LEGISLATIVE COUNCIL

Wednesday 21 November 2007

The PRESIDENT (Hon. R.K. Sneath) took the chair at 11:05 and read prayers.

STANDING ORDERS SUSPENSION

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (11:07): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers, question time, notices of motion and orders of the day, private business to be taken into consideration at 2:15pm.

Motion carried.

EDUCATION (COMPULSORY EDUCATION AGE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 November 2007. Page 1314.)

The Hon. R.I. LUCAS (11:07): I rise on behalf of Liberal members to support the second reading of the bill. The shadow minister for education (Hon. Iain Evans) in another place outlined the Liberal Party's position on the legislation and I do not intend to traverse all the ground he and other members canvassed in their contributions there. Suffice to say they supported the principle of the legislation, although obviously a number of them raised questions about some aspects of it. Certainly there is a bit of work to be done in committee on the bill in understanding exactly what is meant by some of the provisions of the legislation. I intend to raise some of the issues that I believe need to be resolved before the legislation passes the council so that we can all be clear on the exact implications of this bill.

It is my intention to raise some general questions. We are not prepared to move into committee on this bill this morning but are looking to get the government's reply to some of the questions raised and documents requested in another place, which I understand, as of yesterday, have still not been provided by the Minister for Education and Children's Services to the shadow minister.

The first point I make is that it is again a fair indication of the spin of the Rann government—the Premier and the minister—in terms of the selling process they went through earlier this year on this legislation and even prior to that when they announced it. The press release that went out from the Premier was headed 'New school leaving age for South Australia'.

That story was given exclusively to the Adelaide *Advertiser*, and the headline on that particular day was all about the government's increasing the school leaving age to 17. Given the nature of these things, when the government gives an exclusive to it, *The Advertiser* has made an editorial decision that it will not seek comment from either the opposition or other interested parties. It was, therefore, not possible to explain to *The Advertiser* that the heading of the Premier's press release was deceptive; well, it is actually untrue, because being increased to 17 is not actually a new school leaving age at all—and we will explore this during the committee stage of the debate.

The school leaving will stay at 16. This is going to be a compulsory education stage of a person's life, and that is up until the age of 17. It is not really education because it is schooling; it can be education and/or training but it can also be full-time work. So, in essence, a 16 year old—or an under 17 year old, between the ages of 16 and 17 for that one year—is able, under this legislation if it passes, to continue in full-time work, or a combination, as I understand it, of part-time work and school and/or training, as they can at the moment.

Clearly, the emphasis will be different. I accept that there will be higher expectations, on the one hand, in relation to school and training, and you will need to get an exemption in relation to work. That is why I think we will need to explore in some detail the exemption process that is going to be provided. As I have indicated before, as a former minister for education for four years and a shadow minister for seven years, I am at least a little familiar with the processes of the juggernaut that is known as the education department. The processes necessarily involve a degree of delegation and interpretation at the local level in terms of who is going to be exempt and on what grounds exemptions will be provided.

As is common with this government and Premier, and also with this minister, we had, for political purposes, a deceptive press release and, of course, a deceptive original news story. The coverage on the first day was very much about an increase in the school leaving age, which on my

experience I suspect the majority of people out in the electorate people would give a head nod to. The government will get a head nod; that is, keep them at school for as long as possible—16 it was a few years ago and now it is going to be 17. The Premier and the government knew that they would get a head nod for that particular set of circumstances.

On the other hand, the minister and the department knew that it would be a recipe for significant problems for schools, principals, students and for all involved if another cohort of young people—a significant number of whom do not want to be in schooling—were going to be required to stay in secondary school until the age of 17. At the time when the school leaving age was increased to 16, a number of people involved in secondary schooling expressed concerns about young 15 to 16 year olds who did not want to be in secondary schooling and who were being compelled to stay in secondary schooling and the impact they would have on the teaching and learning of all the other students in their upper secondary classes. The reality for those involved in schools is that you only need one difficult young person intent on not furthering their own education who can impact and create significant problems on the other 15, 20 or 25 (whatever the particular number) students in that particular class.

That was a concern at the time, and it is still a concern if one speaks to some secondary school principals. Nevertheless, that decision was taken and implemented. To then do it again for another cohort of young people up to the age of 17 would have meant even more concerns being expressed by secondary school principals, secondary school teachers and others involved in secondary schooling. So, what we are talking about here is not a compulsory school leaving age; sensibly, what we are talking about is, in essence, a compulsion to be doing something other than being unemployed for that particular year, that is, their being schooled, trained, or working for a living.

This is not a bold new idea. Going back to my period in the shadow ministry in the 1980s, I forget the name of the learned federal report, but it was all the rage at the time. One of the national recommendations that went to the ministerial councils was that, in essence, there be compulsory schooling, training or work after the age of 19, I think it was. It was a bold and revolutionary suggestion at the time but, for a variety of reasons at the time, parts of it were implemented but certainly not the overall recommendation in relation to the age of 19 (it may have been 18). However, it was certainly a recommendation that, in essence, young people up to the age of 19 should not be unemployed; they should be doing something.

In essence, that is the principle behind this bill, although more modest—it is looking at up to the age of 17. So, the essential principle behind the bill, as opposed to the political spin, is something that is supported by the Liberal Party and, certainly, something that I personally strongly support as well. However, as I have outlined, I do not support the spin the government has put on it, which is made most evident by the initial press release under the heading of 'New school leaving age for South Australia', issued by the Premier. The first paragraph of the press release states:

> Plans to lift the school leaving age from 16 to 17 in 2009...were outlined by Premier Mike Rann today as part of wide-ranging measures.

Let me guess how this occurred. The education department officers would have specifically provided briefing notes in terms of the proposal, which would not have included, I am sure, the words 'school leaving age'. I imagine they would have competently outlined exactly what it was. However, the glossmeisters, the spin masters and mistresses, within the Premier's office and within the minister's office, would have said, 'This isn't sexy enough. What we need to be talking about is the school leaving age,' and the education department officers, through the minister, would have said, 'Well, it's not actually an increase in the school leaving age to 17; it's actually that you have to be working, training or in school until the age of 17.'

However, the spin masters and mistresses within the government would have said, 'Yes, but that doesn't sound as good in a press release or on the front page of *The Advertiser*. But that doesn't matter because it's close enough and it will give us a headline in *The Advertiser*. It's a much better headline on the press release if we say that it's just going to be an increase in the school leaving age until the age of 17.'

So, that is how the selling program for this policy proposal commenced. I will not go through any more of the interviews given by the Premier and the minister over the next couple of days on this issue; suffice to say, the Premier kept talking about the school leaving age. The minister on occasions talked about the school leaving age but on other occasions obviously remembered her briefing from education department officers and did talk about school, work or training. However, when you look at all of the transcripts over the ensuing couple of days after this

announcement, it ranged from the press release which just says that the school leaving age will be increased right through, on occasions, when the minister remembered to say 'schooling, training and work'. To be fair, the Premier occasionally lapsed into 'schooling and training' but only rarely mentioned the option of staying on at work or being employed during that particular year.

As I have said, I intend to raise some questions during the second reading, and these will need to be explored in more detail in the committee stage. However, in part, clearly, this is tied up with the parallel debate we are having in the Senior Secondary Assessment Board of South Australia debate. I am still waiting for the government and the minister to provide a reply to questions I raised in that debate. In particular, I am interested in looking at the figures I have requested on the issue of retention and completion rates of the SACE, as they impact on our consideration of this legislation as well, because part of this debate relates to the issue of retention and completion rates of the SACE. I asked specific questions in the SSABSA debate last week, and I have indicated for the past couple of days, through the whips, that we are not prepared to go into the committee stage until we receive answers from the government on some of those issues because not only will they impact that debate but they will also necessarily impact this debate.

I raise the same issues here in relation to this bill and, given that we have only one further day to sit, the opposition is obviously more than prepared to sit in the week we have all been advised is the optional week in December to ensure that we have sufficient time to process all the legislation. However, it is quite clear that the government, for its own reasons, does not want to sit during that week.

If that is the case, we only have until tomorrow to resolve some of these issues. Certainly, I would urge the minister in charge of it in this chamber to ensure that the Minister for Education and Children's Services and her officers can provide the information to me—and to other members who might ask questions today—by early tomorrow at the very latest so that, hopefully, we can—

The Hon. Carmel Zollo: What is wrong with your receiving it in the summing up in the committee stage like we normally do? What is the problem with that?

The Hon. R.I. LUCAS: Whenever that is to be. If you are ready to sum up by early tomorrow or late tonight, that is fine. If you can do that, that is fine. I give early notice of that. If I can give the minister in charge of the bill in this house an example, I point out that in the lower house, when this bill was debated on 14 November (seven days ago), the shadow minister asked the minister for a copy of the advice the minister received about an issue he raised in relation to Centrelink. The minister originally said:

> My advice is that Centrelink has advised us they will not be affected.

The Hon. Mr Evans asked:

> Will the minister table that advice for the purpose of the house? You can send it to me in between houses.

The minister replied:

> We are happy to table that.

That was seven days ago. I spoke to the shadow minister yesterday, and he said that he still has not received it. I give that as an example to the minister and point out, before she takes any offence, that we are happy to do our best endeavours to process properly the legislation. The minister has given an undertaking on an important issue in relation to the parliament's consideration of it. She indicated that she would table it or provide it between the houses, yet we have still seen no sign of it.

Clearly, the opposition wants to look at that to consider whether or not we accept what the minister has said and what Centrelink is saying about that particular issue. I will not go into that at this stage; we can obviously pursue that issue in the committee stage of the debate, at which stage, clearly, the issue of which particular training programs will be acceptable will arise. The phrase which I think is used is 'approved learning program'. Obviously, we are not looking for a complete list, because I am sure that is not available and decisions will be taken on a case by case basis—and I accept that.

Certainly, the process for the minister's consideration of what will be an acceptable or approved learning program is something which is of interest to me and the Liberal Party; that is, how will the minister and the department assess what is an approved learning program that will be acceptable in terms of someone's training? That is not just an issue of the number of hours that will be required but an issue of whether any Mickey Mouse type of program (if I can use a pejorative expression) will be approved, and whether it will be approved at the local level, the regional or

district level of the department, or at the departmental level or the minister's level. What will be the process in terms of approving it? What factors will the minister, the department or the school take into account in terms of assessing what will be an approved learning program acceptable for the purposes of this legislation?

The most complicated issue from my viewpoint relates to the decision of how exemptions will be given for young people who are engaged in work. There are some obvious questions. In the lower house, there seemed to be an indication of 25 hours a week possibly being the cut-off point. Anyone who has recently been involved or engaged with young people who are working and/or studying and training at the same time will be aware of the considerable variety of options and combinations that exist for some young people.

I saw some figures a few years ago which were extraordinary: I cannot remember them now but, nevertheless, an extraordinarily high percentage of our year 11 and 12 students in schools in South Australia are already engaged, to some degree, in part-time work. For most of them, it is unrelated to their schooling certification. It is a means of paying for their recreational pursuits, their car, or whatever else it might be. They are in part-time work; they are in block work in holiday periods; or they might work on weekends. All those options are already being utilised by many young people.

What will be possible under this legislation is that, clearly, in my view, a significant number of young people will seek exemption from the notion of compulsory schooling and training, particularly at a time with a federal government that has generated the long-term economic growth that we have seen in recent years, which has meant that, at the national level, the unemployment rate is 4 per cent—and I think in South Australia we have the second highest unemployment rate in the nation at 5 per cent. Certainly the present commonwealth government believes that, if the current economic parameters are maintained (which obviously they believe will happen if they are re-elected) we will see unemployment at the 3 per cent mark in the near future.

In that environment we are likely to see, in my view, a significant number of young people continuing to choose the work option as opposed to staying in school or, indeed, going to university or to a training course; and, as I said, in my view there is nothing wrong with that. As I said earlier, a young person who does not want to be at school can cause more grief and damage to everyone else at the school and in the class than is worth anyone's while.

As I highlighted during the Senior Secondary Assessment Board debate, increasingly we are providing options to young people who at the age of 16 or 17 know it all, hate it all or adopt an approach to life which says, 'Now is not the time that I will do a school course or a TAFE course' or whatever it is. They go out and work for two, three or five years (or in some cases 10 years) and return to education or training when they are older, wiser and more mature—or they have got something out of their system, however you want to describe it. They are ready personally to adopt the disciplines of study or training for a particular qualification.

We are immeasurably, in my view, better off now than we were 20 years ago to cater for those sorts of options. As I said, I had experience as a shadow minister and minister until the late 1990s, but my experience in recent times has been more in relation to young people—friends of my own children—who are now at the age of 21 through to 27 and who in recent years have been through the senior secondary system and the issue of education and training.

Through their group of friends and acquaintances there is any number of young people who were absolute pills (to use a word) at secondary school but who are excelling at the moment at other education and training options. They chose to go back two, three or five years later at a time when it suited them. These days you can get into university without having completed year 12. It was not that long ago that if you came to this realisation in your early 20s you had to go back and complete your year 12 to then go to university.

These days, through foundation and other programs, you are able to be accepted straight into a university program, and many young people are adopting that option. I am not arguing against the year 12 certificate. Certainly I do not accept the notion that you must have the year 12 certificate. Young people to the degree possible should have a year 12 certificate or an alternative learning program (as this bill outlines), whether it be a university or training program, diploma or whatever it might happen to be, to assist them to maximise their employment opportunities in the future.

I accept the contention of the minister and the government that you can maximise your chances of future success (you do not guarantee it) if you can complete some form of education

and training. Again, any number of people have been very successful in business careers and elsewhere who do not have a school certificate, a training certificate from TAFE or even anything from university, and we need to be aware of all those options. The question really relates to what the process will be for the minister's department, district of the department or school to make the decision in relation to this exemption process.

