about, because the range of topics that will be covered is incredibly extensive and any number of these items would, under normal circumstances, require an EIS of its own and its own special public comment requirements. For example, the EIS will cover expanding the special mine lease, increasing the amount of ore from 10 million to more than 70 million tonnes per annum through the establishment of an open pit mine. We know that this is likely to be the largest open pit mine in the world. The overburden that has to be extracted before the ore is even reached will be of such a magnitude that it will effectively create its own mountain range in central Australia. We know that there will be a much larger tailings dam.

We also have in the EIS an assessment of an increased on-site mineral processing capability. Most importantly, much of the discussion in the mining press and the business press has been around the so-called China option; the idea that the ore might be exported and not processed in South Australia.

Whether the company goes down the China path or the on-site processing path has massive implications for the economy of this state. It has huge implications for the people of Roxby Downs and Port Augusta and, in fact, for all people in South Australia. So, we are awaiting the release of this EIS to find out exactly what those implications will be. Depending on which option BHP Billiton goes with, it is not only jobs; there are also implications for water and energy and other aspects of the project.

We know that the EIS will also cover the question of how to source an extra 200 megalitres of water a day. The option that has been flagged is the construction of a desalination plant. That will raise questions about energy use. There will be pipes to transport the water. All members would be aware of the giant cuttlefish that live in the locality of the proposed desalination plant. There are impacts on tourism. I have mentioned the impact on the fishing industry, which is a matter that the Hon. Caroline Schaefer raised the other day. There are impacts on the aquaculture industry, which occupies an adjoining bay to the desalination plant.

In addition, there are impacts on groundwater; sourcing additional water from the Great Artesian Basin. Currently, they are not extracting every drop that they are entitled to under the indenture. There is every chance that they will go to their maximum allowed extraction.

We also have the impact of sourcing and supplying 520 megawatts of additional energy a day. That could include (we will know when we see the EIS) on-site co-generation, construction of an additional power transmission line and construction of a gas pipeline from Moomba to Olympic Dam, for example. *The Australian* newspaper estimated that this project will use up to 42 per cent of the state's entire electricity demand. We know that it will use more electricity than every house in Adelaide combined.

We know that the EIS will also cover transport infrastructure: a new railway line. The preferred transport infrastructure option is a new line from Pimba to Olympic Dam, which would link to the Adelaide-Darwin rail line and the national rail grid. Under that option, some materials would still be transported by road, so road upgrades would be on the cards as well.

There is the potential need for a vessel landing site in the Upper Spencer Gulf and, in particular, a facility to bring in large pre-assembled modules. We have raised in this parliament

before the question of a wide haulage road from Upper Spencer Gulf to the mine to transport those components. There may well be a storage handling facility required in Darwin in the Northern Territory. A new airport is part of the proposal, big enough to accommodate Boeing 737s.

The Olympic Dam construction village will be a huge undertaking in itself. The existing village needs to be relocated and expanded to accommodate the development of the open pit and the influx of new workers.

We also have, again, at Point Lowly, as well as the desalination plant, the idea of extra port facilities. The existing village and infrastructure at Roxby Downs will need to be considerably expanded; in fact, a huge range of issues will be dealt with by this EIS. In normal circumstances, any one of them singly would itself attract a full EIS and a full period of public consultation, so why on earth, just because we are lumping them all together, do we say that it is sufficient for the people of South Australia to have only eight weeks to comment on it?

I have not even touched the surface of other issues that relate to native vegetation clearance, radiation safety for workers, or even mine tourism, which is something that needs to be dealt with. I have focused on economic and environmental issues, but the social issues as well. It is a very different prospect to have a fly-in/fly-out type of mine, compared to a mine where the workers are predominantly families who live in the locality.

Of course, indigenous issues will be important, because we know the current indenture overrides the Aboriginal Heritage Act, and there is every chance that the new indenture will do likewise.

I have gone into some little detail to try to impress upon members the vast scope of this document, which we are told will require a wheelbarrow to deliver. I have not been able to work out exactly how many thousands of pages or how many volumes it will be, but it will be immense.

The Hon. David Winderlich: What is its carbon footprint?

The Hon. M. PARNELL: I am asked what its carbon footprint is. It will probably be the first time that the production of an EIS requires an EIS itself, just in terms of the forests of paper and the carbon that go into it.

I do not think I am overstating the case. This is the biggest project that this state has ever seen. We are about to embark upon digging the biggest hole in the ground in the world. It is a massive proposal. What I am saying, and what my bill provides, is that the period of time for the public to be able to comment on this project should be at least three months.

We do not need to add that to the end of the process; we could bring it forward, because we have been told by the minister that the document has already been printed. Given that it has taken almost four years for the proponent to write this document, it is not too much to ask that we have an extra four weeks to comment on it.

Debate adjourned on motion of Hon. R.P. Wortley.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: DESALINATION PLANTS

Adjourned debate on motion of Hon. R.P. Wortley:

That the interim report of the committee be noted.

(Continued from 4 February 2009. Page 1184.)

The Hon. J.M.A. LENSINK (20:13): I support this motion and state at the outset, personally for the record, that I am not against desalination; indeed, I note that it was the Liberal Party's policy first of all to support a desalination plant.

The particular location of this plant, which is to be the old Port Stanvac site, was one of 12 chosen by a committee of the government. While the ERD is grateful for having received an executive summary of that report, we have not been provided with a full report of the research into each of those sites and why the particular site was chosen.

This issue was one which I placed on the ERD agenda and it was because of concerns that were raised with me by Dr Ian Dyson, in particular, who is a sedimentologist who has had a longstanding connection with that area. He was also relying on the research of other eminent scientists, in particular Dr Jochen Kaempf and Dr Kirsten Benkendorff, who are both based at Flinders University. Kirsten Benkendorff was a young Scientist of the Year a few years ago. These are people whose opinions are not to be dismissed, people who had raised significant concerns

about the potential impact of desalination on the gulf and on that particular location. Their concerns related to increased salinity levels and the potential for de-oxygenation of the marine environment and, in particular, the benthinc environment. The ERD has undertaken this report, which I think provides a balanced view on whether this desalination plant should proceed.

I think it is appropriate to summarise our findings. We visited the Western Australian plant, which is in operation and has involved no significant environmental issues. The most critical points concern the dispersion of the brine and which chemicals are released into the environment. I am pleased that the EIS, which has been tabled, notes that they are the areas that need to be particularly developed.

The response of some people to desalination is, 'Well, it happens all around the world so what are we worried about?' However, there is a lack of body of research into the environmental impacts of desalination. As I have stated in this chamber before, I went to Israel on a water trade mission a couple of years ago. The environmental standards in Australia are much higher and our expectations are higher than they are in other countries around the world. On that trip to the WA plant I noted that there was a holding tank containing a solution with ferrous chemicals. In Israel that equivalent was just pumped straight out into the Mediterranean Sea. I think we do have valid reasons to proceed with caution. I am pleased that the ERD Committee was able to look at this matter in greater detail and note some precautionary warnings.

I would like to congratulate our research officer, Val Day, who is employed by PIRSA. I think she did a great job in assisting us to reach our conclusions. I commend the report to the council.

Debate adjourned on motion of Hon. Carmel Zollo.

CHILD SEX OFFENDERS REGISTRATION (REGISTRATION OF INTERNET ACTIVITIES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 February 2009. Page 1185.)

The Hon. D.G.E. HOOD (20:18): On behalf of Family First, I rise to indicate our strong support for the honourable member's very sensible bill. If members recall, Family First had a similar bill pass through this place, and indeed through the whole parliament, back in 2007 which gave judicial officers the power to include conditions regarding computer and internet access as part of the paedophile restraining order regime as set out in section 99AA of the Summary Procedures Act.

The current regime when dealing with paedophiles, including the restraining order scheme, dates back well over 10 years and did not originally envisage predatory behaviour occurring online. Nowadays, of course, predatory behaviour by paedophiles occurs to a significant extent online often with a view to meeting children in the real world. Some behaviours occur exclusively online—for instance, the circulation of child pornography. Whether or not the practice extends beyond online interaction, it is a disgusting practice and I am grateful that the honourable member is proposing that registered offenders be required to submit further details regarding online accounts and activities as part of their reporting regime.

Some statistics regarding online child solicitation have been compiled by SentryPC, which provides internet filtering technology. It notes that one in five US teenagers who regularly log onto the internet say that they have received an unwanted sexual solicitation via the web and that 75 per cent of children say that they are willing to share online personal information about themselves and their family in exchange for goods and services. I also note that the Crimes Against Children Research Centre has found that only about 25 per cent of children who encounter sexual approach or solicitation actually told a parent or adult. These are concerning statistics indeed.

Obviously, Family First supports any appropriate measures to protect children online. It supports internet filtering technology, which can be one layer of protection. The honourable member, in this bill, proposes this further layer of protection, which would enable police to keep a closer eye on the online activities of offenders. It is a sensible proposal, we welcome it and it has the support of Family First.

The Hon. B.V. FINNIGAN (20:21): The government supports the second reading of the bill. The Child Sex Offenders Registration Act 2006 requires sentenced child sex offenders, referred to as 'registrable offenders', to register with the Commissioner of Police. Depending upon

the offence or offences for which the registrable offender has been sentenced, registration is mandatory for eight or 15 years or life, or it is discretionary for the period specified in a court order, that is, a child sex offender registration order.

A registrable offender is, upon registration, required to provide to the commissioner specified personal information. For the period of his registration, a registrable offender must ensure that his personal information is kept up to date, report annually to police and notify the commissioner of plans for extended travel out of the state.

The act requires the commissioner to establish a child sex offender register. All personal information provided to the commissioner by a registrable offender must be kept on that register. Access to the information on the register must be strictly controlled in accordance with guidelines issued by the commissioner and approved by the Attorney-General, in accordance with the act. The act prohibits a registrable offender from engaging in, or applying for, child-related work, and it requires a person engaged in or applying for child-related work to report any child sex offence charges or convictions to his employer.

The bill amends section 13 of the act, which sets out the personal information that must be provided by a registrable offender at the time they are first required to be registered. This information includes:

- name, including any other name by which the offender is, or has previously, been known;
- date of birth;
- the address of each of the premises at which the offender generally resides;
- names and ages of any children who generally reside in the same household or with whom the offender has regular unsupervised contact;
- if he or she is working—
    - (a) the nature of the work
    - (b) the name of his or her employer, if any
    - (c) the address of each of the premises at which he or she generally works or, if he or she does not generally work at any particular premises, the name of each of the localities at which he or she generally works;
- details of his or her affiliation with any club or organisation that has child membership or child participation in its activities;
- the make, model, colour and registration number of any motor vehicle owned by, or generally driven by, him or her; and
- details of any tattoos or permanent distinguishing marks that he or she has, including details of any tattoo or mark that has been removed.

This bill adds to the list of information that must be provided by a registrable offender:

- details of any carriage service, within the meaning of the commonwealth Telecommunications Act 1997, used or intended to be used by the person;
- details of any internet service provider or provider of a carriage service, again within the meaning of the commonwealth Telecommunications Act 1997, used or intended to be used by the person;
- details of the type of any internet connection used or intended to be used by the person, including whether the connection is a wireless, broadband, ADSL or dial-up connection;
- details of any email addresses, internet user names, instant messaging user names, chat room user names, or any other user name or identity used or intended to be used by the person through the internet or other electronic communication service; and
- any other information prescribed by the regulations.

South Australia Police advises that use of the internet by child sex offenders is the most common form of contact such offenders have with children and child exploitation material.

The government agrees that these additional details will help police to better monitor child sex offenders. Although the government supports the second reading of the bill, closer examination of the bill has indicated the need for some amendments. I indicate that I will move those amendments in the committee stage.

These amendments will add to the list of information that must be disclosed to the police by a registrable offender any password or access code used by him or her to access the internet. I will outline the proposed amendments.

The first amendment will add to new paragraph (p) the requirement that a registrable offender provide to the police details of any passwords used or intended to be used by a person through the internet or other electronic communication service. This will ensure that police can access a registrable offender's internet or other electronic communication service should the need arise.