I seek at the second reading stage—because it might shorten the committee stage—a detailed explanation of exactly how this will be done, that is, is there to be a constant set of principles for all schools to apply? Will the decisions be taken by the principal at the local level? Can that be appealed against to the district director, or whatever they are now called, within the Education Department? Does it have to go to the department itself or to the minister in relation to the exemptions? What estimate has the department placed before the minister as to how many exemptions it believes will be provided in relation to this employment exemption?

I understand that the department is estimating that some 1,200 or so young people might be impacted by this legislation. If that number is correct, and in the current climate, how many of those does the department believe are likely to seek an exemption? I seek clarification in relation to the combination of young people studying or training part time and working or studying part time. How will the difficult decisions be made if a young person, for example, is going at a modest rate through a training diploma at TAFE or at school doing one subject?

Perhaps they are doing a semester at TAFE, which might be only a quarter or a fifth of a full workload but they are working half time in employment. Will they be able to obtain an exemption under this or will they be liable to a penalty? If a young person decides, 'I will work only 15 hours a week but, as a combination of that, perhaps I will stay at home so that my costs and expenses are not high; and I want to do only one subject a semester at TAFE', will the minister or the department allow that young person to proceed at that rate because that suits them?

If the government comes back and says that that is unacceptable, I will have a problem with what the minister and the government are recommending. I think these processes ought to be flexible. I suspect they probably will be if it is left to the school level and the principal level. I think that at the school level principals will not want a number of young people at years 11 and 12 who do not want to be there (and who are quite content to make it clear they do not want to be there), and they are being prevented by the government, the department or the school from a combination of part-time work and some modest program of training or study.

What happens if, at the start of the school year, a young person is employed and then that young person loses their job or hates the job and drops out but who is looking around for a period of time to get another job?

Now, technically, on my reading of the bill, that young person will be in breach of the legislation. Again, anyone with experience with young people in work would know that it is not all nice, neat blocks, working in a job from 9 to 5 or 9 to 4 five days a week: they move from job to job. They get a job at a café for four weeks and it does not work out; they hate the boss, or whatever it is. They are then unemployed for a few days or two, three or four weeks and they get another job in another café, McDonald's or some other option for a period of time.

Through any 12-month period it is possible for them to move between any number of jobs, for choice or a variety of other reasons as well. How will this exemption process apply to those young people? Are they going to be subject to penalty if they cannot get a job for three months, yet they started at the beginning of the year with that? What happens to the young person who starts the year in training or at school and absolutely hates it and then decides to drop out and take some part-time work, but it does not meet the magical level of 25 hours a week, if that is the level the department will require?

They get a job for 20 hours a week. They say to the employer, 'Look; I've got to get 25 hours, otherwise I'm in breach of the legislation.' The employer says, 'I'm sorry; I can only give you 20 hours a week.' The young person loves it and is quite happy with 20 hours a week. If that is below the cut-off level, are we saying in this legislation that it is unacceptable and that the young person will be in breach of the law and will have to give up that job or will be required to be in full-time schooling or training in an approved learning program?

In this area we have to get out of the mind set that our young people are in full-time employment or schooling and training. It is more likely to be a combination of part-time or short term jobs or seasonal work and a variety of other options like that, where a particular business needs to take on somebody extra for a three month period. A recent experience I am familiar with shows that it is not just fast food outlets and cafés but also people working in administration. A

couple of people in white collar work are sick or take leave (or whatever it is) from a small business, and the employer urgently goes to recruitment agencies to take on someone for short term work for a month as a receptionist or doing clerical and administration work.

These are not the traditional short term and part-time jobs you see young people employed in but, increasingly, if you talk to people who work with recruitment agencies, you hear that more and more young people are taking on those sorts of short term jobs as well. They are having to wear a collar and tie and go to work. They are not at McDonald's, but they have got work for six weeks or whatever it is whilst there is a peak period or a problem at that company for a period of time, and then that is it. They have finished their contract and they then wait around for the recruitment agency to get them another job. It might be a day, a week or a month or so.

This legislation will have to cater for all these circumstances and, in my view, we in this place should not be giving a tick to it unless we are aware of what the minister and the government intend to do in response to this. We do not want to be in a position, come 2009, where all of a sudden young people come to us and say, 'This is ridiculous; I've got a job for 20 hours a week. It's in an area that I'm excited about; I want to get into marketing. They've given me a job as a marketing assistant in an ad agency for 20 hours a week (or whatever it is) and if I work hard I can see myself potentially making a career in this area, but the legislation says that unless I'm in full-time work of 25 hours a week or more I've got to go back to school or training.'

I ask members that, if they have children or grandchildren of this age, they think through how they will be responding in 2009 if that is the set of processes and protocols that the minister, the government and schools set through this legislation. I have just canvassed those examples as the sorts of issues which need to be responded to initially at the second reading stage by the minister but which then need to be explored in some detail in the committee stage of the legislation. I flag here at least some of the issues we intend to pursue in the committee stage that might assist the government and the minister to provide as much information as they can.

As I said, I go back to the fact that the Centrelink advice that the Hon. Mr Evans asked about is important. The minister has undertaken to table that. We are still looking for the information we asked for last week in relation to retention and completion rates of SACE in the SSABSA bill, answers to the questions we asked and responses to the issues that we have raised here, and then hopefully we will be in a position to expedite proceedings through the committee stage of the bill.

The Hon. A. BRESSINGTON (11:43): I rise briefly today to indicate my support for the second reading of this bill. This is a simple bill that amends the Education Act 1972 to ensure that all 16 year olds are participating in full-time education or training until they turn 17. I believe this is a positive measure, provided that the training and education is meaningful and stimulating. It is extremely important that a young person be involved in education, employment or training. Now more than ever our young people require adequate training for a competitive, challenging and evolving workforce.

Our education system should be practical enough for young people to see that there is a clear pathway to their job of choice—provided they are willing to put in the effort, of course—and develop the skills necessary to perform that job. Tertiary education is not for everybody. The important thing is that our young people have opportunity, and the commitment to introduce technical education in South Australia by both major parties is to be commended.

Having said that, I think we are all aware that there are young people at school with no desire whatsoever to be there. This achieves nothing for them and it disrupts their classmates and teachers. There will always be some hard-core troublemakers, but the challenge for us is to provide resources and to develop programs to make training relevant enough to keep this number at a minimum.

Schools which focus on vocational training (such as Fremont-Elizabeth City High School) strongly emphasise pathways to work outside the school environment, such as acquiring trade skills, and this is certainly a positive thing. This problem can be reduced by more schools providing relevant and more attractive options for people with little or no interest in an academic pathway. We want to see as many 17 year olds as possible achieving their full potential through full-time education, training and/or work.

I would like to add that my three sons (that sounds like a TV show) all left school at the beginning of year 10. They lost interest and just were not engaged. They were high performers and ambitious, but school somehow lost its zing. We came to an arrangement that they could leave

school, but they had to find work or get into some sort of training or tertiary education. One of my sons went on to get an international business degree at university and another son went on to study IT.

What did it for them was that they actually had permission to have a break from school to assess where it was that they wanted to go and had a choice about that direction. I think this is also something that we need to consider with our young people. We need to look at what is disengaging for our children about our education system. What is it that we need to do to improve it, to make sure that they have variety, that they are challenged and, most importantly, that they do continue to learn. My second-oldest son's complaint was, 'It is not just challenging me any more and I am not learning anything new. It's boring.'

With those comments, I support the second reading of the bill. I think there are amendments being proposed that I will consider at the committee stage.

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (11:47): This year the Rann government has embarked on a significant legislative reform process for education, care and children's development. The proposed amendments to the Education Act 1972 will, rather than just lift the school leaving age to 17, put in place a new compulsory education age that will ensure that all 16 year olds will be required to be in approved learning, training or work. This will include traditional school activities, participation in an approved non-school-based approved learning program, including an apprenticeship or traineeship, a TAFE course, enrolment in a trade school or other registered training organisation; 16 your olds will be able to seek an exemption if they have obtained substantive employment. Young people who have already achieved the SACE, or an equivalent qualification, will not be required to enrol.

The Hon. Rob Lucas waxed lyrical in accusing the government of not having been up-front as to what this legislation is actually about. I refer him (and the Hon. Michelle Lensink) to a news release in January 2005 headed 'All young people to be learning or earning'. It states:

> The state government will aim for all young South Australians to be learning or earning under the new South Australian Youth Engagement Strategy (SAYES), unveiled today. 'Today, I lay down a commitment to have all young South Australians learning or earning', he says. 'That means they need to be at school, in training or in a meaningful job. There is no other option. We are making a guarantee to our children that we will help them achieve their potential—whichever path they choose...every decision within government that impacts on young people will be taken with this commitment in mind. Every new direction and program will be tailored to our learning or earning focus.'

I refer also to a news release of 2 May this year which was headed 'New school-leaving age for South Australia.' It stated:

> We want every young South Australian to be in school, training or meaningful work.

Perhaps the honourable member could ask the shadow minister in the other place for a copy, if he has not seen it. It goes on:

> However, teachers, parents and students themselves recognise that school does not suit all young people.

I refer him to those news releases, and also on 12 September this year there was a release headed 'School, training, work until 17.' In his usual mischievous way, the honourable member suggested that we had not made that clear, but that is clearly not the case.

The approach proposed in this legislation is in line with recent interstate and overseas developments in Queensland, Western Australia and Tasmania, and it has been proposed in the United Kingdom. In January 2007, a public discussion paper was released which proposed raising the leaving age to 17, and 28 submissions were received on this reform, including from unions, all three school sectors, universities, parent organisations, and business groups such as Business SA. Interestingly enough, no submission was received from the Hon. Rob Lucas, but we did receive one from the minister for higher education.

All stakeholders support the proposed bill, which has been the subject of extensive consultation with enhancements provided by stakeholders through the Legislative Reform Stakeholder Advisory Group. This government made history when it raised the school-leaving age from 15 years to 16 years from the start of 2003. The compulsory education age bill is part of the government's wider, $84 million School to Work Strategy which includes 10 new trade schools for the future and a new SACE certificate for senior students.

This is not just an arbitrary raising of the school-leaving age but a strategy that is based on solid research, proven advice of experts and data collation, and it is built on significant investment. The bill will enable 16 year olds to be required to enrol and participate in compulsory education from 2009, to coincide with the introduction of the new SACE.

The new SACE will enable young people to have access to multiple paths of study and be better prepared for whichever path they choose. It will enable young people to stay engaged in education, training and work. The changes enabled by this bill will alter the way education happens for many senior students. In addition to traditional school lessons, a student's learning options could include TAFE courses, part-time work, apprenticeships, university studies, alternative education programs and community work.

Since 2002 this government has invested just over $30 million in school retention initiatives, such as the school retention action plan—a range of programs clearly having an impact on retention figures. In February this year the Department of Education and Children's Services announced that attendance figures showed South Australian students were at school 91 per cent of the time. Of the 9 per cent of absences recorded, only 3 per cent of absences from school are unexplained and the other 6 per cent are explained by illness or family-related reasons.

However, while figures such as these are good news, we need a system that engages the 45 per cent of young people who currently do not complete their year 12 SACE and addresses the needs of more than 70 per cent of young people who do not go on to study at university. It is estimated that there will be approximately 1,200 16 year olds who will be supported by the new legislation who would otherwise have dropped out of school. A key program that supports young people at risk of disengaging which is already showing some success is the innovative community action network, the ICAN initiative. This is a network of schools, community groups and government agencies that work together to reconnect some of the most disadvantaged young people back to education and training.

Another initiative that has been successfully trialled this year is the flexible learning options (FLO). A FLO enrolment provides schools with some flexibility in funding individual students who are at risk of dropping out of school to access other learning options, including community-based learning programs, training programs and access to mentoring programs to help those students remain connected to the school. The 16 year olds who fit into this new cohort of students will be required to enrol and participate in full-time education or training, or a combination, until they have completed the SACE, achieved an equivalent qualification or turned 17 years of age. However, young people under 17 years who are already employed or wish to take up full-time employment will be able to seek an exemption.

The Rann government's $84 million school to work package will ensure that South Australian students will have more choice than ever before, while at the same time going some way towards addressing industry demand for skilled people. Our new trade schools for the future will build on partnerships with industry, TAFE and local businesses so that young people can access more careers and are not limited by what a particular school offers.

South Australia really has a record number of apprentices in work, and our new trade schools will help increase these numbers and open new opportunities for our kids to get a trade and high-level technical skills. These schools will be hubs for driving skills development, but will also work with other schools to build expertise and assist teachers to develop curriculum that serves the needs of all students. Introducing this legislation now for implementation in 2009 will allow the necessary time for the government, Catholic and independent schools, as well as other parts of the education and training system such as TAFE, time to plan and develop further opportunities for senior students.

Implementation of the changes has been the subject of an Implementation Interagency Advisory Group, which was established in May 2007 and includes representatives of all key stakeholders, including the non-government education and training sectors. This group has been working to identify all implementation issues and has provided vital feedback, which has informed not only the bill but also the development of the implementation policy and communication strategies. Issues identified by the group include consideration of subordinate legislation that may be needed and how best to register, track, monitor and support students affected by the proposed changes. Advice has been received from the group, particularly representatives of the training provider and supporting sectors, about how young people who disengage should be followed up and by whom.

The group has also advised on the definition of full-time employment. It is proposed that in the exemption guidelines this will be defined as 25 hours or more a week, and the definition of full-time participation in learning or training will be determined by the course or program provider. Guidelines for the approval of exemptions are currently being developed in consultation with all stakeholders to ensure consistency and that pathways chosen support a young person's future. The work of the interagency group will be ongoing until the changes are fully implemented. As issues have been identified, they are addressed, for example, the wording related to zoning of government schools and the need to make explicit the need to retain parents' right to choose a non-government school for their child.