The second amendment will add to new paragraph (p) the requirement that a registrable offender provide to the police details of any access code used or intended to be used by a person through the internet or other electronic communication service, for the same purpose as the first amendment that I will be filing. The government supports the second reading of the bill.

The Hon. R.D. LAWSON (20:26): I thank the Hon. Mr Hood for his indication of support by Family First members for this measure. I thank the government for its continued support for the measure. I am somewhat surprised to hear the Hon. Bernie Finnigan mention that he has amendments. I have not yet seen copies of the proposed amendments, but the amendments outlined by him, namely, the inclusion of requirements for disclosure of codes and passwords etc., are entirely consistent with the measure, and they will be supported.

I should also on this occasion once again congratulate the originator of this bill, the member for Davenport, the Hon. Iain Evans. It is a sensible and useful addition to our child sex offenders registration legislation. I indicated that we will be seeking a vote on this bill and its passage today. I am somewhat surprised not to have received a copy of the amendments, but I indicate support for them, and I look forward to the rapid passage of this measure.

Bill read a second time.

SELECT COMMITTEE ON IMPACT OF PEAK OIL ON SOUTH AUSTRALIA

Adjourned debate on motion of Hon. Sandra Kanck:

That the report be noted.

(Continued from 26 November 2008. Page 921.)

The Hon. J.M.A. LENSINK (20:29): I intend to be very brief on this particular motion, but I speak in support of it. This select committee was a three person committee consisting of the Hon. Sandra Kanck, as the mover of the motion, the Hon. Russell Wortley and me.

We were very ably supported in our efforts by our secretary, Guy Dickson, and research officer, Tyson Retz. Our brief was to look into the issue of peak oil which, in my layperson's terms, would be the point at which we have reached the maximum extraction of oil. A number of people gave evidence which was often in parallel with issues relating to global warming.

The issue of peak oil is a very broad and diverse matter covering issues such as agriculture and travel. Indeed, all modes of transport will be affected by our feeling of the impact. At the time of our taking evidence, we were more acutely aware of matters because oil and petrol prices were that much higher.

We had a number of recommendations, some of which relate to such things as the development of community gardens and, in some ways, going back to the past in encouraging people to grow their own food. Some people, whom a number of us would regard as slightly more extreme, suggested that we should do away with broadacre agriculture altogether and all eat kangaroos instead of farm animals. Some witnesses also spoke to us about the health impacts and how they would affect people in country and more remote regions who may find it more difficult to access health services.

It is fair to say that it was a well-rounded report. The fear expressed by a number of the witnesses is that people assume there is some sort of magic cure around the corner for needing to find alternatives to using oil and non-renewable resources; therefore, they urged us to be more

proactive in addressing those matters. That is all I intend to say on this matter. I recommend this report to all members of the council and ask them to consider its recommendations very carefully.

Motion carried.

ENVIRONMENT PROTECTION (PULP MILLS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 November 2008. Page 932.)

The Hon. A. BRESSINGTON (20:32): I rise briefly to indicate that I will not be supporting this bill introduced by the Hon. Mark Parnell. The bill before us proposes to revoke the environmental indenture in place, presumably following negotiations at the time between the government and Kimberly-Clark, the operators of the Millicent mill. While it is true that the indenture is beyond lenient on the operators of the Millicent mill which, if the current operators exploited and polluted without regard, would not be acceptable in these modern times (and I struggle to understand how it ever would have been), the simple fact is that today this is not the case.

As much as the honourable member may desire the paradigm of this debate to be support for either big business or the environment, the reality is that the environment is not compromised by the indenture. Kimberly-Clark has been making a concerted effort to minimise the Millicent mill's impact on the surrounding environment, and it is achieving that with Lake Bonney now fit for recreational purposes.

A true testament to the progress made is that fish may now be taken from Lake Bonney without concerns of dioxins or other toxins. These efforts mean that, if the indenture were repealed as the honourable member proposes, Kimberly-Clark would be conforming comfortably to the environmental standards required of the Penola pulp mill.

To confirm this I contacted the Environment Protection Agency, which confirmed the claims of environmental improvement, indicating that there were no issues with access to the Penola pulp mill as a result of the indenture and that ultimately it was more than satisfied with the progress that Kimberly-Clark is making towards the 2014 expiration of the indenture.

To repeal the indenture five years shy of its expiration would leave Kimberly-Clark and the Millicent pulp mill in quite a precarious state. The indenture has provided the legal framework by which the Millicent mill has operated and, for that reason, relevant agreements and legislation have omitted references to the mill. For instance, if the indenture were today repealed as is proposed, Kimberly-Clark would have to cease operations as it would not have legal access to stormwater drains for its effluent. However, if we allow this indenture to run its natural course, all necessary frameworks will be in place ready for the transition at the indenture's expiration.

While not a perfect analogy, the 50 year indenture is comparable to a legislative contract, a contract that has provided the framework by which Kimberly-Clark has operated—with the certainty of an expiry date—a contract that the honourable member now desires us to breach.

As members may recall, I took issue with this government's ultimately successful attempt to legislate out of a contract brokered with the SkyCity Casino and the TAB for the provision of funds towards inspectors. At the time, I expressed my displeasure at the parliament's involvement with the dissolution of legally binding contracts between the government and private enterprise, and I reiterate that displeasure with this bill today.

While I would be more receptive if the honourable member had raised genuine concerns of Kimberly-Clark abusing the indenture and polluting the local environment, as I said, that simply is not the case, and for the aforementioned reasons I do not support this bill.

Debate adjourned on motion of Hon. B.V. Finnigan.

SELECT COMMITTEE ON FAMILIES SA

Adjourned debate on motion of Hon. C.V. Schaefer:

That the interim report of the committee be noted.

(Continued from 12 November 2008. Page 630.)

The Hon. R.D. LAWSON (20:36): I rise to speak on this motion relating to the noting of the interim report of the Select Committee on Families SA. This interim report deals with the establishment and the ultimate cessation of the operations of the SOS Village. First, I want to say

that the Families SA select committee was appointed largely at the initiative of the Hon. Ann Bressington to hear evidence relating to the operations of Families SA.

The committee has received a great deal of evidence from not only the department itself but from a number of persons who have had direct personal involvement in the department and also from number of experts familiar with the department's policies and practices. It is an important subject and it is an important select committee.

It is a great pity that members of the government were opposed to the establishment of the committee in the first place and have, in effect, boycotted it. From the evidence thus presented, it is quite easy to understand why the government would wish to run away from an inquiry of this kind. It is a deplorable indictment of the government that it did so because, as anyone who is familiar with the child protection system in this state would know, our child protection agencies—just as those in almost every other jurisdiction—are under considerable pressure, and there are a number of issues that have not been addressed. As a member of the committee, I look forward to the production of our final report.

This interim report is an important document, because it highlights by way of particular example how the department operates and what its philosophies are. It is worth repeating and putting on the record in Legislative Council the sad history of the SOS Children's Village.

SOS-Kinderdorf International is an organisation which operates in over 130 countries. It provides homes for more than 60,000 children and adolescents in over 450 villages around the world. It operates so-called villages which provide children with long-term, family-like care. In 1993, SOS-Kinderdorf International, through its local affiliate headed by Mr Ellis Wayland, proposed to the South Australian government that SOS would establish and operate a village in South Australia at its own expense. It was proposed that SOS would incorporate and be controlled by a local management committee and that it would purchase the land, build the village and operate it.

The then government of the day, headed by minister David Wotton, approved the proposal and encouraged the organisation to establish the village. It was true to its word. SOS purchased land and built a village comprising, I think, some eight houses, which were proposed to house not only the children but also their carers. The village employed 15 staff, and it was opened in September 1996.

The government entered into a protocol with the SOS village relating to its operations, which were conducted at Seaford Rise. The number of allotments purchased was quite considerable (13 allotments). The village comprised 11 houses, eight of which were family houses. Each house had five bedrooms (one with an ensuite bathroom) and other facilities. The village had the capacity to house up to 40 children, and it operated between 1996 and 2005 when, amidst controversy, it was closed. It was closed for reasons which the committee found as follows. It accepted Mr Wayland's explanation that, when the government changed in 2002, the department and its political masters were no longer as enthusiastic about a private operation operating as a registered foster home. I think it is worth quoting what Mr Wayland said, as follows:

> The bureaucrats...argued that the SOS model, based as it is on motherhood, was too simplistic and out of date...They still argue that children in care, having suffered separation from their birth families, need more sophisticated care than a mother can give, i.e., case workers and social workers, supported by psychologists, psychiatrists, therapists, mentors, counsellors, etc., etc. The bureaucrats...simply did not want SOS. The reasons were hidden behind a veil of bureaucratic secrecy.
>
> The SOS model is based fundamentally on a 'mother'. As such, this terminology was politically incorrect, and the only term acceptable to the department was 'carer'. Even children in care were to be referred to as 'clients' and not 'children'.

Perhaps I should have explained a little earlier that each of these houses was run by a woman designated the 'mother', and she actually lived on the premises and was responsible for establishing a long-term, loving, family-like relationship. This is particularly important in the SOS model because they specialised in having groups of siblings of various ages who would live in the one place for a considerable period of time if relations with their family had broken down.

Mr Wayland defended the conditions under which the mothers worked. He said they were paid $40,000 per annum and received their own accommodation from the SOS. They were paid living expenses, petrol expenses and the like. However, according to Mr Wayland, and I think it is easy enough to understand, the ASU pay demands would have resulted in massive additional operating expenses because the mothers who were on duty 24 hours a day—as are mothers

generally, who are entirely unpaid—would be paid overtime and massive amounts which, clearly, would have been crippling.

It may be emphasised here, as is noted in the report, that the remuneration that SOS was paying the women—some $40,000 a year to be the mothers of children—may be contrasted with what the government pays its own foster carer mothers in their own house. They get $7,000 to $15,000-odd to do much the same task yet, because of that opposition, the SOS model became unviable from a financial point of view. Mr Wayland said, and the committee accepted:

> We could not possibly meet the ASU pay demands, which would result in massive additional operating expenses. They wanted the mothers paid double time for sleeping in their own home, time and a half if they had to attend to the child, a lunch break if they were required to serve meals, a loading because they were cooking, another loading if they were suffering any sort of stress because of child behaviour, and so it went on. It was just absurd.

The government was unable to reach any agreement with SOS. SOS pulled out and the government had to buy the village and continues to operate it at a vastly increased expense to the public payroll.

The committee concluded that the SOS village made a significant and worthwhile contribution to the South Australian child protection system during the 10 years of its operation. The committee considered that the circumstances which ultimately led to the cessation of the involvement of SOS in the village were deplorable and reflect poorly on the department and on the government. In particular, the claim made by minister Weatherill that the SOS model of care was, to use his word, 'dodgy' was both offensive and unwarranted.

The select committee believed that the department was not sufficiently flexible in its thinking or practice to accommodate the model of care offered by SOS. The committee accepted the point emphasised by the department that through delegation from the minister it has legal powers and responsibilities for young children under the guardianship of the minister. The legal point was confirmed in the two protocols which govern relationships between the department and SOS. However, the committee considered that the department was overly rigid in its application of the rules and unnecessarily restricted the capacity of SOS staff in handling residents.

The evidence presented to the select committee establishes that the government, which came into office in March 2002, was not sympathetic to the SOS model as to the employment of mothers with 24-hour a day responsibilities. This model was also, as I have mentioned, anathema to the Australian Services Union which was accustomed to award conditions, penalty rates, etc. Given minister Weatherill's stated view that the SOS model was unsustainable in the Australian industrial context, it is not surprising the government did not provide the political leadership and the financial or other assistance which would have enabled the SOS village to prosper.

The fact that the government was prepared to purchase the village in 2004 and continue to operate it at vastly increased costs demonstrates that the government recognises the need for such a facility. It also suggests that the government was antipathetic to the involvement of non-government enterprise in general and to SOS in particular.

The victims of this blinkered approach were the young people who had benefited from the care and support provided by SOS over the years. We believe that South Australia is the poorer for the departure of a dedicated, internationally-acclaimed care provider. There was and is a need in South Australia for long-term care of children and young people under the guardianship of the minister. The SOS village fulfilled a valuable role in meeting this need, especially in relation to keeping sibling groups together.