On advice from the stakeholder advisory group it is proposed that all young people will register with SSABSA before they turn 16 years. In all instances this will be done by the school on the young person's behalf. All young people will be required to notify SSABSA of their approved learning programs when they enrol, and in most instances this will be done by the provider on the young person's behalf. Following advice from the stakeholder advisory group, it is proposed that regulations be developed that will require providers of approved learning programs to notify SSABSA if they become aware that a young person is no longer enrolled or participating in their program. Any regulation developed will be undertaken in collaboration with stakeholders and consulted on before being made.

The bill provides for follow-up of 16 year olds who disengage to be undertaken by authorised officers, as is the case currently for children of compulsory school age, that is 15 to 16 year olds. Each approved learning program provider sector will have a nominated authorised officer. It is anticipated that these officers will be from the government sector and the non-government provider sectors that indicate a willingness and capacity to follow up the young person and support their re-engagement; for example, the Catholic Education Office has indicated that it is willing to undertake this role for 16 year olds in its sector.

Each district office within the Department of Education and Children's Services will have a nominated participation engagement officer who will have responsibility for coordinating follow-up of all students who disengage before they turn 17 years of age, and facilitating their re-engagement where they are not followed up by the sector or the program provider the young person last attended.

It is important that any follow up will focus on re-engaging young people to support their future achievement and not on a punitive response to them having disengaged. Hence the bill does not provide for penalties for either young people of compulsory education age or their parents.

While most young people who fall into this new compulsory education cohort of student will be engaged in any of the various pathways, there are some young people under 17 who have special circumstances. They may already be employed, or wish to take up full-time employment, or they may have already achieved a SACE or similar qualification. The bill will enable these 16 year olds to seek an exemption.

Young people aged 16 who are working as part of formal learning or training, such as through an apprenticeship, will not have to seek an exemption. It is well recognised that to ensure future success young people should be assisted to remain engaged with relevant learning or training. This bill is a key initiative that supports this, and I certainly urge members to support this important piece of legislation.

The Hon. Rob Lucas raised a few issues, in his recent contribution, in relation to wanting some information on Centrelink. I think the question was asked in the other place as to how this bill would affect 16 year olds' eligibility for the commonwealth Youth Allowance. In response to that I can indicate that we have been assured that verbal advice from Centrelink indicates that nothing in this bill will adversely affect a young person's eligibility for Youth Allowance. The following information details Centrelink's guidelines:

> For Youth Allowance, full-time study means your course attracts an equivalent full-time student load (EFTSL) of 0.375 or more in your teaching period; your course is considered full-time by the institution where you are studying; you are doing at least 75 per cent of the full-time workload; or, if none of these apply, you are undertaking at least 15 hours of study per week.
>
> You may also be considered a full-time student if your minimum workload is reduced to at least 66 per cent of the normal full-time workload because of the institution's normal requirements for the course, or a specific direction in writing from your deputy principal, academic registrar or equivalent officer, or a written recommendation from your deputy principal, academic registrar or equivalent officer for academic or vocational reasons.

In relation to part-time study:

For Youth Allowance, part-time study means you have a study load less than 75 per cent of a full-time workload and you need to enter an activity agreement and undertake other activities to make up a full-time workload; for example, job search.

A young person looking for work would be required to do so outside the participation required of them by the course or training they are undertaking. An exemption would only be granted after a young person had received an offer of full-time employment.

The Hon. Rob Lucas also raised an issue in relation to some data that was asked for by the Hon. Iain Evans in the other place. My advice is that detailed attendance data is not released publicly; however, unexplained non-attendance rates for 2006 were supplied, I am told, to the Hon. Iain Evans' staff verbally. Staff were advised of a figure of 3 per cent for 2006, which has remained steady over the past few years. The unexplained non-attendance rates for 2006 were also released publicly by a departmental media release dated February 2007, and there was subsequent media on this including, I understand, on FIVEaa with Leon Byner.

The data for 2002-03 was unavailable due to the definitions and the reporting being tightened. So, my advice is they will be unable to supply the truancy rates for the past five years for that reason. The information for these years was not comparable to the 2004, 2005 and 2006 figures, due to these changes. The department found that schools often placed information in the unexplained absence section of a report that should have been defined elsewhere. I would urge, as I said, all honourable members to support this very important piece of legislation.

In the mid-1990s, former Liberal premier Dean Brown charged a task force with examining whether the school leaving age should be raised. He was quoted in *The Advertiser* of 8 May 1996 as saying it was prompted by 'the clear experience that, the longer people stay at school, the greater the chance of getting a job'. So, what did the Liberal task force recommend? A school leaving age of 17.

Former premier John Olsen went even further, saying in *The Advertiser* of 8 October 2000, 'Raising the school leaving age is about ensuring young South Australians are given the best possible chance of gaining employment, either through higher education or real job skills before they leave school.' He went on, 'Early school leaving significantly reduces life and employment options and increases the risk of involvement in crime.' We agree, and that is why we are acting with this legislation.

Doing nothing—and I hope that members opposite remember this—is not an option for school leavers and it is certainly not an option for our government. So, I do urge honourable members to support this legislation.

Bill read a second time.

SENIOR SECONDARY ASSESSMENT BOARD OF SOUTH AUSTRALIA (REVIEW) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 November 2007. Page 1340.)

The Hon. A. BRESSINGTON (12:09): This bill was introduced in the upper house last month and is somewhat more controversial than the other bill introduced during the same period, the Education (Compulsory Education Age) Amendment Bill, for which I have indicated my support. In essence, this bill seeks to establish a board, as well as to enhance systems, within a legislative framework, to reinvigorate the South Australian Certificate of Education.

The board will have the responsibility of overseeing the accreditation of the Future SACE and ensuring its credibility both interstate and abroad. As both the minister concerned and the Hon. Paul Holloway have stated, the reform stems from research and consultation, as part of the review of the SACE, and an independent examination of the current act. The independent review of the act considered issues raised by the SACE review report and examined similar legislation in other states.

The government is seeking the swift passage of this legislation so that it has time to appoint the board and allow it to make important decisions about the requirements of the Future SACE, which the government is aiming to introduce at the start of 2009. However, legislation that will affect the future of many thousands of our students should not be rushed.

I stress from the outset that I do not want my contribution today to be interpreted as overly negative. I note that the Rann government has committed $54.5 million to the introduction of the

Future SACE. Obviously, initiatives that seek to strengthen the opportunities, skills, knowledge and values of South Australian children are to be commended. This money is welcome, but in its present form the bill does not guarantee that a large number of constituents will have guaranteed representation of their views and interests.

Opposition members and key stakeholders are also concerned about the prospect of a very significant assertion of political control by an education minister over the board and the South Australian Certificate of Education. I again express my disappointment in the consultation process conducted by this government. The government had the opportunity to include in this legislation many of the suggestions proposed by key stakeholders but chose not to do so. Even though the government met with stakeholders, I have the feeling that it never intended to take their concerns on board. Indeed, my office has frequently been contacted by parents and teachers, as well as the Association of Independent Schools of South Australia, all of whom have concerns with the bill. They are concerned that there is a hidden agenda here. A common question has been: why the sudden lunge for power?

The Hon. Rob Lucas, of the Liberal opposition, indicated in the council last week that he was suspicious about what the government has planned. Whether the minister and her colleagues are willing to compromise and support at least some of the amendments proposed by the Hon. Rob Lucas will no doubt shed some light on that. The government has said that we need a firm legislative base which is relevant for today and which is flexible enough to provide for the future needs of South Australia's young people.

I strongly support the consolidation of the partnership between the board that oversees SACE, the education sectors that deliver it, and the education minister; these entities working together for the benefit of our high school students is certainly a positive thing. However, we need to cut through the government rhetoric and get to the nitty-gritty of this bill to ensure that the students and their future are, in fact, the priority, rather than the consolidation of political power by the minister and her government.

It is important to note that the SSABSA controls all year 11 and 12 students not only in government schools but also in independent and Catholic schools. A major concern is that there is no guarantee that a very large percentage of students, their parents and teachers, and those from the independent and Catholic sector, will have representation on the board.

Members would be familiar with the material provided on this matter by the Association of Independent Schools of South Australia and, no doubt, many have had briefings with Gary LeDuff, who has lobbied hard for guaranteed representation of the Catholic and independent schools on the new, trimmed-down board. There is certainly a compelling case.

In 2006, there were 22,020 year 11 and year 12 students attending state schools in South Australia; 7,051 students at independent schools; and 6,729 in the Catholic sector. Independent students in this age bracket represent 19.7 per cent of the total enrolments for South Australia, whilst the Catholic sector enrolment proportion is 18.7 per cent.

Together, the total non-government sector enrolments are approximately 38.5 per cent of total year 11 and year 12 enrolments. Such a large percentage of students deserve guaranteed representation in any legislation proposing such an important change in the SACE. At present, the independent sector alone has 49 schools which currently educate year 11 and year 12 students.

I do not intend to go into the private versus public school debate here. However, we should also acknowledge the trend of increased movement to the private sector and the number of students who attend these schools. They represent a very significant percentage of the high school population—and a growing population at that.

It is true that Labor members will say that they received input into this bill from the Catholic and independent school sectors. However, this seems to be another example of why this government has a poor reputation in relation to consulting and meeting community members, stakeholders and organisations with what appears to be no intention of taking their suggestions on board.

Indeed, both bodies representing these sectors have contacted my office saying that this was one of the key amendments they want for this bill. I note that the Hon. Rob Lucas has proposed an amendment that would guarantee representation for both the Catholic and independent sectors on the board. Also, as the Hon. Rob Lucas noted, there is a history at both state and federal level of Labor education ministers with a very strong ideological slant on non-

government schooling. This has not been as common in recent years, but this snub could be interpreted as a return to that.

With very few potential dissenting voices, I find the bill fails to ensure the independence of the board and, as the honourable member noted, it is impossible that a minister with an ideological slant against non-government schools could take decisions and require them of the board which would disadvantage them. By implementing something and requiring the board to do it, the honourable member noted that it would place the Catholic and independent schools at a very significant disadvantage and potentially have significant resource implications for those schooling sectors.

I do support the reduction of the numbers on the board as, at present, it is somewhat cumbersome, but there should be some guaranteed representation for the non-government sector. The Liberal Party (which is regarded as being the party of choice for the majority of parents of non-government children) is no doubt concerned about a return to Latham-style policies in the future and wants to safeguard against this. A suitable amendment could go a long way to putting the opposition's fears at ease, and we can get on with establishing a South Australian Certificate of Education that will provide the best opportunities for all young South Australians who intend on studying year 12.

As I said earlier, legislation that seeks to achieve positive outcomes for our young people through our education system should be supported. The second point I will address is concern over the reintroduction of ministerial and political control over the SACE and the SSABSA, which this minister and this government are seeking. Last week in the council, the Hon. Rob Lucas raised concern over the independence of the board. The shadow minister (Hon. Iain Evans) has done the same in the lower house. He pointed out that, at present, we are one of only two states in the country where the education minister does not have formal control over curriculum within schools under the education act.

The CEO of the department is formally in control of the curriculum within the schools, whereas, in the other states, the education minister is in control. In South Australia, the tradition has been that politicians do not control the curriculum. Under the bill, if the government and the minister decide that there should be a particular course, they would have the power to direct the board to provide that course for a secondary school. As well as the examples already pointed out in this council, there is also the potential for controversial areas such as drug and sex courses to be directed.

There is nothing to stop this, according to the Hon. Rob Lucas, and I will be looking into this further. This would represent a drastic change in the operation of the SACE and the SSABSA. Does the government need the power to have political control over the SSABSA? Maybe this is why it wants to silence the independent and Catholic schools, as has been alleged. I certainly hope not. Will the minister reassure us that that is not the case?

I am not convinced that clause 16 (as well as other clauses in the bill) provides an adequate safeguard against the minister from directing that, if she wants to have a course on an issue or project in which the government has invested, she needs the power to direct the SSABSA to have a course on it—for example, the biotech innovation investment fund, as the minister indicated. This provision would prevent the minister from dictating the content or the accreditation of that subject, but the minister would be able to direct the board to say that it shall have a certain subject, or whatever ideological viewpoint a future education minister might have. Clause 14, (which amends section 15) outlines the functions of the board and states 'and to perform other functions assigned to the board under this act or any other act or by the minister'.

I am hesitant to approve certain functions of SSABSA and any other function the minister thinks should be a function of the board. It is the minister's decision alone as to what additional functions the board might have. It is my understanding that that is what could happen if this bill is passed in its present form. The Hon. Rob Lucas has already indicated that he will be asking questions about this clause during the committee stage of the debate, and I will be interested to hear the government's response. In conclusion, potentially some very big changes are being introduced in the future SACE which are being underpinned by this legislation.

I will be interested to see how the government addresses our concern that this legislation raises the prospect of a very significant assertion of political control by the education minister over the board. I will also be interested to see whether it will support the amendments of the Hon. Rob Lucas for guaranteed representation on the board for Catholic and independent schools for which they have heavily lobbied. As I stated, this is a very important piece of legislation and I am hoping

that the major parties will put their political differences aside to work for a board and a system that will provide the best outcome for all senior secondary students, regardless of their background.

The Hon. A.L. EVANS (12:20): I rise to indicate Family First's view regarding this bill. The government's briefing notes on this bill talk about establishing an 'expert panel' to replace the current SSABSA. In reality, we are talking about a government appointed board taking over the current representative board. There are many parallels between this takeover and other recent government takeovers.