When SOS withdrew, the government had to step in and take over the village and discharge its obligations at a far greater cost with no demonstrable improvement in outcomes. The committee believes that it is not sufficient for the department simply to dismiss the SOS model of care on the ground that it worked in so-called Third World countries. Whilst it is true that the model operated internationally by SOS-Kinderdorf and its affiliates enjoys great success in many countries where the operational environment is different from that in Australia, that is not to say that, with appropriate adaptations and flexibility, the model was incapable of successful implementation in South Australia.

The reason for the closure of SOS village was not that the model was deficient: the SOS village closed because neither the government nor the department was prepared to support it. The select committee accepts Mr Wayland's claim that the department viewed the concept of a mother as the central figure of the SOS model of care as politically incorrect, simplistic and out of date. In

our view, the disdain displayed by some in the department towards the SOS nomenclature illustrates Mr Wayland's point that the SOS model was not valued by Families SA.

The committee concluded that the department was never fully committed to allowing SOS to follow the model of care and style of operation which it had developed and used internationally. This was evidenced by the fact that the department continued to place children suffering from severe behavioural problems with SOS. This did lead to frequent short-term placements, and the department well knew that the village was not intended for seriously dysfunctional and physically violent children. I think it is fair to say also (as the committee notes) that Mr Ellis Wayland is a very dynamic, assertive and forceful character. He showed a great level of commitment to providing a service provided worldwide for children in need of care.

He admitted, and there is no doubt, that he had no prior professional experience in the field of child protection in the care sector. He is actually a retired finance executive and a highly decorated and respected member of the Army Reserve with widespread administrative experience, but he had no professional experience—nor did he ever profess to have—in child protection. There is no doubt that he was frustrated by what he saw as bureaucratic obstruction and indifference, as well as what he considered to be (and so did the committee) trade union bloody-mindedness.

Perhaps if Mr Wayland had been more diplomatic, the SOS village might have struggled on. However, it could never have survived for long in the face of the demands of the Australian Services Union and the entrenched attitudes and inflexibilities of the department and the government. The committee made recommendations in relation to the approach the department ought to adopt if future situations such as this arise.

This is an unhappy chapter in the history of Families SA in this state. We hope that lessons will be learnt but, based on much of the evidence received from the department in the committee, one would have to say there are considerable doubts as to whether the department does have the flexibility and the commitment to embrace new, different and fresh ideas in meeting its considerable responsibilities.

Debate adjourned on motion of Hon. B.V. Finnigan.

EDUCATION (OMBUDSMAN AND SCHOOL DISCIPLINE) AMENDMENT BILL

The Hon. R.L. BROKENSHIRE (20:55): Obtained leave and introduced a bill for an act to amend the Education Act 1972. Read a first time.

The Hon. R.L. BROKENSHIRE (20:55): I move:

That this bill be now read a second time.

I rise today to introduce a very important bill, which I am pleased to say already has in-principle support, I understand, from the opposition, because the shadow education minister indicated on morning radio when I announced this reform that an education ombudsman was its policy going to the next election.

This bill is intended to deal with public outcry over Education Department inaction or bureaucratic bungling of complaints by students, parents and teachers alike. The system is breaking down, and the solution is an ombudsman specific to the education sector. This bill appoints an education ombudsman independent of government with the powers of a royal commission, as is the case with the state Ombudsman. It enables the education ombudsman to initiate his or her own investigations or conduct investigations referred to him or her by the minister or a parliamentary committee. It allows the education ombudsman to make directions to the minister to amend school discipline policies, requires any changes in school discipline policy to be scrutinised by parliament's Social Development Committee, provides immunity from civil liability for any person who complains to the ombudsman or makes a statement in an ombudsman's investigation, and, finally, allows the state Ombudsman to transfer existing education-related matters to the new education ombudsman.

Washington state in the USA has an education ombudsman who deals independently with complaints from the primary (or elementary, as they call it there) and secondary school systems, and it is quite separate from its education department. The model has been proposed in other places, but it seems to be most developed there.

In a local radio report on 7 April last year the Washington state education ombudsman's background was explained quite well, as follows:

Theoretically it should be the job of schools to respond to parent concerns, but director of the new office of the Education Ombudsman, Addie Simmonds, says that the reality is that K to 12 [that is, reception to year 12] teachers and principals, they don't have a lot of time to respond to emails and calls and sometimes, she says, the teachers and the principals they're the problem There are many, many situations when families are involved in long-term situations with the school where they need to come to some kind of a resolution, so the involvement of a third party to bring both parties to the understanding, that we are talking about [first and foremost] the education of the student' [and the wellbeing of all students and staff in that school]. The ombudsman's office was created to be that reminder and to mediate conflict. The office will also be looking out for gaps in the state's education policies or procedures and, after a year of complaints, questions and conflicts it will make some recommendations to the legislature.

In other words, it will report to the parliament. I have been absolutely appalled at the tales from the South Australian education system that I have heard from constituents contacting my office and on talkback radio. Never in my time in parliament have I heard such awful allegations of neglect of children, disregard for parents' concerns and sometimes totally inappropriate support for teachers put in difficult situations.

Clearly, this is another example that highlights the breakdown of social fabric and families and communities in our state. We are seeing an accelerating increase in this. It is something we should not have to deal with, but in a complex society, where too many laws over the years have worked against the best interests of responsible parenting and support for people in positions of both authority and responsibility (such as teachers), it is now time to bring in an independent ombudsman to oversee these complaints.

I will give some examples of the concerning situations that am hearing about. One was a coach abusing children. An overbearing basketball coach yelled and abused children, causing the children great distress. Several parents have told us that those who complained were shouted at by the principal. One mother, who was complaining about the abuse of these children during the coaching of the basketball team, has now been banned from speaking to the principal. The parents were called names by the district director and the coach has threatened to cancel the team if the parents complain again. It was a difficult situation for the principal and a difficult situation for the district director and, in my opinion, there was not enough support from head office—an example and a reason for having an independent umpire.

Secondly, a child who was racially abused sought a transfer under medical advice, which the department refused. A child was called a chink over a period of eight months at a private school at Adelaide. His doctor diagnosed depression and ordered that he not attend school. Actually, that child has not been at school for over three weeks. The doctor's advice was to reunite the early high school aged child with his mates at a nearby well-respected public high school. Unfortunately, the department has said no. I asked a question in parliament on 30 October about this issue. We still have not had a response from the minister in the parliament. Again, this highlights a situation where an ombudsman would be of great benefit in sorting out the problem.

A third example relates to a school's failure to act on a 12 year old bullying a 7 year old. The 12 year old started picking on the 7 year old, choking the child on the bus and allegedly slamming his head in the drinking fountain at the school. This particular 12 year old child threw chairs and ran away from school to traipse about town. The school took no real action in relation to the bullying of the 7 year old, and now the 7 year old has started imitating bullying behaviours because he has seen that bullies get away with it. All the school could do in this case was to suspend the bullying child, not expel him. In fact, it is almost a badge of honour for a child who carries on that way, rather than their receiving proper discipline and support. The parents of the 7 year old seem to have nowhere to go for support in order to sort out the problem, given that the school has other problems to deal with with respect to bullying and general behaviour problems.

Another example relates to a young girl being bullied and little being done about it—next to nothing. A 10 year old girl moved with her family to a new public school. From the outset, other girls targeted the girl and harassed her. The girl was being dragged into fights with the bullying group. The mother of this girl is not only distraught but also wonders whether she should be teaching her daughter self-defence, because the school has suspended only one student for less than a day for the assaults upon her daughter. The mother has now laid assault charges with police. The parents are seriously considering moving their daughter to another school. The parents have said that they feel that, because the school is a mixed race school with immigrants, the school is siding with those who, in this case, are doing the bullying and happen to be from migrant backgrounds and come from troubled overseas situations. The mother feels the school has more compassion for the bullies than for the victim, in this case her daughter.

I also refer to the henna tattoo case, something which was in the public arena. Temporary tattoos were applied to a child without the parents' knowledge. Of course, this does not breach the law, as I understand the child tattooing laws, but it runs dangerously close to it. It is an affront to parental authority over one's child. Unfortunately, in this instance, the school backed the idea of henna tattoos, so where was the parent to go for support and adjudication?

However, it is not just students and parents who are suffering, clearly schoolteachers are suffering too. I will give a couple of examples. A teacher was attacked by a student. Initially a parent called who was concerned about his graduate teacher son teaching at a rural high school. I spoke to that parent. This young teacher was very dedicated and happy to go to the country. A student was asked to pick up a piece of paper in the classroom and then decided that they would dispute that direction from the teacher. The teacher was then on the receiving end of a chair being thrown by the student.

The school tried to do what it could, but, as I am advised, under education department policy the best it could do was, whilst the staff and the principal strongly supported this good, young teacher, give the child a three day suspension from the school and that was the end of the punishment. Again we need an independent umpire to recommend policy changes because, I believe, the department is inept in coming up with the right behaviour management policies for our schools.

The final example of a complaint that has been made to our office is a school doing nothing about cannabis abuse and failing to defend a conscientious teacher. This teacher observed children smoking marijuana in the school. The teacher reported the children to the principal. Clearly, the principal was concerned but did not act in relation to the children. Instead, the principal told the teacher off for giving him a hard time because of all the paperwork he would now have to do to meet the policies and processes of the department. The key point is: other than the union, where was that teacher to go for support?

The principal had one hand tied behind his back and that particular school was worse off because the issues around smoking marijuana prior to school were causing incredibly disruptive situations for the rest of the children who wanted to learn, as well as having a concerned teacher. In the end, that teacher was so frustrated and disappointed that they took early retirement because they were sick and tired of the lack of support from the department and not knowing where to go to make these complaints and to ensure there was a proper policy change of direction and proper resources and support for that school. There are many others but the hour is late so I will not carry on too much longer on this matter.

The Hon. R.I. Lucas: Hear, hear!

The Hon. R.L. BROKENSHIRE: I appreciate the 'Hear, hear' from a former education minister who must be very concerned about what is happening these days compared to when he was minister (probably about eight years ago) in respect of bullying and harassment. We have seen it on the trains, at the train stations and before and after school. As a former police minister, I well know that, if you are starting to get this sort of behaviour and breakdown of community and social fabric in schools and it is not addressed, unfortunately, some of those people will be spending much of their time with SAPOL, rather than being productive citizens in the future and they will probably end up costing the government of the day—and obviously the taxpayer—some $75,000 to $80,000 a year as they go through a life of incarceration. That is why I want to see these opportunities developed for an independent education ombudsman.

The common theme throughout all these complaints is that families are feeling the department has failed in its duty of care to students. I can only put it down to ideology that prevents a school from stepping in strongly—perhaps suspending or even expelling students—in the interests of protecting the majority of students and teachers. I list amongst those who support the principle of this bill psychologists Dr Chris Hamilton and Dr Daryl Cross, and education commentator and former SA Association of State School Organisations representative Graydon Horsell.

As I said at the outset, the opposition has indicated that it also supports the principles. This is not the same bill as the member for Bragg introduced in 2005. Her bill contained many matters that I believe should be dealt with by regulation. This is a simpler bill which I believe, given the start-up time required, establishes the ombudsman's office and then allows the implementation to be worked out later. Our bill also adds the discipline policy component, which I will come to in a

moment. In September 2008 (and I have discovered this fact only this week), the Canberra Liberal Party also released a policy for an education complaints commissioner.

An honourable member interjecting:

The Hon. R.L. BROKENSHIRE: The Australian Capital Territory Liberal Party. Interestingly, it said something which sounds familiar and which I think sums up the state of play in South Australia. It stated:

> What parents want most of all is an official whose impartiality is not compromised by close relationships with the subjects of a complaint. It is very hard for an immediate colleague to judge the conduct of a workmate with whom they have daily contact. Students and parents have been telling us they need an independent authority they can turn to because often they find they keep hitting brick walls. They need to know there is no confusion over who to complain to and no excuse for an official to buck pass or to sit on a complaint because it was sent to the wrong in-box.