This bill will extinguish the current 27 member board, which is made up of representatives from all education sectors to control the curriculum. In its place, an 11-member 'non-sector' board will be appointed by the government. The notion of the Minister for Education and Children's Services hiring and firing the people responsible for setting our curriculum—that is, setting the total agenda—concerns me. Why is this change necessary? The minister's stated reason during the second reading debate was that changes to the board were necessary to 'enable the introduction of future South Australian Certificate of Education (SACE)'.

During our briefing, I asked why the current board would be unable to introduce the new SACE. There is some merit in the argument that the current board is too large, with 27 members—most boards are smaller than that—but is this an attempt to disband a board that is unlikely to accept the ongoing changes of the SACE? I am left wondering what will be in the new SACE if the minister needs to hand-pick a board in order to approve it. Will the SHine SA Share or RASH sex education program be mandatorily rolled out to all schools under the new SACE? Let me remind members that SHine SA has been organised under the banner of the AIDS Council of South Australia, with shared premises and, despite all its efforts to remove references to the AIDS Council from its website and vice versa, they are linked.

How we can let people with these links be responsible for teaching our children about sex, or anything else for that matter, is beyond me. The AIDS Council, despite its noble name and charter, is an organisation that seems to operate in a bubble of total unaccountability. It was reported last year that it refers its disabled clients to prostitutes (*The Advertiser* 15/9/06); and it publishes magazines extolling the wonders of using drugs with statements such as, 'Children are a blessing, you never know when you need someone to go out and score for you', as reported in *The Advertiser* of 25 June.

If you want a job with that organisation, its employment criteria list drug use as a requirement (*The Advertiser* 19 October). Most recently, as reported in last Saturday's *Advertiser*, it has been caught using taxpayer funds to print pictures of men whipping a woman on a cross. In fact, all these activities have been funded by the taxpayer. This is the organisation which the minister wants to teach our children about sex! Family First is therefore concerned that the dissolving of the current board and the replacement of that board with a hand-picked board may pave the way for the introduction of any radical agenda that the minister or future ministers may deem fit.

I acknowledge the proposed amendment to allow for one representative each from the Catholic, independent and public schools. However, three members out of 11 is still very low. Family First believes that a more modest change would have been more appropriate.

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (12:24): I thank members for their contribution in relation to this very important piece of legislation. The Senior Secondary Assessment Board of South Australia Act has provided the legislative basis for the management of senior secondary education in South Australia for nearly 20 years. However, the way we deliver education has changed significantly from the traditional classroom settings. We therefore need to ensure that the legislative framework we have in place supports the education of our children. That is why this government has embarked on a significant legislative reform process for education, care and children's development.

This reform process has been the subject of extensive ongoing consultation with the public and with education and training stakeholders. The proposed amendments to the Senior Secondary Assessment Board of South Australia Act will underpin the future South Australian Certificate of Education (SACE) which will commence from the beginning of the 2009 school year. The new SACE board will have a much broader role which will focus on accreditation, certification and quality assurance of courses and subjects to effectively oversee the Future SACE.

The board will have responsibility for accrediting and certifying equivalent qualifications that will enable students to achieve their SACE through study in trade schools, apprenticeships and

VET, or other training through providers such as TAFE or registered training organisations (RTO), as well as any qualification awarded through these courses. The aim is to ensure that the SACE is responsive to the needs of all students who will have expanded options to pursue learning and training in the traditional classroom and a range of other settings.

This initiative is part of this government's school to work reform agenda. The new SACE board needs to be appointed by the end of April 2008 at the very latest to ensure a smooth transition from the current board to the new board, which will take over when the changes detailed in the bill come into effect on 1 July 2008. I have just noted that the Hon. Andrew Evans raised some question in relation to the board composition. I do want to foreshadow that I will be moving an amendment which essentially says that at least four of the appointed members of the board must have specific knowledge and expertise in relation to the provision of senior secondary education.

Of these members at least one must be a person who has specific knowledge and expertise in relation to the provision of senior secondary education in the Catholic schools education sector; at least one must be a person who has specific knowledge and expertise in relation to the provision of senior secondary education in the independent schools education sector; at least one must be a person who has specific knowledge and expertise in relation to the provision of senior secondary education in the public schools education sector; and at least one must be a person who is currently engaged in or who has been recently engaged in the provision of senior secondary education.

We need to remind members that, under common law, all nominees to boards are required to act in the best interests of the body to which they are nominated, not the body that nominated them. Therefore, it would not be appropriate for any stakeholders to seek representation on the board on the basis that this would give them a perceived opportunity to influence the board. I look forward to members supporting this amendment that I will move in committee.

As I said earlier, the bill before this council is a simple but significant one. It is the culmination of consultation and examination of the best way to oversee the future of secondary education in South Australia. The changes proposed in the bill will enact the recommendations of the in-depth independent SACE review undertaken in 2003 and the subsequent independent SSABSA act review undertaken in 2006. The bill reflects the extensive examination and consultation undertaken during these reviews and a public discussion paper released in January 2007, as well as an examination of the bill itself since mid this year with a view to delivering the best legislation to underpin the future SACE for the young people of South Australia.

Before I outline some significant aspects of this legislation, I must take issue with comments made by the Hon. Rob Lucas and, in particular, his misinformed comments in regard to the bill and the SACE review. Under parliamentary privilege the honourable member impugned the professional reputation of Professor Allan Read, one of Australia's most distinguished educators. In particular, the honourable member implied that Professor Read's capacity to participate as a panel member of the SACE review was somehow impaired by the fact that he opposed the introduction of basic skills testing in South Australia. I believe that this tenuous connection demands a response. Professor Read has a national and international reputation in education as both a scholar and an administrator.

His work is quoted extensively in scholarly journals and has influenced educational policy in a number of jurisdictions in Australia and overseas. His contribution has been recognised often. For example, in 2003 he was awarded the federal Department of Education Science and Training National Research Fellowship, which involved working in the federal department in Canberra for 12 months, providing policy advice and engaging in a major research project on the national curriculum.

In 2004 he was awarded the inaugural MacKillop Medal for his distinguished contribution to education by the Australian College of Educators, the leading professional association in education, and in the same year he was named by the national *Bulletin* magazine as one of the nation's top 10 educators.

It is not only the Labor Party that has sought to use Professor Reid's services. His expertise has also been recognised by the Liberal Party in this state. In 2002, when he was Dean of Education at the University of South Australia, he successfully led the tender bid to write the state's compulsory curriculum (the SACSA), and he was co-director of the writing project.

The honourable member's claims about Professor Reid's opposition to the basic skills test are based on crude over-generalisations. It is surely the role of an academic to subject government policy to critical scrutiny, provided that the scrutiny is based on evidence. Professor Reid, like many others in the education community, has been concerned about the nature and effects of standardised tests on the quality of teaching and learning. Many of these sorts of concerns have been borne out by overseas research into the use of standardised tests. They have enabled us in South Australia to adjust our system-wide tests in order to avoid making similar mistakes and to ensure the quality of information that these tests provide.

The claim that someone who is concerned about standardised tests lacks interest in improving standards in literacy and numeracy is patently absurd. Professor Reid was instrumental in developing a SACE review recommendation which proposed a compulsory diagnostic assessment of literacy, numeracy and IT skills in order to provide important information to students, parents and students at the start of SACE. The government has already implemented this proposal and, for the first time this year, year 9 tests have been added to the tests in years 3 and 5 to provide this information.

It is clear that the Hon. Rob Lucas's attack warrants an unreserved apology to Professor Reid, and I urge him to do so as soon as possible. He has unfairly impugned one of the nation's most eminent educators.

An honourable member interjecting:

The Hon. CARMEL ZOLLO: Another one to the list, says one of my colleagues. The review of the current SACE was extensive. It involved exhaustive consultation with interested parties, including school communities; the Northern Territory, where students also undertake the SACE; as well as parents, business, unions and our university sector. If my memory serves me correctly, I think the Hon. Ann Bressington was actually commenting on the consultation.

Indeed, I am advised that there were more than 200 meetings involving more than 1,600 individuals, 170 written submissions, more than 600 responses to an online survey and a major conference during the review in 2004. Not only did the honourable member attempt to discredit one of the SACE Review panel members, but also his criticism of the title of the SACE Review report, 'Success for all', reveals the paucity of his educational philosophy.

The honourable member's whole speech was premised on an assumption that the SACE certificate is about preparation for a single pathway: the university pathway. He seems to have no interest in the 75 per cent of students who do not take that pathway. Like the title of the earlier Gilding report on senior secondary education in South Australia which established the SACE, 'Within the reach of all', the title 'Success for all' reflects an aspiration that every young person has the right to expect that their talents and capacities will be developed to the fullest extent in whatever pathway they wish to pursue.

The fact that such an aspiration has never been fully achieved is not an argument to lower our sights, as the honourable member was implying. Rather, it is a motivation to redouble our efforts. That is the aim of this government, and it is why we have accepted the bulk of the recommendations of the SACE Review report.

In our view, it is possible to combine equity and standards, and one of the strengths of the report is that it bolsters the preparation for the university pathway and, at the same time, opens up opportunities to pursue a range of other pathways.

The general public have supported the reforms proposed in this bill. The Education Committee supports the thrust of these reforms and the current board supports the bill. The overwhelming majority of the schooling sectors support this bill. In one area, one schooling sector has sought a further change to the bill and, in response to that, the government will be moving to make one amendment to the bill to make it explicit that the new expert board must have specific knowledge and ability to work with the three schooling sectors in this state. I have already placed on record what the amendment (which is already filed) will be expressing. The independent sector has also raised a non-specific concern about ministerial power. No other stakeholder is dissatisfied with the bill as it stands.

Members of this council are now being asked to enact this bill and enable the appointment of a SACE board to oversee and implement the Future SACE. This bill modernises the current act and enshrines legislative principles that will underpin the operation of the board and the legislation. The bill establishes an effective expert board with enhanced functions, responsibilities and powers. The bill embeds the responsibility the board will have as a service organisation to work

collaboratively and in consultation with the education sectors and the responsible minister in the best interests of all young people in South Australia.

The opposition will be seeking to move a number of amendments to this bill. These do not reflect the recommendations of the SACE review, the independent legislative review, or the public and stakeholder consultants. With regard to the appointment arrangements for the SSABSA CEO and staff, the bill before the council will see the CEO of the SACE board appointed by the Governor on terms and conditions set by the Premier. This is consistent with the appointment of chief executives across the Public Service in South Australia. A proposed change was put in place to address the concerns raised by some stakeholders that it appears inappropriate for the CEO of the SACE board to have the CE of one of the schooling sectors as its employing authority.

The Chief Executive of the Department of Education and Children's Services became the employing authority following the passing of the Statutes Amendment (Public Sector Employment) Amendment Act 2006. This legislation was necessary to ensure that no state government employee would fall within the scope of the federal government's WorkChoices legislation. However, as a result of these changes, the CE of DECS replaced the board as the employing authority for the CEO of SSABSA.

This raised a concern with stakeholders that the CE of DECS would have a conflict of interest as head of a schooling sector and employer of the CEO of the board. In response to these concerns, provisions have been proposed in this bill which will remove the CE of DECS, whilst retaining the essential safeguards provided by the Statutes Amendment (Public Sector Employment) Amendment Act 2006. The bill also addresses the desire of stakeholders to have the staff of the board employed by the CEO of the SACE board.

Members are reminded of the importance of the sentiment behind the Statutes Amendment (Public Sector Employment) Amendment Act 2006 and the fact that they voted in this council in favour of protecting all South Australian public sector employees from the federal government's unfair WorkChoices legislation. I remind members that they need to understand that supporting the opposition's proposed amendments (numbered, I understand, 1, 2, 5, 6, 13 and 14) will remove the protection this council provided to the CEO of the SACE board and the 76 staff from the scope of WorkChoices.

In regard to the composition of the proposed new SACE board, the existing SSABSA is a large 27-representative board. The SACE review report indicated that during consultations many, including the existing board members, advised that the nature and size of the board needed to change. I quote from the report, as follows:

> In its consultations, the panel heard frequently about the cumbersome nature of the SSABSA board and its processes. The panel heard that a major cause of SSABSA's difficult decision-making processes was the size and complexity of the board membership, which is a product of the representative nature of the board. This suggests that the board's role needs to be defined in more strategic terms.

I understand that was chapter 10, page 171. It is fair to say that any board of this size could have problems in decision making, as found and recommended by the SACE and independent legislation reviews and, as provided for in this bill, a proposed smaller 12-person expert board that includes the CEO as a non-voting ex officio member is a far more efficient and effective way forward. A significant issue discussed during the extensive consultation has been the composition of the board, and the concern raised by some that the changes remove the direct representation schooling sectors.

The SACE review was clear in that the consultations and deliberations found that 'a more strategically oriented board would need fewer members and be cognisant of the principles of good corporate governance (chapter 10, page 171). In developing a final draft of the bill, enhancements were made that sought to address this concern and entrench in the bill the requirement that members of the board will have sufficient expertise, knowledge and experience to undertake the role of overseeing the future SACE. Under the proposed changes in selecting nominees for the government to appoint, the minister must consider the combined skills and abilities of potential members, in particular, at least four of whom must have specific knowledge and expertise in relation to the provision of senior secondary education, with one of these currently or recently engaged in providing senior secondary education.

The overwhelming majority of the schooling sectors and all other stakeholders supported the changes. However, the independent schooling sector remains concerned. This government seeks always to work collaboratively with stakeholders and to ensure their interests are considered. In order to address the independent schooling sectors' residual concern that the board must have

expertise and specific knowledge of each of the three schooling sectors to enable it to undertake its work, and to protect the interests of these sectors, as I have foreshadowed that the government will be moving an amendment to clause 10. This will ensure that members appointed to the board have that specific knowledge and expertise in the independent, Catholic and public school sectors, while retaining the vital role of all stakeholders in recommending to the minister suitable candidates they put forward for appointment by the government to the expert board.