What is needed here is a one-stop shop. We need the best possible environment for young people when they are undertaking their education. It is complex and there is a lot of pressure and bullying and harassment, which can work against their best interests in the long term. Again, the teachers also must be protected.

We have seen with the Health and Community Services Complaints Commissioner (who I note under Labor when it was in opposition was meant to be a health ombudsman, but somehow the name changed) that that particular type of ombudsman in the health industry has struggled to get up and running for some time. Family First believes the critical thing is for the ombudsman to be established, hence the relative simplicity of this bill compared to previous models.

The example in Washington State, USA, that I highlighted earlier shows that, despite being established by statute during 2006, it was only in April this year that the ombudsman started to hear complaints. I have introduced this bill so that we get an ombudsman sooner rather than, for example, after the March 2010 election. I want delivery, not promises that after an election become broken promises. If the government passes this bill now, we can have an ombudsman up and running and hearing complaints before the end of this financial year.

As I said in my maiden speech in this place, I am putting people before politics and power, and I think election cycles should have nothing to do with better advocacy and outcomes for people unhappy in the education system. We should be governing for the people all the time, not only around elections.

I want to spend a little time on the discipline policies component of the bill, because it is a separate issue but one that I think is entirely appropriate to deal with in the context of establishing an ombudsman. Family First is very concerned that there is a lack of transparency and teeth in school education policies with respect to the discipline of students, whether they are bullying other students or harassing or attacking teachers.

Having been involved in radio talk-back on this subject and having listened to senior officers from the education department, I now have no confidence in their ability to address harassment and bullying issues in our schools, and I have little confidence that they are there to support the teachers when they are in difficult circumstances. It seems to be that once they get to Flinders Street in the ivory tower, even if they did come from the coalface and the chalkboard, they forget what it is like to be a teacher and working with students on the school campus.

I have here a document dated 1 March 2007 from the Department of Education and Children's Services, which is a policy statement on school discipline. That document concludes by saying that other documents relevant to that policy include, among other things, DECS procedures for the suspension, exclusion and expulsion of students from attendance at school. I note that it is dated 1995. I hope it has been updated since then, because time has moved on. Another policy document is entitled 'Protective practices for staff in their interaction with students'.

These are the types of policies that would relate to bullying and harassment of students and teachers that I believe ought to be run past the Social Development Committee when they are amended. In other words, give the parliament, as representatives of the South Australian community, on behalf of the people, the opportunity to put policy under the microscope. I cannot think of a better place to do that than in the Social Development Committee. The committee effectively has a veto right in relation to that type of policy and I believe the committee, as a representative selection of members of this parliament from all backgrounds, is best placed to say whether proposed policy is adequate to deal with bullying and harassment in schools and, indeed, it has the power to call witnesses to advise it on the proposed policy.

I also believe that the committee would have more time to examine any amendments to policy than has the minister, who has a busy portfolio area. It may be in the best interests of government and the minister to have the committee having an independent look at this in everybody's interests.

On the matter of referrals from the state Ombudsman, or third party service providers, I want to make a summary point, for the sake of clarity, and indicate that this bill will impact upon public and private schools, as well as non-government organisations and companies that provide education services.

This latter aspect covers the element that had to be covered by 2002 so-called 'honesty and accountability' measures in the state Ombudsman Act by ensuring that anyone to whom the government contracts out the provision of education services can be captured by the Ombudsman provisions.

In closing, a child's experience of school should always be a happy one, so far as we can ensure it to be so. School should not be a social experiment. It should not be a jungle environment where the bullies win and the weaklings go into life with potential mental health issues or low self-esteem and total lack of confidence.

It is surprising to think in this day and age that the education department is either resigning itself to a certain level of bullying occurring, which seems to be some anecdotal observation, or choosing to take a neutral position in student disputes and thereby failing to uphold justice within schools.

Honourable members might want to quibble with the style of this bill, but I urge them to come to me with amendments or alternative proposals. I think this issue is too important to simply throw out just because a particular model does not fit our own vision.

I think that all members in this house would have had complaints raised with them about bullying and harassment. I believe that we have an obligation to lead the way now to try to make a better school environment for students, parents, teachers, principals and all involved in the education portfolio. Family First urges honourable members, and in particular the government, to take that pragmatic approach when we debate this bill in the coming months.

Debate adjourned on motion of Hon. B.V. Finnigan.

EQUAL OPPORTUNITY (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 March 2009. Page 1451.)

The Hon. S.G. WADE (21:18): I rise to speak on this bill and indicate that, while I am the lead speaker for the opposition in this council, I am not the Liberal Party spokesperson responsible for the bill. The member for Heysen, Isobel Redmond, the shadow attorney-general, is the Liberal spokesperson on this bill. While I will outline the Liberal Party position, I will leave it to the shadow attorney-general in another place to provide the background to the bill and the position our party has come to.

To make it clear where I speak for my party and where I speak only for myself, I have separated my second reading contribution into two parts. The first part of my contribution will be to outline the Liberal Party position on the bill. The second part will offer some personal and general observations on the bill and its passage thus far. I will save my comments on particular elements of the legislation for the committee stage of the bill.

Equality of opportunity is a fundamental principle of the Liberal Party of Australia. To quote relevant portions of our federal platform of 2002:

> Liberalism is a set of democratic values based upon a central belief in the rights, freedoms and responsibilities of all people as individuals and upon a conviction that those individual rights, freedoms and responsibilities are the surest foundation of strong community life…Freedom can only be meaningful if individuals have the opportunity to participate, to achieve and to develop their talents. Respect for the individual implies tolerance of others.

In the section on creating opportunities for Australians, the platform declares:

> Liberals will oppose discrimination based on irrelevant criteria.

The Liberal Party in South Australia has a strong record in combating discrimination. In 1974, David Tonkin successfully introduced a private member's bill to outlaw sex discrimination, the first such law in Australia. It was a Liberal government that initiated the Martin review of the act, and it was a Liberal Attorney-General, Trevor Griffin, who introduced a bill to reform the act in 2001.

In 2002, the incoming Labor government did not merely have an election commitment to reform the act, it had the benefit of a thorough consultation and a draft bill. In 2006, the government half-heartedly introduced a bill, and here we are, in 2009, still waiting for the government to deliver on reform. What is the slogan: Rann delivers? More like: Rann dithers.

The bulk of the 2008 bill before us applies obligations under state legislation that already apply in South Australia under federal legislation. The suite of relevant commonwealth legislation includes the Racial Discrimination Act 1975, the Sex Discrimination Act 1984, the Disability Discrimination Act 1992, the Age Discrimination Act 2004 and the Human Rights and Equal Opportunity Act 1986.

The 2008 bill does not include a number of provisions that were included in the 2006 bill. For example, the 2006 bill included a highly controversial provision on victimisation, which provided that an unlawful act of victimisation would occur if a person engaged in a public act inciting hatred, serious contempt or severe ridicule of a person or group of persons. This provision has been deleted altogether from the 2008 bill.

Secondly, the 2006 bill provided that discrimination on the basis of profession, trade or lawful occupation would be unlawful discrimination. This ground has been removed from the 2008 bill. The 2006 bill would also have made it unlawful to prefer a local person for employment purposes. This has also been removed. The 2006 bill provided that, in the case of indirect discrimination, the onus would rest on the employer to prove the reasonableness of any potentially discriminatory requirement. The 2008 bill abandons this proposal and maintains the original position; that is, the complainant must establish the unreasonableness of the requirement.

The existing law requires the Equal Opportunity Commissioner to represent complainants when matters go before a tribunal. There is concern that this involves something of a conflict of interest for the commissioner, given that she first has to seek to impartially mediate the matter and then has to represent one side if it goes before the tribunal. The 2006 bill proposed that, instead, the minister would make representation available through the Legal Services Commission.

The Liberal Party opposed this on the basis that it favoured the complainant, who was guaranteed representation, over the person complained about, who was often a small business proprietor on whom the action and legal costs could be crippling. The new bill proposes no change to the existing provisions; in other words, the commissioner will continue to represent the complainant before the tribunal.

The 2006 bill also proposed to remove the requirement that a discriminatory act complained of had to be a substantial reason for the action so that, even if the reason was only an extremely minor consideration, the discriminatory act would still be actionable. This change has been removed from the 2008 bill.

The 2006 bill proposed to allow a complaint to be brought by somebody who was not aggrieved including, for example, a union official. Considering the propensity of unions to invite themselves into situations where they are neither wanted nor needed, the Liberal Party held grave concerns about this provision, and it is pleased to note that it has been removed.

I will now deal with the main changes proposed in the 2008 bill. Firstly, I intend to cluster and refer to those provisions where the Liberal Party will support the proposals. The 2008 bill provides for a new ground of discrimination on the basis of caring responsibilities. It will be applicable in all areas where discrimination legislation applies, for example, employment, goods and services, education, clubs and housing.

The 2008 bill narrows the definition in the 2006 bill to match that found in the commonwealth Sex Discrimination Act—that is, immediate family members—and also adds caring relationships under Aboriginal kinship rules. In this context it should be noted that the commonwealth act only protects against dismissal, whereas the state legislation would cover other matters. The Liberal parliamentary party supports these provisions.

The domestic partners reforms of 2007 generally require that same-sex couples, companion couples and unmarried, opposite sex couples are treated alike for legal purposes. This

bill proposes that the existing ground of discrimination—that is, marital status—be broadened to include domestic partners. The Liberal parliamentary party supports these provisions.

In relation to the constitution of the Equal Opportunity Tribunal, the 2008 bill includes a provision, not in the 2006 bill, to allow the tribunal to be constituted of a presiding member or deputy presiding member sitting alone when determining a question of law or procedure. The Liberal parliamentary party supports this provision.

The Liberal Party will also put forward one amendment to the bill. The Liberal Party is of the view that parliament needs to take action to ensure that the Equal Opportunity Tribunal is accessible, affordable and fair. To that end, it will move an amendment which is in the process of being drafted and which will provide that no party appearing before the tribunal shall be entitled to legal representation without the agreement of the other party. We envisage a scheme similar to that which operates in the minor civil jurisdiction.

I turn now to the set of provisions in the bill where the Liberal parliamentary party has decided that the matter will be one of conscience without guidance from the party. Of course, in the Liberal Party of Australia every vote is a conscience vote in one sense; either the vote is a conscience vote informed by a party room decision or it is a conscience vote where there is no formal guidance. Votes that impact on the conduct of religion are often considered conscience votes. The issues may have been discussed in the party room, but members are expected to vote without formal guidance.

The first conscience vote relates to chosen gender. The 2006 bill dealt with discrimination relating to chosen gender; the 2008 bill introduces new terminology. The Liberal parliamentary party has decided that this matter will be a conscience vote without a party position. The 2008 bill, like the 2006 bill before it, makes it unlawful to discriminate in the context of employment or education on the basis of a person's religious dress or adornment. The Liberal parliamentary party has determined that this matter will be a conscience vote.

The present legislation allows religious based institutions such as schools, hospitals and aged care facilities to discriminate where it accords with the precepts of their religion. Both the 2006 and 2008 bills reduced the exemption so that it applies only to schools, and only if they publish a written policy to that effect. The new bill no longer requires that the policy be lodged with the Commissioner for Equal Opportunity. The Liberal parliamentary party has determined that this matter will be a conscience vote.

The 2006 bill sought to impose the consequences of the act on all children of high school age. The Liberal Party argued that this provision was too onerous and that it should be applied in a more limited way. This view accords with the recommendation of Brian Martin QC when he reported on this legislation in 1994. The 2008 bill accords with our position in that it applies only from age 16. In addition, no compensation is payable even if discrimination is found to have occurred, and the complainant must go through any procedures to resolve matters that are within a school's policy; they cannot go straight to the Equal Opportunities Commission. The Liberal parliamentary party has determined that these provisions will be a conscience vote.

The act provides an exemption which allows clubs or associations to discriminate on the ground of sexuality. The 2008 bill removes that exemption, except that certain minority groups will still be able to discriminate. For example, under the bill it would be permissible for a team of homosexual footballers to form a club exclusively for homosexual footballers. On the other hand, it will be unlawful for a group of heterosexual footballers to form a club exclusively for heterosexual footballers. The Liberal parliamentary party has determined that these provisions will be a conscience vote.

I will now outline the Liberal Party's initial position on the amendments tabled by the Hon. Dennis Hood on behalf of the Family First party. In relation to amendment No. 1, concerning the new clause 10(a), the Liberal Party will not support the amendment, as it prefers the arrangements foreshadowed in its own amendment.

Amendments 2 to 4 and related amendments 6 and 7 relate to religious organisations and, as mentioned, the Liberal Party will be having a conscience vote on those matters. Amendment 5, relating to clause 18, would remove the requirement for religious schools that intend to discriminate in employment against teachers and staff who practise a lifestyle that is not in keeping with their particular religion to place a notice on the website stating this policy.

The Liberal Party received strong representations to oppose this requirement. Given that schools are not required to post on the website any other workplace policies, such as occupational health and safety policies, it is our view that schools should not be required to put their hiring policy on a website.

This amendment removes that requirement and provides that the policy need simply be available on request as is the case with all other policies. The Liberal Party will support this amendment. Amendment 8 increases from 16 to 18 the age of children who can be brought before the tribunal. The Liberal Party has determined that these provisions will be a conscience vote.

Amendments 9 to 11, relating to clauses 67 and 68, remove the commissioner's power to initiate and investigate complaints even when no complaint has been lodged. The Liberal Party will support these amendments. Amendment 12 is consequential on amendment 1 and will not be supported. Amendments 13 and 14 are contingent on amendments 9 to 11 and will be supported.

I refer now to our in-principle position in relation to the amendments tabled by the Hon. Ann Bressington. Both amendments relate to exemptions available to religious organisations and, accordingly, the Parliamentary Liberal Party will have a conscience vote without formal guidance. That concludes the portion of my second reading contribution that relates to my party's position on this bill.

The second part of my contribution this evening is some general observations on the bill and its passage so far. As I said, these are personal observations. The views may or may not be shared by my colleagues. I will save my comments on particular issues in relation to the legislation, including my position on conscience votes, for the committee stage of the bill.

First, I would like to address the aspects of the bill that deal with disability. As shadow minister for disability services, I particularly welcome a range of provisions that will provide benefits for people with disability and their carers. South Australians with disability face significant barriers to their full involvement in the South Australian community, and many find the discriminatory attitude of others to be the most significant barrier they face. I hope that these provisions might have both an educative and facilitative impact on supporting people with disability and those who care for them.

The commonwealth Disability Discrimination Act already applies in South Australia, but this amendment means that there will now also be a remedy in the South Australian Equal Opportunity Commission. The definition of 'disability' there will be expanded to reflect the commonwealth act. It will now cover mental illness and not just physical illness. The bill also covers non-symptomatic physical conditions such as being infected with a virus, as well as learning disabilities even where those learning disabilities are not related to an intellectual disability. The bill also extends the coverage of the act to carers, and I welcome these provisions.

I would like now to reflect on the fact that this is a Legislative Council bill. I think it is bizarre that the government has introduced this bill in the Legislative Council when the Attorney-General is a member of the House of Assembly. It has been put that the government did this because the outcome of the bill will be determined in this place.

I observe that it is nearly four decades since the government has had a majority in the Legislative Council, yet the majority of bills continue to be introduced in the House of Assembly. If the fate of the 2008 bill will be determined in this place, that was also true of the 2006 bill. That bill was tabled in the House of Assembly. So, the assertion lacks credibility.

An explanation that I find more credible is that the Labor Party is fundamentally split on this bill. The right—the successors of the Democratic Labor Party—dominate the Parliamentary Labor Party and promote a conservative social agenda particularly on religious matters. On the other hand, the remnants of the left desperately try to salvage some semblance of a progressive agenda. The form of this bill is testament to the fact that the DLP won in South Australia. The 1955 National Conference in Hobart may have expelled the DLP elements but now, 50 years later, their heirs and successors are taking over the party that expelled them.

Don Farrell, the son of Edward, a DLP candidate of the 1960s and 1970s is now the godfather of the ALP. The right succeeded in watering down the 2006 bill to amend the Equal Opportunity Act, yet even that was not enough for our DLP Attorney-General to be willing to be associated with it. The Attorney-General showed his lack of enthusiasm for the bill on 7 February 2007, when the 2006 bill was before the House of Assembly. He said of the bill on radio that morning, 'This bill will take months, if not years, to get through.' We waited through 2007 and 2008,

and eventually the left spat the dummy. I can almost hear the conversation in caucus: after months of nagging, the Attorney-General hisses at the Minister for the Status of Women, 'If you are so keen about the bill, you introduce it.' So, she has.

However, from a left perspective, it is a pale imitation of previous bills and hardly a bill worthy of the praise heaped on it by left members. A former Labor Party member said to me recently, 'This is not how the left would have acted in the past. These are the people who used to throw chairs at conventions, now they simply roll over and let the DLP dictate the agenda.'

I now want to consider human rights in the context of this bill. The bill raises issues in relation to a range of human rights, in particular, freedom of religion, freedom of sexuality and freedom of speech. As we debate potential impacts on the rights of South Australians, I encourage members to strive to avoid a number of dangers.

Firstly, I think we need to avoid the danger in asserting one set of rights that we deny the legitimacy of other rights. We need to maximise all the freedoms of individuals and communities. I illustrate this point with reference to the International Covenant on Civil and Political Rights and, in particular, the clause on freedom of religion, article 18. Clause 3 of that article states:

> Freedom to manifest one's religions or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

I highlight the concluding words of that clause: the fundamental rights and freedoms of others. Accordingly, we cannot simply say that as soon as a religious right is affected, all other rights must give way or for that matter vice versa. We must do our best to maximise all the rights impacted by this bill.

For my part, I will strive in this debate to respect the fundamental right of South Australians to hold and express their sexuality and, at the same time, I will strive to respect the fundamental right of South Australians to hold and express their religion.

Secondly, I believe we need to avoid the danger of seeing rights narrowly, to read them down. For example, in the context of freedom of religion, I think many people consider freedom of religion narrowly as simply the right to hold beliefs or thoughts. This narrow reading is not consistent with international law. Again, the International Covenant on Civil and Political Rights, article 18, states:

> Everyone shall have the right to freedom of thought, conscience and religion. This right shall include the freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

Again, I highlight the concluding phrase of that clause that freedom of religion involves the right to manifest your religion in worship, observance practice and teaching.

Clause 4 of that same article highlights the right of freedom of religion in education. That clause reads:

> The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

I find it interesting that, of all the ways that a person can express their religion or belief, a four clause article in an international covenant recognises the rights of parents to express their religion in the education of their children. This manifestation of the freedom of religion observance is directly on point in this bill.

Thirdly, I think we need to avoid the danger of misreading rights as privileges. Freedom of religion is a right held by all Australians. Freedom of religion is not a privilege of the Christian majority; it is as much for atheists and agnostics who do not have a faith as it is for the Christian majority. It is as much for religious minorities such as Muslims and Buddhists as it is for the Christian majority.

It is not appropriate on the one hand for the Christian church to try to maintain a position of privilege. Religious freedom should be afforded to people with views across the spectrum of religious views and those with none. On the other hand, it is inappropriate to deny freedom of religion as some sort of leveller of privilege that misunderstands the reality of freedom of religion.

Fourthly, I think we need to avoid the danger of applying some threshold test of rationality to a view before we afford freedom of speech or religion. To illustrate this point, I refer to the

second reading speech of the Hon. Ian Hunter. I fear that the Hon. Mr Hunter was in danger of transgressing the boundary and mocking religion when he talked about a person being raised from the dead, accounts of attacking Satan's strongholds and references to divine punishment. All of these examples might seem bizarre to a secular mind, but they are all within the biblical record and within the historical record of the Christian church.

Certainly, I respect that the Hon. Ian Hunter is not a religious person, and he is entitled to be accorded both freedom of speech and freedom of religion, including the freedom to vigorously challenge religious beliefs. However, we need to avoid applying a rationality test to human rights, such as freedom of speech. The credibility of a religious view is not a threshold test as to whether it should be accorded freedom of religion. As F.A. von Hayek put it in the *Constitution of Liberty:*

> That we ought not to believe anything which is shown to be false does not mean that we ought to believe only what has been demonstrated to be true.

I respect that members who do not have religious views—and many of those who do—would find the comments referred to by the Hon. Ian Hunter as strange or even offensive, but freedoms are not limited to those views which are familiar or comfortable: freedoms are tested and proven when it is accorded to those views with which we do not agree. I think it is very important for the future health of a pluralist Australia that both religious and non-religious Australians respectively engage each others perspectives. If there is not room in the marketplace of ideas for both religious and non-religious perspectives, we risk alienating one group or the other and encouraging them to pursue their objectives outside the framework of a democratic pluralist society.

I encourage members to continue to conduct the debate with respect—respect for the rights of individuals who might be discriminated against and respect for the rights of those whose freedom of action may be constrained by these laws.

I conclude my comments this evening by expressing my concern in relation to the suggestion expressed by both the minister and the Hon. Ian Hunter that organisations that take public funds should not object to the provisions of this bill. In the context of the employment exemption, the minister in her second reading speech said:

> The government gave much thought to whether such an exemption should be allowed to continue. Our law says that discrimination on the grounds of sexuality is wrong. Moreover, religious schools receive public funding. An argument can be made that those who accept public funding should comply with the standards set by the public through legislation.

The Hon. Ian Hunter associated himself with this argument when he said:

> In line with the 2006 bill, this bill proposes to reduce the scope of institutions that discriminate on the grounds of sexuality to religious schools only. I feel that this provision is out of step with the values of the wider community, however. As the Minister for the Status of Women outlined, an argument could be made that those who accept public funding should comply with the standards set by the public by legislation, and religious schools do receive substantial funding from the public purse.
>
> There is no reason why this exemption should be allowed, in my view—except for those grating voices of a vocal minority whose bigotry is well displayed by their discriminatory practices. They should be held up to public standards, or perhaps they should stop seeking public funding if they do not see fit to uphold those standards.

I think that the government is moving on to very shaky ground here. As a parliament, we do not authorise the government to collect taxes so that it can purchase compliance or bribe or blackmail individuals, organisations and communities to reflect the government's views or values.

Religious values are not like carbon emissions to be penalised and traded for credits. I am sure that these veiled threats send a shudder up and down the spine of organisations receiving public funds in areas as diverse as education, health and disability services and, indeed, many organisations that have no intention of discriminating in relation to sexuality and employment.

The Labor Party needs to learn the value of diversity and to respect the rights of individuals and communities to differ from the government. After all, today it might be sexuality or employment; tomorrow, it might be curriculum or teacher choice.

In conclusion, I indicate that the opposition looks forward to working with all members of the council to deliver the best legislation through the committee stage. With so many conscience votes involved, it is unlikely that it will be neat or speedy, and I ask for the government's tolerance. I appreciate the fact that government members do not have a conscience vote, but I trust that latitude will be given for all members to discharge their involvement in this bill.

Debate adjourned on motion of Hon. Carmel Zollo.

STATUTES AMENDMENT (PROHIBITION OF HUMAN CLONING FOR REPRODUCTION AND REGULATION OF RESEARCH INVOLVING HUMAN EMBRYOS) BILL

Adjourned debate on second reading.

(Continued from 3 March 2009. Page 1445.)

The Hon. J.M.A. LENSINK (21:46): I note that this bill has been passed by all parliaments around Australia, with the exception of Western Australia, and that the commonwealth was the lead parliament in implementing these provisions. Because the states and the commonwealth have responsibility for different aspects of regulation of such practices, it will be necessary for South Australia to pass this bill to allow for the cloning of human embryos.

This a somewhat controversial area, and I think that, for a number of people, it brings into focus the issue of the sanctity of human life. I state at the outset that I respect the views of other people who hold those views very strongly and deeply. I think I have more respect for people who have advanced that as their reason for not supporting this bill than for those who have come up with all sorts of spurious and pseudoscientific reasons for not supporting this measure.