The strategic import of the proposed legislative changes detailed in the government's bill is to place an obligation on the board to pay specific consideration to the requirements of the sector and to report formally on the associated consultation process in addition to its form of consultation and collaboration. Embedded throughout the bill are provisions that affect the collaborative relationship and shared responsibility that the board, the education sectors and the responsible minister must have to underpin the future SACE and better support all young people in South Australia. Passage of the bill will see a new SACE board appointed that will be able to maintain and draw upon the cross sector collaboration which has been the hallmark of the work of the SACE implementation steering committee, established by the Minister for Education and Children's Services, and which has representation of the three schooling sectors and the CEO of SSABSA working together.

As members would be aware, the Minister for Education and Children's Services has responsibility for not only the government school sector but also for the Catholic and independent school sectors and for ensuring that all young South Australians are supported to undertake and achieve SACE, accredited and administered by SSABSA. A significant flaw in the current 24 year old legislation identified by both the independent SACE review and the independent review of the SSABSA Act is that the responsible minister currently has no ability to direct the SSABSA.

By introducing the limited power proposed in the bill for the minister to direct the board, an appropriate relationship is further embedded in the legislation. As a SACE review report stated, 'The panel believes that there should also be a strengthening of accountability.' Currently the only formal accountability requirement prescribed in the SSABSA legislation is that which obliges SSABSA to submit an annual report to the parliament. Consistent with a strengthened accountability, the review panel believes that the act should include a power to enable the minister to direct the board.

This proposed power would not extend to direction in relation to changes to curriculum or assessment and certification of any individual student's work (chapter 10, page 172). In disregarding the findings of the SACE and SSABSA legislation reviews and the current board who support the bill, the opposition through its flagged proposed amendments Nos 7 to 12 will seek to remove all appropriate connections between the minister responsible for all education and the board responsible for the South Australian Certificate of Education.

There is nothing untoward or sinister in the proposed limited powers provided to the responsible minister. The minister does not have any power to direct the board in relation to the content or accreditation of subjects or courses. The minister will not have the power to direct the board in relation to the assessment or recording of student achievements or learning.

This bill safeguards the proposed limited power of direction with the requirement that the minister must report to parliament on any direction given and the board must publish details in its annual report. Such a limited power is found in all corresponding acts in other jurisdictions across Australia, except New South Wales, where all decisions of the board must be approved by the responsible minister.

A similar power to direct the South Australian Teachers Registration Board was enacted in 2004. The opposition argued at that time against such a power. There have, however, been no problems with this clause that I am aware of. The Teachers Registration Board is working very effectively and in consultation with the responsible minister and, while I understand that no direction has been given by the minister to that board, the limited power remains should it be needed in the public interest. The proposed provision in this bill will likewise be there if needed, as recommended by the SACE review and the consultations.

Another appropriate authority provided to the minister in this bill relates to the board providing the minister with any information or report that the minister reasonably requires in connection with the minister's portfolio responsibilities for education in the state. To request and receive information of this nature will enable the minister to carry out her responsibilities as minister. This is not about ministerial power over the board.

The opposition, in their proposed amendment 11, would remove this subclause. Members would note that this reduces the ability of a minister for education from accessing information—not about what the board does, not about its operations, but about what the minister reasonably requires in connection with the minister's portfolio responsibilities for education in this state. The exercising of any of the limited powers provided in this bill would be used only where they are in the public interest and the interests of quality education provisions in South Australia. The SACE review commented on the supply of information to the minister by the board and recommended:

> In order to plan effectively and to take up the continuous improvement challenge discussed above, schools and school systems require access to reliable, detailed information about their own performance and the performance of the state's senior secondary system as a whole. It is reasonable to expect that the SACE authority will be a primary source of such information.

Further, in regard to legislative implications, the review panel made the following comments:

> In that regard, the review panel considers that there should be a provision in the legislation requiring the authority to release data to the minister for the purpose of policy review and formulation, planning and other purposes consistent with the responsibilities of the minister for all education in the state.

Regarding concerns about the possible release and misuse of data held by the board, I reiterate what the Minister for Education and Children's Services said in the other place: this government does not support league table or the inappropriate release of data. To this end, as signalled in the SSABSA legislation reform discussion paper released in January this year, and to address concerns raised by stakeholders in the education sector, the government will be moving to amend the FOI regulations before this bill is enacted.

The draft regulation amendments will be consulted on before being made to ensure the legitimate protections are in place for comparative school and student data. The government will be consulting with all stakeholders. This measure will provide for a considered change and greater protections in regard to information in line with those stakeholders are seeking than the opposition's proposed amendments numbered 7, 8, 9, 10 or 11 to this bill.

I also draw members' attention in particular to the opposition's proposed amendment No. 8, which relates to clause 14 and section 15(1)(m) of the act. In concert with the proposed changes to the Education Act, this provision will enable the SACE board, as recommended by all stakeholders, to collect, record, collate and report information about 16 year olds who will be subject to the requirement to enrol and participate in an approved program. The opposition's proposed amendment No. 8 will preclude the training, university and other sectors from rightfully receiving information about the cohort of young people enrolled with them.

Another appropriate authority provided to the minister in this bill relates to the minister being able to ensure that decisions taken at a national level, in forums such as MCEETYA and COAG, can be implemented in South Australia. As is the case currently, the SACE board will work in collaboration with the minister and will inform the minister in formulating the South Australian position on relevant matters regarding decisions at the national level.

The minister must be confident in the SACE board's ability to implement any national decisions taken. As reflected in the bill, it is anticipated that the board will give effect to any decisions taken at the national level to which South Australia has agreed. However, it is imperative that the responsible minister is able to specify that a decision that South Australia has endorsed is effected. Under the bill, the board will retain its existing functions, including determining the requirements for completion of the SACE and certifying students' learning achievements.

The bill re-focuses the role and functions of the board in directions recommended by the SACE review report and the independent review of the SSABSA legislation. The emphasis will be on the board's role in accrediting and ensuring the quality of curriculum (that is, determining whether and to what extent a particular program or piece of curriculum counts toward the SACE); recognising students' learning achievements for the purposes of the SACE across a wider range of learning experiences; assuring the quality of assessments rather than necessarily assessing students' learning per se; and working cooperatively and in collaboration with the schooling sectors and the responsible minister.

I hope I have reassured the Hon. Ann Bressington, who raised some concerns in relation to consultation, as well as board appointments and functions. The Hon. Andrew Evans also raised issues in relation to board appointments. As I have said, this is a very important piece of legislation. I know the Hon. Rob Lucas has waxed lyrical about several other issues that do not, in any shape or form, form part of this legislation, including comments about the Minister for Education and Children's Services in the other place. I do not believe that his comments are worthy of a reply; I

think he was just indulging himself. Nonetheless, this debate is about this very important legislation. I urge all honourable members to support the bill, and I commend it to the chamber.

Bill read a second time.

CONTROLLED SUBSTANCES (POSSESSION OF PRESCRIBED EQUIPMENT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 November 2007. Page 1247.)

The Hon. J.M.A. LENSINK (12:55): I rise to indicate support for this bill, which has passed through the House of Assembly, where I understand that our shadow attorney-general, the member for Heysen (Isobel Redmond), would have addressed a number of issues. I will start by putting a question to the government in relation to an act that we passed in 2005. A number of amendment bills to the Controlled Substances Act have previously been debated. I understand that the Controlled Substances (Serious Drug Offences) Amendment Act 2005 is yet to be proclaimed. In determining which particular clauses have been amended, one must refer to that act, which is not yet contained on our statute books. That has been an ongoing issue each time one of these bills has come before us in that we must refer to that amendment act rather than the substantive act. I wonder what the hold-up is in terms of having that proclaimed.

This measure is aimed at the hydroponic cultivation of cannabis and the manufacture of amphetamines. Our support for this bill is entirely consistent with the Liberal Party's policies as we have articulated them both in debates in the parliament and in what we took to the last election. I note that a range of different measures have been implemented in relation to hydroponics. I have also spoken in favour of the Hon. Ann Bressington's drug paraphernalia bill, which has a similar intent in relation to bongs, pipes and so forth. I congratulate her on progressing the matter of reform in this area.

A list of items of what have been described as 'indicative things' has been provided, and people in possession of these items will need to prove that they need them, rather than the onus of proof being on the police in order to prosecute them. The list is as follows: specified carbon filters, high performance lights, condensers, distillation heads, heating mantles, rotary evaporators, reaction vessels, splash heads, manual or mechanical tablet presses and a manual or mechanical encapsulater.

I am not an expert on these particular items, but I have a question relating to an area with which I am more familiar, that is, the nursing home industry and pill crushers which are very commonly used when residents are administered doses which are less than a full tablet. Is that envisaged as being part of this or will it be excluded? I believe that it certainly should be excluded. Returning to the issue of cannabis, I made a number of remarks in relation to the Hon. Ann Bressington's former bill (Controlled Substances (Sale of Equipment) Amendment Bill) which dealt with bongs, pipes and the sale of hydroponic equipment.

I will not necessarily repeat those comments, but it is important to acknowledge that cannabis and its potential harm is better understood. I think that additional research needs to be undertaken, but at least in terms of scientific research, people who are vulnerable to schizophrenia, for example, can certainly be tipped into the psychotic stage from the consumption of cannabis.

Some of the other relationships between mental health and health problems are not as well understood; but, as time progresses, I think we will see more evidence emerging of the potential harms. Certainly, a number of the dangers about the consumption of amphetamines are well documented. I think, too, it is an acknowledgement in relation to the hydroponic aspects of this bill. The government has admitted that hydroponic cultivation in South Australia is a problem, and not before due time.

According to the Australian National Council on Drugs (ANCD), hydroponically-cultivated cannabis accounts for some 90 per cent of seized cannabis in South Australia. According to the ANCD, this state has the highest number of hydroponic shops per capita of any Australian state. I think that speaks volumes in terms of the need to institute these reforms, and certainly that is not before time. I remind the government that I do have those two particular questions to which I would appreciate a response. I indicate support for the bill.

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

[Sitting suspended from 13:02 to 14:18]

MEMBER, SWEARING IN

The President produced a commission from His Excellency the Governor authorising him to administer the oath of allegiance to members of the Legislative Council.

The President produced a letter from the Clerk of the assembly of members informing that the assembly of members of both houses of parliament had elected Mr John Andrew Darley to fill the vacancy in the Legislative Council caused by the resignation of the Hon. Nicholas Xenophon.

The Hon. John Andrew Darley, to whom the oath of allegiance was administered by the President, took his seat in the Legislative Council.

LEGISLATIVE COUNCIL VACANCY

The PRESIDENT: I lay upon the table the minutes of the assembly of members of both houses held this day to fill a vacancy in the Legislative Council caused by the resignation of the Hon. Mr Nicholas Xenophon.

Ordered to be printed.

AUDITOR-GENERAL'S REPORT

The PRESIDENT: I lay upon the table supplementary reports of the Auditor-General on Agency Audit Reports 2006-07.

PAPERS

The following papers were laid on the table:

By the Minister for Police (Hon. P. Holloway)—

Reports, 2006-07—
- Department for Administrative and Information Services
- Department of the Premier and Cabinet
- Disciplinary Appeals Tribunal
- Freedom of Information Act 1991
- Privacy Committee of South Australia
- The Disability Information and Resource Centre
- WorkCover SA (erratum)

By the Minister for Urban Planning (Hon. P. Holloway)—

Planning Strategy for South Australia—Report, 2006-07

By the Minister for Emergency Services (Hon. C. Zollo)—

Reports, 2006-07—
- Chicken Meat Industry Act 2003
- Primary Industries and Resources South Australia
- The South Australian Potato Industry Trust
- Veterinary Surgeons Board of South Australia

LEGISLATIVE REVIEW COMMITTEE

The Hon. J.M. GAZZOLA (14:24): I bring up the 11th report of the committee for 2007.

Report received.

SANTOS

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:24): I seek leave to make a ministerial statement regarding the Santos Deed of Undertaking.

Leave granted.

The Hon. P. HOLLOWAY: During the debate last night on the Santos Limited (Deed of Undertaking) Bill 2007 honourable members raised several queries regarding the job commitment secured by the Deed of Undertaking.

Santos currently employs around 1,900 people. The Deed of Undertaking commits Santos to maintaining 100 per cent of the roles directly associated with Santos' South Australian activities

and a large proportion of the roles and functions currently undertaken in the head office. This currently equates to approximately 1,700 jobs. Members inquired as to whether these jobs were full-time equivalent positions and whether any contractors were included in this number. As indicated during the debate, I wish to confirm that the 1,700 jobs relate to full-time equivalent positions and that a small number of contractors are included in this total. These are contractors for which Santos has direct responsibility and control.

ROYAL ADELAIDE HOSPITAL

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (14:25): I lay on the table a copy of a ministerial statement relating to the Royal Adelaide Hospital made earlier today in another place by my colleague the Minister for Health.

LEGISLATIVE REVIEW COMMITTEE

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:25): I seek leave to move a motion without notice concerning the appointment of a member to the committee.

Leave granted.

The Hon. P. HOLLOWAY: I move:

That, pursuant to section 21(3) of the Parliamentary Committees Act, the Hon. J.A. Darley be appointed to the committee in place of the Hon. A.M. Bressington, resigned.

Motion carried.

STATUTORY AUTHORITIES REVIEW COMMITTEE

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:26): I seek leave to move a motion without notice concerning the appointment of a member to the committee.