I support this bill, and I do so for a few simple reasons. I believe that there is great promise in assisting people who are suffering—and suffering very severely—from various incurable illnesses. Indeed, in the press recently, there have been reports about the death of Ivan Cameron, the son of David Cameron, the leader of the Conservative Party in the UK. Ivan Cameron was born with severe cerebral palsy and epilepsy. Prime Minister Gordon Brown has a son with cystic fibrosis, which is, in effect, an illness which ends one's life sooner than the average life expectancy, although medical advances have improved life expectancy.

I accept that there are moral issues involved here and that a number of people, particularly those who adhere to certain aspects of their Christian faith, believe that it is a slippery slope. However, I believe we have faced these issues before in relation to IVF, when that initially became a possibility some decades ago, and the parliaments at that time determined that that would be allowed within limited scope—and this practice will be allowed within limited scope.

There have also been people who have argued against this practice because the recent advances with induced pluripotent stem cells negate the need for it. However, I do not accept that that is the case, and I refer to a letter, which I think has been read into the record already by one of the preceding speakers. I am referring to a letter from Professor Robert Norman, who is one of our local pre-eminent scientists. He says that, while it is welcomed that induced pluripotent stem cells have great potential, even the inventors of iPL agree that it is too early to rule in or out any one type of stem cell technology. So, I believe that it would be wrong of the parliament to close the door, in effect, on all the potential benefit that could come from allowing this measure to go ahead.

For those who fear the Dr Frankenstein scenario, I ask them to have regard to the professionalism of our scientific community. I believe that our scientists here in Australia adhere to high ethical standards and, while there may be a slip, as there was at Flinders University with the cloning of mice, I think it was, by and large we need to trust that our scientists are not there to become Dr Frankenstein or set up the Island of Dr Moreau, but they are there working hard for not particularly great pay because they are very passionate about their work and, as a body of researchers, they have made many advances from which we all benefit. So, for the promise that this potential research holds for us, I support this bill.

Debate adjourned on motion of Hon. B.V. Finnigan.

NATIVE VEGETATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 March 2009. Page 1458.)

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (21:51): I understand that all honourable members have contributed to the second reading debate on this matter, and I thank them for their contributions. By way of concluding remarks, the bill supports the new direction for the management of native vegetation in this state with the aim of improving the overall relationship between native vegetation management, natural resources management and development.

The amendments to the legislation sought by the bill reflect the outcome of a targeted consultation process undertaken in 2007, with submissions received from local government, business, individuals and non-government organisations representing mining, development and conservation sectors. Following the parliament's consideration of the bill, it is intended that native vegetation regulations will be amended to simplify them as far as possible for ease of understanding.

Members have indicated that there is general support for the provisions of this bill. We all accept that, following the tragic events in Victoria, there should be a review of the arrangements for managing the interaction of native vegetation and bushfire. I think it should be acknowledged that the Minister for Environment and Conservation has already requested a review of this nature. This review will be led by the Chief Executive of the Department of Environment and Heritage, the Presiding Member of the Native Vegetation Council and the Chief Officer of the CFS (Mr Euan Ferguson) and will include consideration of the roles played by local government, the CFS and environmental agencies in bushfire protection.

The minister is also on record as saying that, in relation to the clearance of native vegetation for fire protection purposes, the government's primary concern is for the safety of its citizens. I understand that there are several amendments to be considered in relation to bushfire protection, and I will address these amendments in detail in the committee stage of the bill.

However, the government believes that, if we all here agree with the provisions of the bill as presented, it should not be hijacked by debate on potential changes to fire control provisions, especially in the absence of the findings of a review that has indeed been initiated. Any changes of this nature should be supported by evidence and done carefully, and they can be progressed through further legislative change if and when required.

In relation to existing provisions for fire control, it is worth noting that at a recent meetings of the Natural Resources Committee on 19 and 26 February this year the Chief Officer of the CFS reiterated his belief that the state's native vegetation laws are not an impediment to clearance for fire protection purposes.

It is incumbent on all of us to ensure that landholders are not dissuaded from undertaking the clearance necessary to protect themselves and their property. To this end, in addition to existing campaigns, the Native Vegetation Council and CFS will implement an information campaign in the coming weeks to help raise awareness of the clearance that can be undertaken under existing legislation, including that which does not require any further approval. The opposition itself will need to be accountable for public statements that can undermine campaigns such as these.

Landowners should not be discouraged from undertaking clearance works as a result of opposition assertions that it is too hard or takes too long to get approval, especially when these assertions are at odds with the view of the Chief Officer of the CFS, who has stated that the current system enables applications to be assessed quickly. Indeed, the government believes that the opposition's second amendment would increase confusion rather than reduce it. To expect a landholder to consider the provisions of both the Fire and Emergency Services Act and the Native Vegetation Act to identify an inconsistency and its extent and then undertake fire protection activities accordingly is simply too much to expect and will serve little practical purpose.

If there are specific provisions of the Fire and Emergency Services Act that should be included in the Native Vegetation Act the opposition would do better to identify them specifically and clearly articulate the practical benefits. Many of the outcomes sought by the opposition's other amendments can already be achieved within existing legislation and without the safety risks associated with uncoordinated fire prevention works that such amendments would allow. For these reasons, the government cannot support the amendments presented by the opposition.

The government also acknowledges that the Hon. Robert Brokenshire has an amendment on file that would see the Chief Officer of the CFS added as an ex officio member of the Native Vegetation Council. I can advise that the government is not opposed to this in principle, given that it is an extension of current arrangements, but it will consider this matter further ahead of the committee stage. Many of our bushfire policies have served us well for many years, and the review initiated by the Minister for Environment and Conservation will help ensure that we avoid making changes with unforeseen consequences at this highly emotional time. I look forward to the committee stage of this bill.

Bill read a second time.

PUBLIC SECTOR MANAGEMENT (CONSEQUENTIAL) AMENDMENT BILL

Second reading.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (21:58): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill will maintain the honesty and accountability provisions introduced into the *Public Sector Management Act 1995* in 2003 and is a companion Bill to the *Public Sector Bill 2008*. The government's intent remains to ensure an open, honest and accountable government. This Bill seeks to amend the current *Public Sector Management Act 1995* so that it will only contain honesty and accountability provisions, while the companion Bill, the *Public Sector Bill 2008*, will contain the framework for employment, management and governance matters relating to the public sector of the State.

This Bill addresses the duties of corporate agency members, advisory body members, senior officials, corporate agency executives, employees and persons performing contract work. It includes requirements to disclose pecuniary interests and to declare conflicts of interest and to act honestly in performing duties. Having these provisions contained in a single focussed Act allows for ease of use and access.

Non-compliance will continue to be an offence, and will render the offender liable to termination of employment or disciplinary action (which could in turn result in termination of employment).

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Public Sector Management Act 1995*

4—Amendment of long title

5—Amendment of section 1—Short title

The long title and short title are altered to reflect the fact that following amendment the Act will contain only the honesty and accountability provisions.

6—Amendment of section 3—Interpretation

Various definitions are amended to refer to the definitions in the *Public Sector Bill 2008* and to reflect the language used in that Bill. Definitions not relevant to the honesty and accountability provisions are deleted.

7 to 47—Remaining amendments

These amendments ensure that only the honesty and accountability provisions remain in the Act. There is a minor adjustment to the conflict of interest provision for corporate agency members. A provision is included so that a corporate agency member who is an employee of the agency or an employee employed or assigned to assist the agency will not be taken to have a direct or indirect interest in a matter for the purposes of this section by reason only of the fact that the member is such an employee. The amendment removes the need to include such an exemption in the regulations for specific Acts.

Provisions and Divisions are renumbered.

Debate adjourned on motion of Hon. D.W. Ridgway.

CROWN LAND MANAGEMENT BILL

Second reading.

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (21:59): I move:

That this bill be now read a second time.

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

Leave granted.

The *Crown Lands Act 1929* is the primary legislation for the management and allocation of various interests in Crown land in this State. It is also the oldest Crown lands legislation currently operating in Australia.

A key purpose of the current Act was to assist land settlement. However, this key purpose has long since been fulfilled. As a consequence, almost two thirds of the provisions are no longer used. In addition, the statutory provisions for dealing with ongoing management of Crown land and leases are now outmoded and inhibit the development and application of new and improved processes and technologies. The offence and penalty provisions are also outdated.

The need for reform has been acknowledged for a long time by successive administrations. In addition, a National Competition Policy review in 2000 recommended that the Act be rewritten to suit modern conditions and that some related Acts dealing with irrigation and soldier settlements be repealed, with remaining leases managed under a new Act.

The Crown Land Management Bill had its genesis following the National Competition Policy review. It has been subjected to considerable development and consultation, both within Government and with stakeholders over the last few years. In particular, public consultation was undertaken late in 2006. Stakeholders consulted included the Natural Resource Council, Regional Natural Resource Management Boards, the Local Government Association and local government bodies, the Farmer's Federation, the Law Society of SA and leaseholder representative bodies among others.

Resolution of concerns or attention to comments has been negotiated with all the stakeholders concerned. As a consequence, this Bill is a complete rewrite and replacement of not only the *Crown Lands Act 1929*, but also six other minor Acts dealing with Crown lands.

In particular, the Crown Land Management Bill will:

- deliver more efficient processes for Crown leasing and licensing and facilitate adoption of national best practice for Crown land administration, with measures which include authorising the Minister, rather than the Governor, to grant land on behalf of the Crown;
- remove the current legislative barriers to implementing an automated registration process for Crown leases within the Lands Titles Registration Office;
- facilitate more active and improved management of Crown land;
- ensure open and transparent processes, with accountable reporting and fair and equitable appeal mechanisms;
- improve the administration of risk in the areas of contamination and native title, although nothing in the Bill diminishes the State's obligations under the Native Title Act 1993 (Commonwealth);
- provide more contemporary offence and penalty provisions, including expiable offences, for misuse of Crown land, and even provide for use of the offence provisions of the National Parks and Wildlife Act 1972 in specified circumstances;
- implement the National Competition Policy review recommendations in relation to the Crown Lands Act 1929, the Discharged Soldiers Settlement Act 1930 and the Irrigation (Land Tenure) Act 1930; and
- repeal and replace the Marginal Lands Act 1940, the Monarto Legislation Repeal Act 1980, the Port Pirie Laboratory Site Act 1922, and the War Service Land Settlement Agreement Act 1945.

The title, Crown Land Management, has been chosen to reflect the change of focus for Crown land legislation from the role of allocating land for the development of the State to one of maintaining, protecting and actively managing Crown land for future generations.

The objects of the Bill include the provision of efficient processes, fair and transparent decision making with appropriate appeal mechanisms, and active management of Crown land to provide balanced social, economic and environmental outcomes for the community. In addition, decision making will be guided by a set of principles for ecologically sustainable land management.

The Bill will oblige the Minister to exercise control over Crown land, monitor the efficiency of processes, manage land, grant interests and monitor the condition of land held under lease or licence. It will also empower the Minister to establish advisory bodies and management committees and devise management plans for the development and use of Crown land. The Land Board, constituted under the *Crown Lands Act 1929,* will be discontinued.

The Minister will be empowered to compulsorily acquire land for the purposes of the Act and dispose of land declared to be surplus to the requirements of government. The Minister may appoint authorised compliance officers and may delegate any of the powers contained in the Act to a person or body.

Provisions in the *Crown Lands Act 1929* relating to dedication of Crown land for a public purpose and placing that land under the care, control and management of a custodian, will be preserved, along with the power to revoke dedications. Evidence that land has been dedicated will be witnessed by an endorsement on publicly searchable Crown titles rather than by notice in the government Gazette. A special provision will require custodians to seek the consent of the Minister before entering into agreements for exclusive use of dedicated land.

The Bill will empower the Minister to dispose of Crown land, once declared surplus, by way of an open and competitive process. Some exceptions are prescribed for direct sale or sale at less than market value together with provisions for transparency, concurrence and disclosure.

The Minister will be empowered to grant freehold title over Crown land on behalf of the Crown. Under the *Crown Lands Act 1929* that power vested in the Governor. The Minister will also be empowered to grant freehold title subject to special management conditions that will be registered on the title. The current system of Trust Grants will be discontinued.

The Bill will provide for the grant of easements over Crown land; the issue, surrender, resumption and cancellation of Crown leases; the issue, renewal and cancellation of licences to occupy Crown land; and provisions for dealing with abandoned land.

Nothing in the Bill will empower the Minister to increase lease rentals other than as specified in lease agreements. The past practice of selling Crown land using agreements to purchase (vendor finance) will be discontinued.

Proclamation of Crown land or acquired land under the *National Parks and Wildlife Act 1972* can sometimes be delayed by negotiations and preliminary works. While that land is managed in the meantime, as though it was already part of the formal conservation estate, the offence and penalty provisions of that legislation cannot be legally enforced. Provision is made in the Bill for the Minister to declare, in the government Gazette and by advertising and notice on site, that certain provisions of the *National Parks and Wildlife Act 1972* apply to that land for a period of up to two years.

The Bill will empower the Minister to serve notice on a lessee, licensee or custodian to remediate the condition of any land that presents a risk to the environment, public health or safety or to the property. In the event that the notice is not complied with, the Minister may remediate the site and recover any costs. Certain exceptions are outlined and may be added to by regulation. This power is in addition to any site contamination provisions contained in the *Environment Protection Act 1993*.

The Bill will provide for lodgement of a bond or financial assurance, by a person or body to be granted any interest in Crown land, to be available for eventual remediation, if required, in situations where the Minister is satisfied that the proposed use of the land may lead to environmental risk to the land or surrounding Crown land.

In order to ensure that environmentally valuable waterfront land is not alienated from the Crown without public scrutiny, provision is made in the Bill for any leasing or disposal of waterfront Crown land to be the subject of a public consultation process.

The Bill will provide for penalties of up to $20,000 for defined offences on Crown land. In addition, authorised officers will be empowered to issue expiation notices in the case of minor offences. Authorised officers will be granted powers for investigation, arrest and seizure in relation to offences on Crown land. The Bill also protects officers from personal liability when engaged in the administration of the Act in good faith.

The Bill will provide for review by the Minister of certain decisions. A dissatisfied review applicant will then be given the opportunity to appeal to the Administrative and Disciplinary Division of the District Court.

Lessees dissatisfied with a determination of rental will be able to seek review, firstly by the Minister and then by either the Valuer-General or a peer panel of valuers to be set up by the Minister as required. Appellants will then be given the opportunity to appeal to the Land and Valuation Court if still dissatisfied.

Provision is made in the Bill for: reverted land; preservation of public maps; constitution of counties, hundreds and towns; duties of the Registrar General; and service and evidence clauses. The Bill will also give legislative status to the Crown land register of publicly searchable Crown land records.

The Bill will empower the Minister to dispose of chattels left behind on vacated property. It also retains current arrangements in relation to liability for injury or damage occurring on land under this Act and some other Acts.

While nothing in the Bill relieves the Crown from its obligations under the *Native Title Act 1993* (Commonwealth), provision will be made for the Crown to recover from a custodian or lessee, any compensation or damages payable by the Crown arising from actions in contravention of that Act by the custodian or lessee.

The Bill will provide for the making of regulations as required for the management and protection of Crown land.

The Bill includes amendments, relating to definitions, to the following Acts: the *National Parks and Wildlife Act 1972*; the *Petroleum Act 2000*; the *Rates and Land Tax Remission Act 1986*; and the *Upper South East Dryland Salinity and Flood Management Act 2002*.

Finally, with the repeal of seven Acts, the Bill includes transitional provisions to provide for the discontinuance of the Land Board and the preservation of rights contained in existing leases and grants. These provisions include the transfer of the assets and liabilities of the Lyrup Village Association (constituted under the repealed *Crown Lands Act 1929*) to the Lyrup Village Settlement Trust Incorporated (constituted under the *Irrigation Act 1994*).

The development and introduction of the Crown Land Management Bill represents a long overdue reform of the tenure and management system for Crown land in this State.

I commend this Bill to members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines certain terms used in the measure. In particular, *Crown land* is defined as unalienated Crown land, dedicated land, Crown leasehold land and land owned by, or under the control of, the Minister; *land under the control of the Minister* is defined as land placed under the care, control and management of the Minister under this or any other Act, land of a Crown agency if the agency has requested the Minister to assume, or has consented to the Minister assuming, control of the land and dedicated land not under the care, control and management of some other person or body; *unalienated Crown land* is defined as all the land of the State other than land granted, or contracted to be granted, in fee simple, dedicated land, Crown leasehold land, land owned by, or under the control of, the Minister and land owned by, or under the control of, a Crown agency and unalienated Crown land includes land that has reverted to the status of unalienated Crown land in accordance with the measure.

4—Objects

This clause sets out the objects of the measure.

5—Principles of Crown land management

This clause sets out principles of Crown land management applicable to the exercise of discretions under the measure. This requires that principles of ecologically sustainable land management (defined in subclause (2)) be observed in the management and administration of Crown land, that the objects and objectives of other relevant legislation be given due weight and that Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with these principles.

6—Act does not derogate from Mining Act, Opal Mining Act or Petroleum Act

The measure does not derogate from the operation of the *Mining Act 1971*, the *Opal Mining Act 1995* or the *Petroleum Act 2000* or of a lease or licence granted under any of those Acts.

7—Inconsistency with *Real Property Act 1886*

This clause provides that this measure will prevail over any inconsistent provisions in the *Real Property Act 1886* (to the extent of the inconsistency).

8—Application of Act to pastoral leases

Except where specifically provided (see clauses 27 and 45), the measure does not apply to pastoral leases (ie. leases under the *Pastoral Land Management and Conservation Act 1989*).

Part 2—Functions and powers of Minister

9—Functions of Minister

This clause sets out the functions of the Minister under the measure.

10—Advisory committees

This clause allows the Minister to establish advisory committees.

11—Management committees

This clause allows the Minister to establish a management committee to undertake the management of any Crown land. A management committee must not, however, be constituted to undertake the management of Crown leasehold land or dedicated land that has a custodian other than the Minister without the consent of the lessee or custodian.

12—Management plans

This clause provides for the development of management plans. Such plans may only be developed after appropriate public consultation, should seek to promote the principles of ecologically sustainable land management and must be consistent with any relevant regional NRM plan. A management plan may only relate to Crown leasehold land or dedicated land that has a custodian other than the Minister with the consent of the lessee or custodian.

13—Minister's powers of acquisition

This clause provides for the Minister to acquire land by agreement or compulsorily.

14—Minister's power to dispose of surplus lands of Crown agency

The Minister may dispose of land owned by or under the control of a Crown agency if the land has been declared surplus (see clause 3(2)).

15—Authorised officers

This clause provides for the appointment of authorised officers for the purposes of the measure.

16—Delegation of Ministerial powers

This clause provides a delegation power for the Minister.

Part 3—Dealing with Crown land

Division 1—Minister's land

17—Land owned by Minister

Except as provided (see, for example, clause 23), the Part does not derogate from or affect the Minister's power to deal with land owned by the Minister.

Division 2—Dedication

18—Dedicated land

This clause allows the Minister to effect a dedication of unalienated Crown land or to alter the purpose for which land has been dedicated. The provision also protects a dedication by providing that the Minister must not grant an interest or rights in relation to dedicated land if that would have the effect of preventing the land being used for the purpose for which it has been dedicated.

19—Revocation of dedication

This clause provides for the revocation of a dedication and reversion of the land to the status of unalienated Crown land (see clause 3(3)).

20—Care, control and management of dedicated land

This clause allows the Minister to place dedicated land under the care, control and management of a person or body (whether subject to conditions or not), to vary or revoke conditions and to withdraw dedicated land from the care, control and management of a person or body.

21—Notice of instruments

Notice must be given in the Gazette of instruments under the Division.

22—Lease of dedicated land

This clause requires the consent of the Minister to a lease of dedicated land (where the lease is granted by a person other than the Minister).

Division 3—Disposal of land

23—Application of Division

This Division applies to Crown land owned by the Minister and unalienated Crown land.

24—Minister may dispose of Crown land to which Division applies

The Minister may dispose of Crown land to which this Division applies by grant in fee simple (whether on the payment of consideration or not). However, the land must have been declared surplus unless the disposal is to a Crown agency.

25—Disposal by transfer or grant of fee simple

This clause sets out requirements relating to a disposal of land by transfer or grant in fee simple. Generally, the disposal must be by open, competitive process, except in circumstances set out in the provision. The provision also specifies the circumstances in which the fee simple may be disposed of for less than market value or for no consideration and sets out certain reporting obligations.

26—Disposal subject to Crown condition agreement

This clause allows the Minister to dispose of the fee simple in land on condition that the purchaser or donee enters into a Crown condition agreement, which is registered on the title to the land and is binding on the owner, for the time being, of the land. The provision also provides for variation or revocation of conditions and sets out provisions for enforcement of the conditions.

Division 4—Easements

27—Application of Division

This clause extends the application of the Division to—

(a) land subject to a pastoral lease; and

(b) land that has been dedicated otherwise than under this measure, if the land is under the care, control and management of a Crown agency or is land of a kind prescribed by regulation (however the Minister can only exercise the powers if the relevant Crown agency or other person or body with care, control and management of the land requests the Minister to exercise the powers).

28—Minister may grant easements

This clause allows the Minister to grant easements in or over Crown land and makes provision in relation to such easements.

29—Short form of grant

This clause would allow an easement to be granted using a short form of easement set out in Schedule 6 of the *Real Property Act 1886* and provides for an easement to incorporate the matters set out in Schedule 5 of that Act where the easement grants 'a free and unrestricted right-of-way'.

30—Creation of easement by deposit of plan

This provision allows the creation of service easements and other easements by deposit of a plan in the Lands Titles Registration Office.

31—Effect of grant of easement

Easements granted under the Division have effect as if created under the *Real Property Act 1886*.

Division 5—Leases

32—Leases granted by Minister

The Minister may grant leases of unalienated Crown land.

33—Interaction between Division and lease

Powers under the Act are in addition to any powers under the lease and if the lease and the Act are inconsistent, the Act will prevail.

34—Minister to fix terms and conditions

The Minister will fix the terms and conditions on which leases are granted under the measure. The rent payable must be based on the current market rent unless the Minister is satisfied special circumstances exist justifying a lesser rent. The provision also allows for the regulations to prescribe a minimum rent to be paid in relation to leases, or leases of a specified class and to fix a common date for the payment of rent under leases or leases of a particular class. A regulation prescribing minimum rents may not apply to a lease granted before commencement of the provision (ie. one which, under the transitional provisions in the Schedule is brought under the measure).

35—Waiver of conditions etc

The Minister may waive a breach of, or compliance with, a condition of a lease unconditionally or subject to conditions or waive, reduce or remit an instalment of rent payable under a lease or allow an instalment, or part of an instalment, to be paid at a time other than that fixed by regulation or under the lease.

36—Dealing with lease

The interest of a lessee cannot be assigned, transferred, mortgaged, sublet or otherwise dealt with without the consent of the Minister. The exception to this is that the consent of the Minister is not required for a mortgage over the lessee's interest under a perpetual lease, unless the Minister holds a mortgage over such interest. The provision also provides for the transfer of accrued and accruing liabilities on transfer or assignment of an interest under a lease and for enforcement of such liabilities.

37—Surrenders

This clause provides for whole or partial surrenders of a lease. Such surrenders may be absolute or may be conditional on the granting of a lease or a fee simple title to the lessee or another person.

38—Resumption of land

The Minister may resume Crown leasehold land (in whole or in part) by notice in the Gazette given at least 3 months prior to the resumption taking effect. The clause also provides for the payment of compensation to a lessee on such a resumption.

39—Abandonment

The Minister may cancel a lease if the land is abandoned by the lessee. The provision sets out certain notification requirements that must be followed by the Minister before cancelling a lease under the provision.

40—Penalties for late payment of instalments

This clause allows the Minister to fix, by notice in the Gazette, a scale of penalties to be paid by lessees for late payment of instalments of rent under the lease.