Leave granted.

The Hon. P. HOLLOWAY: I move:

That, pursuant to section 21(3) of the Parliamentary Committees Act 1991, the Hon. A.M. Bressington be appointed to the committee in place of the Hon. N. Xenophon, resigned.

Motion carried.

OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION COMMITTEE

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:27): I seek leave to move a motion without notice concerning the appointment of a member to the committee.

Leave granted.

The Hon. P. HOLLOWAY: I move:

That, pursuant to section 21(3) of the Parliamentary Committees Act, the Hon. J.A. Darley be appointed to the committee in place of the Hon. N. Xenophon, resigned.

Motion carried.

STATUTORY OFFICERS COMMITTEE

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:27): I seek leave to move a motion without notice concerning the appointment of a member to the committee.

Leave granted.

The Hon. P. HOLLOWAY: I move:

That, pursuant to section 21(3) of the Parliamentary Committees Act 1991, the Hon. S.M. Kanck be appointed to the committee in place of the Hon. N. Xenophon, resigned.

Motion carried.

SELECT COMMITTEE ON COLLECTION OF PROPERTY TAXES BY STATE AND LOCAL GOVERNMENT, INCLUDING SEWERAGE CHARGES BY SA WATER

The Hon. R.I. LUCAS (14:28): I move:

That standing orders be so far suspended as to enable me to move for the substitution by motion of a member on the select committee.

Motion carried.

The Hon. R.I. LUCAS: I move:

That the Hon. J.A. Darley be substituted in place of the Hon. N. Xenophon, resigned, on the select committee.

Motion carried.

SELECT COMMITTEE ON ALLEGEDLY UNLAWFUL PRACTICES RAISED IN THE AUDITOR-GENERAL'S REPORT, 2003-2004

The Hon. R.I. LUCAS (14:28): I move:

That standing orders be so far suspended as to enable me to move for the substitution by motion of a member of the select committee.

Motion carried.

The Hon. R.I. LUCAS: I move:

That the Hon. J.A. Darley be substituted in place of the Hon. N. Xenophon, resigned, on the select committee.

Motion carried.

CAMPAIGN COSTS

The Hon. A. BRESSINGTON (14:29): I seek leave to make a personal explanation.

Leave granted.

The Hon. A. BRESSINGTON: This is about a matter that was raised in the *Sunday Mail* regarding my debt to the Hon. Mr Xenophon in respect of campaign costs. In the article in the *Sunday Mail* entitled 'MP to outline poll debt' it was stated:

> Independent No Pokies MP Ann Bressington will make a parliamentary statement on Wednesday over campaign funding debts she owes fellow MP Nick Xenophon from the last state election. Mr Crouch went on to say Ms Blessington's aides refused to allow her to speak to the *Sunday Mail* over the issue, saying she was far too busy to discuss it.

To clarify: I do not owe Mr Xenophon any money. I do, however, owe a substantial sum of money to the ANZ Bank as an outcome of borrowing money for these election funds. In fact, nine months before the election, when Mr Xenophon asked me to do him a huge favour and go on his ticket, the first question I asked was, 'Will it cost me anything because I do not have any money for campaign funds?' He responded by saying, 'Absolutely not.'

At that dinner meeting I was told I had no chance of being elected and that it was almost a given that he would not be elected either, and that his one and only chance was to be above the line on the ballot paper. Just a few days after the election we were having a cup of coffee and the Hon. Nick Xenophon said to me, 'You realise that you now owe me $50,000 for half the campaign costs?' My response was, 'I don't have $50,000 and wouldn't be able to raise that kind of money.' He then inquired how much equity I had in my home, to which I stated, 'None'. He also asked whether I had any other properties I could borrow against, to which I replied, 'No'. Mr Xenophon went on to organise a meeting with me through a contact of his from the ANZ Bank to organise a personal loan for an amount of money. I could not secure $50,000, but only $37,000, which is what I have paid Mr Xenophon. The statements in the media, if reported correctly, are in direct contrast with my recollection of what occurred:

> I told Ann I had been left with this debt and she was good enough to volunteer to chip in $40,000.

Again, I state that the honourable member requested the money, saying that it was common practice for members of a political party to contribute to campaign costs. He mentions a sum of $40,000 because I could not secure a loan for $50,000 at the time.

I was an average citizen, a mother of five children with a mortgage, and $50,000 to me was a fortune, as it is for many others when they first come into this place. When I went home and told

my partner that this is what was required, his response was, 'We just can't do it.' Nonetheless, a meeting was organised and a loan was secured. The *Sunday Mail* also quotes Mr Xenophon as saying:

> Late in the election, when it looked like she was a chance of getting in, I spent more money on advertisements to try to get her across the line.

Again, this simply does not make sense because I had made perfectly clear that I was doing this as a favour and not to be elected. I was more than happy with the work I was doing in the drug and alcohol sector, with the life I had managed to create after many years had gone into establishing Drug Beat of SA. Another reason why I was not committed to becoming a politician is that at the time I had a three year old son with special needs and my job was flexible enough to allow me to deal with those issues.

Did the honourable member promote me without permission and consultation and, if so, why? One week before the election *The Advertiser* showed the results of a poll that said that I would be fighting it out for a seat with the Democrats. I immediately rang Mr Xenophon for assurance that this was not the case and I received it. He said, 'Those polls are never accurate; don't worry, I still don't think I even have a chance.' This was repeated on the day the announcement was made that Mr Darley and I were on his ticket. There was ample opportunity for him to share that he had been promoting me as his running mate, to be prepared to be elected and to negotiate this debt that I would incur. None of that occurred.

The Hon. Nick Xenophon is quoted in the *Sunday Mail* as saying, 'We are chipping away at that debt because it is a bit of a millstone.' To my amazement, the Hon. Nick Xenophon came to me just four months into my term and requested a further $22,000 from me to contribute to the Nick Xenophon calendar of stunts as a fundraising effort. This request came even after he was aware of my difficulty in securing the previous loan just months before. I was assured by Mr Xenophon that with the sale of the calendar at $100 each it would be possible to reimburse a small amount of the money I had paid to him.

I refused the proposal, stating there was absolutely no more money and also because I wanted to be guaranteed more than a small amount of money in return for what would have been two substantial debts. If that statement is accurately reported and it is also untrue or perhaps Mr Xenophon meant that he is chipping away at his own debt, I am not sure. I reiterate that I would not have addressed this matter in this sitting if it were not for the inaccuracy of the comments made in the *Sunday Mail* article supposedly quoting the Hon. Mr Xenophon. If in fact those statements are accurate, then I am more than disappointed with what seems to be a dishonest response.

QUESTION TIME

MINERAL EXPLORATION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:35): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question in relation to the consultation paper on proposed short-term amendments to the Mining Act.

Leave granted.

The Hon. D.W. RIDGWAY: I referred to this particular consultation paper in last week's question time. On reading the foreword or introduction I noted a number of areas that the minister wants to cover. He says that recent events have highlighted the act and regulation of significant shortcomings in certain areas, such as outdated penalties and fees, illegal mining, access to land, size of tenements, release of technical information and reducing red tape. He said that the act requires better notification protocols for landholders and a mechanism to obligate proposed operators to engage the local community at an early stage of a project.

In view of the above, the Minister for Mineral Resources Development has given approval to make short-term amendments to the Mining Act and regulations, subject to full consultation with all stakeholders. I have been contacted by a number of stakeholders who have advised me that the department is in constant correspondence with them. Being tenement holders or operators, every six months they get a letter asking for their six-monthly returns on activity, and every seven years a renewal notice. A number of these stakeholders claim that they have not been consulted at all.

My question to the minister is: can he detail exactly what consultation has taken place, and have all stakeholders been consulted?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:37): The paper was just

released the other day for consultation. I do not have a copy with me with the dates on it but, clearly, that paper has been sent to the major bodies. The Chamber of Mines and Energy (SACOME) is certainly well aware of that. The honourable member who asked the question was at the SACOME dinner the other day, which had at least several hundred key people from the mining industry there, when that was mentioned.

If the honourable member really wants to know exactly who the paper has been sent to, I will get him that information. It also has been advertised in the press that this paper would be released, inviting members of the public or from the industry to contact the department to get a copy. It is out for submissions—I know that some submissions have already been received—and then we will be having further discussions with the various industry bodies.

This government does believe in consultation, and it is in the process of doing that at the moment. I suggest that that contrasts with some of the cases we have seen in the past, where such changes would just be dropped into parliament, rather than being put out there for discussion before any changes are proposed to be put before the parliament.

MINERAL EXPLORATION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:38): I have a supplementary question. Submissions close on Friday 23 November (this coming Friday). In the foreword or introduction the minister states, as I said earlier in my question, 'subject to full consultation with all stakeholders'. Can the minister—

The PRESIDENT: There is no explanation in supplementary questions.

The Hon. D.W. RIDGWAY: Have all tenement holders in South Australia been provided with advice on this proposed set of amendments?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:39): The existence of this consultation paper was advertised. There was a very large advertisement in the press in the sections that cover all of the tenements. Whenever mining tenements are reissued, of course they need to be advertised in the press. There is a section in the press for those things, which those people concerned are regular readers of. So, I think anyone in that situation would have been well aware of this, either through that or through their industry bodies.

As I said, I am not exactly sure whether every single person who has ever held a tenement in South Australia has been notified. However, I can assure honourable member that any serious player within the mining industry in this state would be well aware of the existence of the paper, either directly or through their bodies, and they will contact—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Well, as a matter of fact, at least one small miner has written to me about it. So, they are well aware of it as well. I am sure they have received a copy directly or else they also look at that relevant section of the newspaper where tenements are set out.

I totally reject the assertion that, somehow or other, there has not been adequate consultation on this proposal. As I have said, contrast that with cases we have had in the past, particularly under the previous government, where legislation such as this would have been dropped cold. The fact is that this is really a discussion paper. We will then move to legislation, and we will have even more discussion at that stage—and it will also be discussed here in parliament. So, it is just nonsense to suggest that there has not been adequate consultation with the industry on these matters.

MINERAL EXPLORATION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:41): I have a further supplementary question. I am sure the minister does not have the figures in front of him, so can he provide the number of tenement holders the department corresponds with on a six-monthly basis and the cost of the advertising for this consultation paper?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:41): I will take that question on notice.

ANIMAL WELFARE ADVISORY COMMITTEE

The Hon. J.M.A. LENSINK (14:41): I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about the Animal Welfare Advisory Committee.

Leave granted.

The Hon. J.M.A. LENSINK: I have been contacted by concerned constituents in relation to the Animal Welfare Advisory Committee (AWAS). This committee is substantiated in statute and consists of eight members, made up as follows. One member is nominated by the minister for primary industries, two from the South Australian Farmers Federation, one from the RSPCA, two members representing the interests of animal welfare organisations, one from the Australian Veterinarian Association, and one engaged in research activities. I am advised that this body has not met or, indeed, been constituted since May 2006. My questions are:

1. Why has this body not been meeting, particularly given matters that have been before the parliament?

2. When can we expect the new members to be appointed?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (14:42): The committee, which is established under the Prevention of Cruelty to Animals Act 1985, advises me on matters relating to the administration and enforcement of the act with respect to animal welfare issues.

As the member has pointed out, the committee consists of eight members, who are appointed by the Governor. Those members are nominated by both government and non-government organisations. The term of the officers did indeed expire in May 2006. Despite considerable efforts by the Department for Environment and Heritage, it has been extremely difficult to obtain nominations that address gender balance, as well as the skills and experience mix required by the committee to deal with often quite complex and technical matters.

This situation has been exacerbated, in turn, by changes to personnel following their nomination, which has necessitated starting some of those nomination processes from the beginning, a matter that has been extremely frustrating for us all. We are working hard to overcome those frustrations, and I look forward to the appointment of the committee within the near future.

CITY WATCHHOUSE

The Hon. S.G. WADE (14:44): I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about the City Watchhouse.

Leave granted.

The Hon. S.G. WADE: The Department for Correctional Services' annual report 2006-07 states that, since February 2007, the department has utilised cells in the Adelaide City Watchhouse temporarily to accommodate prisoners who have been remanded in custody or sentenced to no more than 15 days. In July, in a letter to the Chief Justice, Judge Marie Shaw raised her concerns about the conditions in the watchhouse, after she conducted a personal inspection. Dr Craig Raeside, a senior forensic psychologist, has said that keeping remand prisoners in the watchhouse, including those with mental illness, was a disgrace and nothing short of atrocious. A report by the Law Society states:

> The conditions in the Adelaide City Watchhouse now used to house prisoners remanded in custody fail to comply in many more respects with all standards and guidelines. The CSD [Department for Correctional Services] has utilised these facilities because it has had no option but the fact remains that the conditions are inadequate, unsafe, probably would fail any fire risk assessment, do not provide entirely separate accommodation for women...offer no real privacy of any kind and no open air or outdoor exercise facility.

My questions are:

1. On what grounds are prisoners not permitted to be kept in the City Watchhouse for more than 15 days? Is it because the conditions are outrageous?

2. Does the policy apply equally to sentenced and remand prisoners?

3. Given that the government's mismanagement of the correctional system is clearly influencing judicial decisions, what immediate steps will the government take to address prison

overcrowding or are we condemned to at least four more years of judges being forced to let people back into the community, even though they would prefer to put them in prison?

The PRESIDENT: The minister should disregard the opinion in the question when responding.

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (14:46): I thank you for your guidance, Mr President, and I thank the honourable member for his questions. South Australia is experiencing unprecedented growth in our prisoner numbers, and I have put that on the record on a number of occasions. There are a range of reasons, not the least of which is the government's tough stance on law and order. I think I have also placed on record on a number of occasions that the government is reacting to the growth quickly and decisively.