41—Cancellation of lease on breach of conditions

This clause allows the Minister to cancel a lease on breach of a condition (if cancellation is necessary in order to prevent or arrest serious damage to, or deterioration of, the land or if the lessee has been given a reasonable opportunity to make good the breach but has failed to do so) and provides for the making of an application for the payment of compensation.

42—Cancellation of lease obtained by false statement

The Minister may cancel a lease if satisfied that it was obtained by false statement.

43—Notification of proposed cancellation

The Minister must not cancel a lease unless written notice of the proposed cancellation has been given to all persons who have a registered interest in, or caveat over, the lease.

44—Effect of cancellation

On cancellation of the lease the land reverts to the status of unalienated Crown land (see clause 3(3)).

Division 6—Licences

45—Application of Division to pastoral land

This Division applies to land subject to a pastoral lease.

46—Minister may grant licences

This clause specifies that the Minister may grant licences in relation to Crown land.

47—Interaction between Division and licence

Powers under the Act are in addition to any powers under the licence and if the licence and the Act are inconsistent, the Act will prevail.

48—Minister to fix terms and conditions

The Minister will fix the terms and conditions on which licences are granted and renewed under the measure and may vary the terms and conditions. A licence may not be granted or renewed for a term exceeding 10 years (unless it is granted to a Crown agency). The licence fees must not take into account the value of work carried out by the licensee or other improvements on the land that do not belong to the Crown. The provision also allows for the regulations to fix a common date for the payment of licence fees for licences generally or for licences of a particular class.

49—Waiver of conditions etc

The Minister may waive compliance with a condition of a licence (either unconditionally or subject to conditions) and may waive, reduce or remit fees payable or allow a licence fee, or part of a licence fee, to be paid at a time other than that fixed by regulation or specified in the licence.

50—Dealing with licence

This clause requires the consent of the Minister for any dealing with a licence. The provision also provides for the transfer of accrued and accruing liabilities on transfer of a licence and for enforcement of such liabilities.

51—Cancellation of licences

This clause provides for cancellation of a licence and specifies that no compensation is payable by the Crown in respect of the cancellation.

52—Renewal of licence without application or on late application

This clause allows the Minister to renew a licence without application where a licensee continues to exercise rights under an expired licence or to renew a licence on a late application.

53—Exemption from stamp duty

This clause provides an exemption from stamp duty for licences.

54—Special provisions relating to Murray-Darling Basin and River Murray Protection Areas

This clause requires the Minister, in granting and renewing certain licences, to take into account the objects of the *River Murray Act 2003* and the *Objectives for a Healthy River Murray* under that Act, and requires consultation with the Minister to whom administration of that Act is committed, and compliance with any directions of that Minister, in relation to prescribed classes of licences.

Part 4—Protection of land

Division 1—Application of Part

55—Minister may make declaration in relation to land

This clause allows the Minister to declare that provisions of this Part will not apply to specified Crown land for a specified period (of less than 2 years) and that, instead, specified provisions of the *National Parks and Wildlife Act 1972* apply to the land, during the specified period. The provision also provides for variation or revocation of such a notice and publication of its contents.

Division 2—General Ministerial responsibilities

56—General Ministerial responsibilities

This clause requires the Minister, to the extent allowed by available financial resources, to carry out work, or cause work to be carried out, for the conservation, protection and rehabilitation of unalienated Crown land.

Division 3—Remediation of land and financial assurances

57—Minister's power to require remediation of land

This clause allows the Minister to serve a remediation notice on a person granted an interest in, or right in relation to, Crown land. The notice may relate to a condition on or of the land that—

- is unsightly or offensive; or
- presents a risk to the environment, the health or safety of any person or any property; or
- is likely to have the effect of reducing the market value of the land.

The notice must specify the action to be taken to remediate the condition and the time within which the action must be taken (which must be reasonable). Failure to comply with the notice is an offence punishable by a maximum penalty of $50,000. In addition, if a person fails to comply with the notice, the Minister may take any action required by the notice and may recover the reasonable costs of taking such action as a debt from the person. The notice is reviewable under Part 5.

58—Power to require payment of financial assurance

This clause allows the Minister, by conditions imposed on the grant of an interest in, or right in relation to, Crown land, to require lodgement of a financial assurance in the form of a bond or a specified pecuniary sum, the discharge or repayment of which is conditional on the grantee not committing a contravention of specified conditions of the grant during a particular period or taking particular action within a particular period to achieve compliance with conditions of the grant.

The Minister must be satisfied that the imposition of the conditions is justified in view of the degree of risk of remediation being required and must not require lodgment of a bond or pecuniary sum that is greater than the amount that, in the opinion of the Minister, represents the likely costs of remediation if there were a failure by the grantee to satisfy the conditions imposed.

The clause also provides for forfeiture of the bond or sum where the grantee fails to satisfy the conditions of discharge or repayment.

Division 4—Waterfront land

59—Waterfront land cannot be leased or disposed of without public consultation

This clause imposes special public consultation requirements where the Minister proposes to lease or dispose of waterfront land (other than where the lease or disposal is made to a Crown agency for the purposes of another Act or law or where the lease or disposal is, in the subject to adequate consultation requirements under some other Act or law).

Division 5—Offences and powers of authorised officers

60—Application of Division

The Division does not apply to Crown leasehold land or to dedicated land that has a custodian (except where the custodian has requested that it apply and the Minister has made a declaration to that effect).

61—Misuse of Crown land

This clause sets out offences relating to the misuse of Crown land.

62—Policing powers

This clause gives authorised officers power to issue certain requirements for the purpose of policing Crown land. Failure to comply with a requirement is an offence punishable by a maximum fine of $2,500.

63—Power of arrest

This clause gives authorised officers a power of arrest.

64—Powers of entry, seizure etc

This clause gives authorised officers various powers of entry and seizure.

Part 5—Appeals and reviews

Division 1—Ministerial review

65—Applications to Minister for review

This clause sets out matters which may be the subject of an application for a review by the Minister and provides that the Minister may establish an advisory committee to provide advice in relation to the subject matter of any review. A review must be determined within 28 days, but if it is not determined within that period, the decision the subject of the review is taken to have been confirmed (which then triggers further appeal rights detailed below).

Division 2—Valuation reviews and appeals

66—Valuation reviews

This clause allows a lessee who has applied for a review under clause 65(1)(a) and who is dissatisfied with the determination made, or taken to have been made, on the review to apply for a valuation review, to be conducted either by the Valuer-General or by a specialist review panel constituted by the Minister.

67—Valuation appeals

This clause provides for an appeal to the Land and Valuation Court from a decision of the Minister under clause 65(1)(a) or a decision on a review under clause 66.

Division 3—Other appeals

68—Other appeals to Court

This clause provides for other appeals to the District Court.

Part 6—Miscellaneous

69—Minister may determine that land reverts to unalienated Crown land in certain circumstances

This clause allows the Minister to determine that land that has reverted to the Crown (but has not vested in a particular Crown agency) will, if the Minister so determines, revert to the status of unalienated Crown land.

70—Public maps

This clause provides for the deposit of public maps and for the recognition of allotments and public roads shown on public maps.

71—Constitution, alteration and abolition of counties, hundreds and towns

Under subclause (1) of this clause the Minister may, by lodging a plan with the Registrar-General, constitute a county, hundred or town, alter the boundaries of a county, hundred or town or abolish a county, hundred or town. The Minister must consult with the Surveyor-General before lodging the plan and the plan only has effect on its deposit in the Lands Titles Registration Office. The provision also allows the Minister to take various other measures (such as closing roads and merging allotments), consequentially to the lodging of a plan under subclause (1) under which any land ceased to be comprised in a town.

72—Duties of Registrar-General

This clause requires the Registrar-General to maintain registers for the purpose of the measure and to take other necessary or expedient action, at the request of the Minister, in relation to the issue, alteration, correction or cancellation of certificates or other documents of title, the deposit of any plan in the Lands Titles Registration Office and the making, recording, alteration, correction or cancellation of entries or endorsements in the Crown land register or in the Register Books.

73—Failure to execute documents

This clause allows the Minister to cancel a person's entitlement to be granted a lease or other right, and for the person to forfeit any money paid to the Minister in connection with the proposed lease or other right, if—

- the person fails to return the documents issued in respect of the grant of the lease or right, duly executed and with any necessary fees, to the Minister within 30 days (or such longer period as the Minister may allow); or
- delivery of the documents has not been effected because the whereabouts of the person are unknown.

74—Disposal of property etc on vacated land

If a person granted an interest in, or right in relation to, Crown land vacates the land leaving behind property or fixtures that were not on the land at the time the interest or right was so granted, the Minister may, under this clause, take possession of, or require removal of, the property or fixtures.

75—Service

This clause sets out the manner of serving documents for the measure.

76—Evidentiary provision

This clause provides for evidentiary certificates for the measure and for the certification of maps and plans.

77—Protection from personal liability

A person engaged in the administration of the measure incurs no civil liability for an act or omission in good faith in the exercise or discharge, or purported exercise or discharge, of a power, function or duty under this Act (and such liability lies instead against the Crown).

78—Liability of the Crown

This clause is an equivalent of section 271F of the current *Crown Lands Act 1929* and limits the liability of the Crown in relation to unoccupied Crown land.

79—Recovery of native title compensation

This clause specifically allows the Crown to recover native title compensation from a custodian or other person whose acts or omissions have resulted in the compensation being payable.

80—Offence of hindering or obstructing administration of this Act etc

This clause sets out various offences relating to authorised officers and others acting in the exercise of powers conferred by the measure.

81—Regulations

This clause sets out a regulation making power for the measure.

Schedule 1—Related amendments, repeals and transitional provisions

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Related amendment to the *National Parks and Wildlife Act 1972*

2—Amendment of section 44—Establishment of sanctuaries

This clause amends the definition of *owner* in section 44(3) to make sure it includes a lessee of land subject to a lease under this measure as well as a lessee of land subject to a lease under the *Pastoral Land Management and Conservation Act 1989*. In addition, the clause ensures that declarations made under section 44 before the amendment that relate to land subject to a lease under the repealed *Crown Lands Act 1929* or under the *Pastoral Land Management and Conservation Act 1989* will not be found to be invalid solely on the ground that the consent of the 'owner' (as defined before the amendment) was not obtained before the declaration (provided that the consent of the lessee was obtained before the declaration).

Part 3—Related amendment to the *Petroleum Act 2000*

3—Amendment of section 80—Grant, resumption etc of Crown and pastoral land

This clause makes a consequential amendment to section 80 of the *Petroleum Act 2000* to reflect the fact that, under this measure, land grants will be issued by the Minister rather than by the Governor.

Part 4—Related amendment to the *Rates and Land Tax Remission Act 1986*

4—Amendment of section 3—Interpretation

This clause makes a consequential amendment to the definition of *rates* in section 3 of the *Rates and Land Tax Remission Act 1986*.

Part 5—Related amendment to the *Upper South East Dryland Salinity and Flood Management Act 2002*

5—Amendment of section 3—Interpretation

This clause makes a consequential amendment to the definition of *Crown land* in section 3 of the *Upper South East Dryland Salinity and Flood Management Act 2002*.

Part 6—Repeals

6—Repeals

This clause repeals the *Crown Lands Act 1929*, the *Discharged Soldiers Settlement Act 1934*, the *Irrigation (Land Tenure) Act 1930*, the *Marginal Lands Act 1940*, the *Monarto Legislation Repeal Act 1980*, the *Port Pirie Laboratory Site Act 1922* and the *War Service Land Settlement Agreement Act 1945*.

Part 7—Transitional provisions

This Part sets out transitional provisions for the measure.

Debate adjourned on motion of Hon. D.W. Ridgway.

REPRODUCTIVE TECHNOLOGY (CLINICAL PRACTICES) (MISCELLANEOUS) AMENDMENT BILL

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

MOUNT GAMBIER HOSPITAL HYDROTHERAPY POOL FUND BILL

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

STATUTES AMENDMENT (TRANSPORT PORTFOLIO—ALCOHOL AND DRUGS) BILL

Returned from the House of Assembly without any amendment.

At 22:01 the council adjourned until Thursday 5 March 2009 at 14:15.