Obviously, the new prisons at Mobilong are the long-term strategy. The government has already approved and the Department for Correctional Services either has installed or is in the process of installing another 135 beds and, as well, at the time the PPP project was announced, extra beds for the women's prison were also announced and they are now fully operational. The extra beds are at the Adelaide Women's Prison, the Adelaide Remand Centre, the Mount Gambier prison, Port Augusta prison and Yatala.

To say that this government is not acting fast is flying in the face of the facts. We have acted and continue to act as fast as we can, and we are providing the required resources and, of course, it is our responsibility to do so. The department implements the measures, and it has done that very well. The honourable member is correct—and certainly we put it out there before he did today—in saying that the City Watchhouse has been used since early this year to deal with short-term pressures. We have never said that it is ideal, but it is adequate and it is humane.

We have put checks and balances in place to monitor the conditions in the City Watchhouse. The Ombudsman's staff visit the watchhouse and a visiting inspector is there every week to address any prisoner complaint. I place on record that correctional services staff are doing a fantastic job under very difficult circumstances, and I do commend them for that. I am advised that generally prisoners stay up to a week, but some do stay longer.

An honourable member interjecting:

The Hon. CARMEL ZOLLO: Yes, they do—in some cases they do stay longer. With the new accommodation at the women's prison (which I mentioned previously), no women are held at the City Watchhouse. Women have not been held at the City Watchhouse, if my memory serves me correctly, for at least a month. I also indicate that prisoners are receiving medical services and, if a prisoner has special needs, they are transferred to a prison straightaway. As I said, the care is adequate and delivered by professional staff.

Prisoners do have exercise periods everyday—I understand up to about 40 minutes. We provide nicotine patches. They can make daily phone calls, in addition to which, as I have mentioned, they receive professional visits. I understand that nursing staff are present at the watchhouse, from memory, for at least 16 hours but maybe 24 hours a day. I think a comment was made that someone had not showered, but I point out that prisoners shower every day whether or not they want to. Some of the information put out there is incorrect. As I have said, in the interim we are working on a contingency plan until the new prisons come on line in 2011.

With all due respect, I think that when it comes to overhauling the criminal justice system the opposition does have a sorry record. In particular, in my area of correctional services, I remind the honourable member that the previous Liberal government did have eight years to do something long term about the state's prison system, but it did nothing. My staff had a look at some comments made by the previous opposition spokesman for correctional services, the then Hon. Angus Redford, who issued a press—

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

The Hon. CARMEL ZOLLO: Is he still 'honourable'?

The Hon. J.S.L. Dawkins: Of course he is.

The Hon. CARMEL ZOLLO: He is. He issued a press release attacking the Rann Labor government because South Australia's prison population had risen by only half the national average in 2005-06. The increased number of prisoners in our gaols must make at least the

opposition's former correctional services spokesman happy in terms of the concerns he expressed about criminals not being caught because of a severe funding and resource shortage.

Far from attacking the Rann Labor government for not sending enough people to gaol, we are more likely to find today's opposition beating a path to my door advocating for the welfare of individual prisoners.

Members interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: I am confident that the department is properly managing our prison beds. Also, of course, as I have just mentioned, it is planning to deal with the fluctuation in prisoner numbers. Again, I place on record how committed we are to the largest prison project in South Australia's history. In the last budget we again made funding available for extra beds. I must also correct the record in relation to the statements made by Judge Shaw. I understand that the prisoner in question, a convicted sex offender, is awaiting sentencing.

This means that he is a protectee prisoner. He was in the City Watchhouse for only 2½ weeks and not 3½ weeks as stated by Judge Shaw. The prisoner was moved to the Adelaide Remand Centre yesterday as there was a vacancy for him there. When housed in the City Watchhouse, as in any of our prisons or remand centres, prisoners are treated humanely. As I said, they also have access to nicotine patches—and I understand that the prisoner in question was a smoker. They can also make daily phone calls, and they have access to medical professionals.

I caught some of what Dr Raeside said this morning. Clearly this prisoner was visited by a medical professional in the City Watchhouse. I reiterate, because there is some misinformation on this matter, that they must shower every day. They also get exercise. I understand that Judge Shaw also said that the court of appeal in England has made a ruling that prisoners will receive shorter sentences owing to prisoner overcrowding. I understand that Judge Shaw suggested that we might be heading towards a similar system. This is simply not true, because it would be unlawful in South Australia.

CITY WATCHHOUSE

The Hon. S.G. WADE (14:54): As a supplementary question, in her answer, the minister said that the prisoner referred to in Judge Shaw's case was imprisoned for 2½ weeks. That is greater than the 15 days mentioned—

The PRESIDENT: Order! The honourable member must ask a question.

The Hon. S.G. WADE: Was the prisoner held beyond the policy time, the time stipulated in the department's own policy, and does that policy apply to both sentence and remand?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (14:54): Those people in the City Watchhouse would, of course, be remandees. In relation to policy as such, certainly we try to keep the time that anyone stays in the Watchhouse to an absolute minimum. In this case, as I have tried to explain, the person concerned—

An honourable member interjecting:

The Hon. CARMEL ZOLLO: I said it can be more than a week. The person concerned is a protectee, which meant that he was awaiting a place elsewhere. It is a big challenge when we have offenders and prisoners who are protectees.

MINERAL EXPLORATION

The Hon. B.V. FINNIGAN (14:55): I direct my question to the Minister for Minerals Resources Development. Will the minister please provide the chamber with details of the burgeoning demand for up-to-date information on geosciences due to the ongoing mining boom in South Australia?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:55): I thank the honourable member for his question. Expenditure on mining exploration in South Australia reached a new record high of $260.7 million in the June quarter of this year. This continuing trend maintains South Australia's ranking ahead of every other state or territory in this country except the mining giant

Western Australia. Five years ago exploration expenditure in this state was languishing at just above the $30 million mark. Today it is more than eight times higher.

Since the launch in 2004 of the plan for accelerating exploration (PAES), South Australia has witnessed exceptional growth in all areas of the minerals, petroleum and geothermal sectors in South Australia. The success of PIRSA's PAES initiative was only this week recognised by the Public Sector Week's Premier's Awards, with it winning in the Growing Prosperity category. I congratulate all these people in PIRSA not just for that award but also for the tremendous job they have done over the past four or five years.

The increasing level of exploration activity encouraged by this award-winning initiative has also led to heightened interest in support services. Not surprisingly, one of those areas of increased demand is in the area of specialised library services. In response, the Rann government has recently upgraded the Primary Industries and Resources SA Geoscience Library and will this week widen public access to its reference material through an online catalogue.

Established in 1948 from an informal collection of literature from the State Geological Survey, the library has grown to now include more than 20,000 items, including digitally stored resources. The library has become a vital part of the exploration industry's initial work plans and, from Friday, this extensive and specialist catalogue will be open to the state's fast growing resources sector.

I am delighted with this expanded access to the upgraded PIRSA Geoscience Library, and I am happy to inform members that a record number of investors and explorers are taking an interest in South Australia's geology, with exploration at such high levels. Library services are currently averaging more than 1,000 requests a year, with that level of use expected to at least double as South Australia's exploration boom continues.

Specialising in South Australian geology, geoscience, mining and earth related topics, the PIRSA Geoscience Library has become a valued resource to industry, government agencies, geoscience and educational institutions as well as the general public.

Reading this literature enables mining companies to understand the latest techniques in exploration and apply them to wherever they may be working. Geologists may use this information to refine their practices, thereby minimising costs or errors. Mining company geologists can also use published information to better their understanding of the deposits in comparison with other world deposits that have similar characteristics.

They can also use published reviews and conceptual models to develop their own mining projects and practices. The upgraded library has been established outside the CBD at the conveniently located PIRSA core storage facility at Glenside, although librarian borrowing services remain at the head office in Grenfell Street in the city. This upgrading of the PIRSA library is further confirmation of our state's successful booming exploration sector and the government's responsiveness to the industry's demand for unique geoscience literature.

FREEDOM OF INFORMATION

The Hon. D.G.E. HOOD (14:59): I seek leave to make a brief explanation before asking the Minister for Police, representing the Premier, a question regarding freedom of information laws.

Leave granted.

The Hon. D.G.E. HOOD: The Victorian Premier, Mr Brumby, announced overnight that his Labor government would scrap the freedom of information application fees by a bill to be introduced in the Victorian parliament this week, and the scope of the cabinet documents exemption would also narrow in the legislation. I also note that present FOI laws do not allow FOI requests to be made of non-government organisations, even if these NGOs are heavily dependent on government funding.

It could be argued that, to avoid scrutiny and accountability, governments could use almost fully-funded government NGOs, who are beyond the scope of FOI laws, to achieve less popular objectives. We have seen in recent months, for instance, scandal after scandal rocking the AIDS Council of South Australia, which appears to be operating with little accountability. My questions to the Premier are:

1. Will he follow the lead of his counterpart in Victoria in making freedom of information truly free?

2. Will he go further by opening up the scope of South Australian FOI laws to allow FOI requests to be made of NGOs who receive more than, say, 80 per cent of their funding from the state or federal government?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:00): In relation to the cost of FOI information, of course, members of parliament are exempt, and there has been an absolute explosion in the use of FOI law since the changes made by this government some years ago. It ought to be recognised that this has led to significant additional costs for government. The number of FOI requests going through my office has escalated and the amount of additional work that has been involved over recent years for public servants, with the huge volumes of paper and sifting through records, has been enormous.

I am sure that a significant number of additional public servants have had to be deployed into that area rather than other areas of government. Whether there is a trade-off in relation to all those additional costs and benefits, in terms of better government, is something that could be debated. As I say, in relation to MPs, there is already no cost. However, there is a significant cost to government in terms of having to provide those laws. I am not sure what Victoria has done or what caveats it has on it. I will refer that to the minister who is responsible for FOI (who I think is my colleague the minister for finance) to see if he wishes to add anything.

The honourable member also asked a question about NGOs. I suggest that to extend FOIs to organisations just because they receive funding would be a major step that I am not aware any other jurisdiction has taken, and I think it would raise a whole lot of issues that would need very careful consideration by the parliament, certainly before I would support it and, I suspect, other members in government as well. Again, I will refer that question to the appropriate minister and see if he has anything further to add.

CRIME PREVENTION UNIT

The Hon. R.D. LAWSON (15:02): I seek leave to make a brief explanation before asking the Leader of the Government a question on the subject of crime prevention.

Leave granted.

The Hon. R.D. LAWSON: It is 20 years since the then attorney-general Chris Sumner established a Crime Prevention Unit in the Attorney-General's Department; a unit which was continued by his successor the Hon. Trevor Griffin. South Australia, through that unit, developed a number of national and, indeed, internationally applauded crime prevention programs; in particular, the Local Government Crime Protection Program.

When this government came to office in 2002, in its first budget it cut community crime prevention by some 50 per cent, at that time the Attorney-General assuring the community that the Crime Prevention Unit in the Attorney-General's Department was still functioning and would still ensure that appropriate emphasis was placed on crime prevention. In July of this year, in another place, the member for Norwood asked a Dorothy Dixer of the Attorney-General. He applauded the work of the Crime Prevention Unit saying that, in order to sustain crime prevention programs, the government continues to support the Attorney-General's Crime Prevention Unit as the lead agency.

Shortly after that, the Crime Prevention Unit within the Attorney-General's Department was disbanded, abolished with no public announcement being made of that fact. The Attorney was asked about this matter only yesterday. He refused to go on radio about it, but he accused the unit of 'writing in the deconstructionist language of Derrida, the ideology of crime prevention'. My questions to the Attorney, and also to the Minister for Police, are:

1. When was the decision made to close the Crime Prevention Unit in the Attorney-General's Department?

2. Was that decision taken in consultation with the persons responsible for crime prevention within the police department?

3. Were the funds previously being employed by the crime prevention unit within the Attorney-General's Department transferred to the police department to enable the police to continue that work? If not, to what purposes are the funds saved by the closure of this unit (which at one time employed some 14 people) being applied, or is it just a savings measure within the Attorney-General's Department at the direction of the Treasurer?

4. When did the Attorney-General discover, to use his words, 'this unit was writing in the deconstructionist language of Derida the ideology of crime prevention' and why did he not take earlier steps to prevent it from engaging in that sort of conduct and focus on productive measures?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:06): The proof is in the pudding in that since this government has been in office there has been a significant reduction in crime in this state. The most recently released statistics for 2006-07 reveal that during the past five years the record investment we have had in police resources has helped reduce the state's crime rate by 18.2 per cent since 2002-03.

Twenty years ago, the crime prevention unit was established and I am sure it did useful things at the time, but times change. There is always a need for new initiatives, and when this government came to office we saw the need for a significant beefing up of our resources. My colleague, the Minister for Correctional Services, has just indicated how this government has done something in relation to prisons because of the lack of investment over the previous decade prior to our coming to government. This government is now spending a significant amount of money in addressing that part of the population. The government has also put record amounts of money into the police budget.

The honourable member asked whether any savings from the crime prevention unit had been transferred to SAPOL. I am not sure whether that is true in a direct sense, but the total cost of the crime prevention unit would be dwarfed by the increase in the budget for the police department that has occurred under this government. There have been record budgets each year, with increases well above the inflation rate in relation to the police budget. Only yesterday the Premier announced in relation to the bikies initiative a further funding total of about $6 million, which will go not just into the police but also into the DPP and other investigation units in relation to outlaw motorcycle gangs. Just that increase announced yesterday by the Premier would be greater than the entire cost of the crime prevention unit.

The other point I make is that, in addition to record budgets for the police, there have been big increases in relation to the DPP, new prisons and all the other associated expenditure this government is making in the law and order area. In relation to crime prevention, there have been significant changes. Last week or the week before I answered a question in relation to the National Motor Vehicle Theft Reduction Council, which this government supports. That council and its state counterpart focus on vehicle theft. That body is focusing on reducing crime in areas affected by the general public, and the results of the work it has done in improving technology are seen in significant reductions—about 30 per cent over the past five years—in motor vehicle theft. It is not as though this government does not support specific crime prevention activities: we do it through areas such as the National Motor Vehicle Theft Reduction Council.

In addition, in terms of good design I can assure the council that, as Minister for Urban Development and Planning, my department (Planning SA), in many cases, assists local communities in respect of planning policies.

We support this through the Places for People grants to improve the design of open spaces to reduce crime. It is one of the accepted parts of good planning design that you bring into your design framework crime reduction principles. One grant we gave to Coober Pedy was specifically designed to encourage people with public drinking issues to locate in a particular part where there were the appropriate facilities, rather than having it on the main street. So, there are various ways you can do that, and that is all incorporated into the planning.

There are many ways in which this government does promote crime prevention, but at the end of the day, as we have discussed, the biggest deterrent that one can provide for certain types of crime is ensuring that, first of all, we catch the criminals and, secondly, that they are given appropriate penalties. So, we need heavier penalties, and those penalties need to be enforced by the courts. We need to have the prisons to ensure those penalties are provided. Experience shows that that is the biggest deterrent we can get in relation to crime. Certainly, this government makes no apology whatsoever for being tough on crime, and the statistics show that we have been successful.

VOLUNTEER MARINE RESCUE

The Hon. J.M. GAZZOLA (15:11): I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the preparedness of our volunteer marine rescue associations.

Leave granted.

The Hon. J.M. GAZZOLA: The volunteer marine rescue associations provide a valuable community service along the coastline of South Australia. As members may know, the peak recreational boating season is almost upon us; indeed, for some of us it commences very early Sunday morning.

The Hon. R.I. Lucas interjecting:

The Hon. J.M. GAZZOLA: We are not sitting Sunday morning. What activities have been undertaken to ensure that our VMR organisations are ready for the boating season ahead?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:12): I thank the honourable member for his important question, delivered with such enthusiasm.

Members interjecting:

The Hon. CARMEL ZOLLO: Self-interest—I am not sure about that.

Members interjecting:

The Hon. CARMEL ZOLLO: Issue a warning to all the fish out there; that might be a good idea, although perhaps it depends on whom you are going fishing with. As we all know, VMR associations provide a response to marine incidents and emergencies throughout the state and assist SAPOL in meeting its obligations under the national search and rescue plan. The onset of warmer weather and the summer holidays substantially increases the potential for marine incidents and emergencies. I am sure that I do not need to tell members in this place that, as we have heard, South Australians love their recreational sailing, boating and fishing.

Operational considerations are coordinated by the State Marine Rescue Committee, including an annual exercise and training program to ensure we are prepared and ready to respond. Since last summer VMR associations have improved their level of preparedness to respond to marine incidents and emergencies in many ways. As part of the VMR vessel replacement program, a new vessel for the Victor Harbor/Goolwa Sea Rescue Squadron has been purchased at a cost of almost $164,000, for employment on the South Coast, Lower Murray and lake areas.

Procurement of replacement towing vehicles for the Australian Volunteer Coast Guard's Port Vincent Flotilla and the Royal Volunteer Coastal Patrol at Port Victoria has been effected through the VMR contingency fund. Vessel storage facilities and regional operational bases at the Edithburgh Flotilla of the South Australia Sea Rescue Squadron and the Royal Volunteer Coastal Patrol have also been completed.

During marine incidents, strong communications are essential and communications capability and coordination between agencies have been improved through the provision of additional Government Radio Network radio infrastructure to VMR associations by means of government funding. Through our capital program, the State Emergency Service has substantially improved its marine response capability on the Far West Coast with the new $300,000 multi-hulled vessel based at the Ceduna SES unit.

This year's budget sees funding for an SES rescue vessel at Port Lincoln, at a cost of $350,000, further demonstrating the government's commitment to marine safety and to supporting our volunteers by ensuring that they are well resourced. The current Port Lincoln vessel will be redeployed to Kinston in the South-East.

The State Marine Rescue Committee has continued a statewide exercise program, with multi-agency exercises already conducted or planned in regional areas. Additionally, a major, multi-agency exercise called 'Exercise Fellshort III' will take place at West Beach on Sunday 9 December. Individual associations continue to conduct regular courses and training to ensure their members have received the necessary training to fulfil operational requirements.

VMR associations also provide valuable preparedness and prevention action by providing information and displays at public gatherings and relevant service clubs and social groups. Many members may already be aware of the valuable work the associations undertake as a result of seeing some of these displays and presentations.

VMR associations have never been better prepared or resourced in preparation for the summer holidays and boating season. They are well placed to meet the risk to the community and to provide support to SAPOL by responding to marine incidents and emergencies, as required.

While our VMR associations are well prepared and ready, I urge all those undertaking boating and marine activities to do so in a safe and responsible manner to reduce the risk to themselves and the demand on our VMR volunteers, who do a tremendous job on behalf of the South Australian community

PORT AUGUSTA, MEDICAL TRANSFER

The Hon. SANDRA KANCK (15:17): I seek leave to make an explanation before asking the Minister for Environment and Conservation, representing the Minister for Health, a question about medical transfers from Port Augusta.

Leave granted.

The Hon. SANDRA KANCK: I have been contacted by the father of a woman who suffered a severe post-partum haemorrhage on Saturday 21 April this year while giving birth to a pre-term baby at Port Augusta Hospital. In addition, the mother suffered an accidental dural puncture during the administration of the epidural anaesthesia.

The following day (Sunday), the mother, who was confined to bed, asked when she would be sent to Adelaide, because she wanted to be with her first-born child. She was told that on Monday a volunteer might be able to transport her in a clinic car to Adelaide. If she wanted to go sooner, they told her she would have to get a bus.

The woman was given her patient transfer notes from Port Augusta Hospital, and she arranged her own travel to Adelaide by bus and then by taxi to the Flinders Medical Centre. Her bleeding continued during this journey, and she had a severe headache.

The woman's father has been told that the reason his daughter was not flown by air ambulance from Port Augusta to Adelaide was that 'for humanitarian reasons at the weekend...would not have been a high priority, and she would have to wait for a week day, due to the reduced number of RFDS air crews available at the weekend'.

At Flinders Medical Centre, the woman's medical condition was considered so severe that she was allowed neither walking nor use of a wheelchair. She was transported around the hospital in a bed due to the dural puncture. Two dural patch procedures were conducted to heal the ruptured dura. My questions are:

1. Given that the RFDS transferred the baby at 10 o'clock on the Saturday night, what time was the baby born?

2. At what time did the RFDS receive the request for retrieval from Port Augusta Hospital? Is it correct that Port Augusta Hospital staff did not notify RFDS earlier because they expected the baby would be stillborn?

3. On what grounds did the RFDS determine this woman's need to travel to Adelaide as being simply humanitarian rather than medical? Why was she not allowed to travel with her baby to Adelaide?

4. Why has no financial recompense been made to the mother for her out-of-pocket costs in transferring herself from Port Augusta to Flinders Medical Centre?

5. In assessing a patient as fit to travel to Adelaide from Port Augusta, is any consideration given to the method of travel?

6. What arrangements are in place for out-of-hours, non-urgent patient transfers from Port Augusta to Adelaide?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:20): I thank the honourable member for her questions and will refer them to the Minister for Health in another place and bring back a response.

ENCOUNTER MARINE PARK

The Hon. C.V. SCHAEFER (15:20): I seek leave to make an explanation before asking the Minister for Environment and Conservation a question about the Encounter Marine Park proposal.

Leave granted.

The Hon. C.V. SCHAEFER: I have a paper from a constituent who raises a number of concerns regarding the establishment of the Encounter Marine Park, as it has progressed at this stage. He is a person with considerable experience in aquatic matters and has put out this particular paper to which I will refer. The paper states:

A sensibly designed marine park or aquatic reserve system should actively assess threats in regions recognised as having a rich biodiversity and come up with practical measures that contribute towards minimising the potential impact of these threats.

The Encounter Marine Park proposal as it stands and the process that has been followed to date achieves next to none of this. The documentation that has been released to date...contains almost none of what I consider are the key prerequisites required to support a proposition for a marine park in the area—

1. A detailed spacial account of the habitat types across the region, especially habitats that are considered to be representative of the bioregion and critical to biodiversity conservation

2. A detailed spacial and temporal account of the oceanography of the region

3. A detailed spacial and temporal account of the distribution and abundance of animal and plant species of the region, especially threatened or vulnerable species, and associations with key habitat types and oceanographic events

4. A detailed account of what the principal threats are to biodiversity conservation within the marine park (e.g. stormwater and effluent) and development of alternative measures to address these threats

5. A detailed analysis of the impacts of proposed sanctuary zones and alternate sanctuary zones on recreational and commercial fish stocks...

6. A detailed analysis of the negative impacts of proposed sanctuary zones and alternate sanctuary zones on recreational and commercial fishing activities including small boat safety issues

7. A detailed modelling of the economic and social impacts of the proposed park especially in relation to the effects of different sanctuary zone options in order to develop an optimal sanctuary zone system that minimises economic and social hardship while providing the required level of protection for biodiversity...

8. A detailed analysis of the monitoring, enforcement and management costs of a marine park, especially in relation to proposed sanctuary zones...The 2005 draft zoning plan had zero prior input from the community other than through a consultative committee that appeared to meet in secret and not publish minutes.

As we all know, the development of the Encounter Marine Park was to be the flagship from which all the other marine parks were to begin their planning. My questions are:

1. Will the minister outline what, if any, of the eight prerequisites that I have just read out have been or will be undertaken?

2. When will this happen, if it has not happened already?

3. When will any such analyses, if they are available, be published?

4. Will there be true community consultation from now on?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:24): Indeed, Encounter Marine Park has been a pilot project for the first of the 19 marine parks which this government has committed to establish by the year 2010. We are committed not only to providing 19 world-class representative marine park areas focused on our very precious marine environment but we are also committed to ensuring that each park be for multiuse so that other water users are able to use those parks in sustainable ways.

As I said, we established the Encounter Bay Marine Park as a pilot project; and, certainly, we did gain a great deal of knowledge and experience from that pilot project. A great deal of consultation did occur with respect to putting together a draft plan. A wide range of public meetings were held, and stakeholder groups were involved in that process. It was quite a comprehensive and lengthy process. There is ample opportunity for any member of the community to put forward their concerns or particular points of view, and I invite the person to whom the Hon. Caroline Schaefer refers to do so.

The outcome of that first round of consultation resulted in a draft plan which, in turn, will go back out for further consultation. Again, there is still ample opportunity for public and stakeholder input into that. A consultative committee, if my memory serves me correctly, has recently been reconvened. I understand that below that consultative group we are considering putting together a broader community or stakeholder reference group that can involve even broader representation than before.

I am happy, once those details have been finalised, to make them publicly available. As well as that, a scientific work group does provide advice to me. That group is still convened and would be happy to receive any further input or advice to which the honourable member might refer.

CONSERVATION RESOURCES

The Hon. I.K. HUNTER (15:27): I direct my question about government cooperation with non-government organisations on conservation initiatives to the Minister for Environment and Conservation. Will the minister inform the council of the latest endeavours to improve knowledge sharing and cooperation between government and non-government sectors?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:27): I am pleased to be able to announce in the chamber today a new arrangement that will boost enormously the conservation focused research efforts of this state's higher education sector. As members would be aware, it can be an enormous waste of resources when several groups work on their own rather than pooling resources. With some of the best minds in the world living right here in South Australia, it makes perfect sense to pool resources.

The Hon. B.V. Finnigan interjecting:

The Hon. G.E. GAGO: Especially on this side of the chamber. This is especially so when it comes to preserving our precious environment. This new memorandum of understanding I am announcing today is an important path to developing alliances between government and the higher education sector as outlined in South Australia's Strategic Plan. The partners in this new agreement are Flinders University, the Department for Environment and Heritage and the board of the botanic gardens and state herbarium.

Not only will this MOU foster creativity and innovation in research and teaching about conservation issues but it will also support the government's No Species Loss Strategy by strengthening research into methods of conserving South Australia's precious native animals and plants. Under the MOU, the institutions will share resources and facilities, work together to seek funding for cooperative research projects and jointly supervise postgraduate research students. The greater sharing of information will also mean they can more actively consult each other on relevant projects or activities and undertake joint sponsorship and promotion of significant scholarly events and exhibitions.

This MOU is about bringing together the best brains for the benefit of all South Australians, and I am pleased to say that it will result in stronger relations between these learning institutions and our own departmental employees. DEH employees who contribute to teaching or research programs at the university will be eligible to hold full or adjunct academic status in recognition of their valuable knowledge.

Some examples of the collaborative research in education that will be strengthened under the memorandum of understanding include:

- research about conserving the ecology of the Coorong, Lower Lakes and Murray Mouth led by Professor Peter Fairweather, Dr Sabine Dittmann and Dr Simon Benger from Flinders University and supported by DEH and Adelaide University, SARDI and SA Water;
- palaeontologic research and teaching at the Naracoorte Caves National Park, led by Associate Professor Rod Wells and Dr Liz Reed from Flinders University;
- research about using fire to conserve biodiversity, led by Dr Meredith Henderson from DEH and Dr Don Driscoll, formerly of Flinders University;
- research into conserving endangered pygmy blue-tongued lizards, led by Professor Michael Bull from Flinders University, supported by DEH and the SA Museum; and

- research about safeguarding native birds against predators, disease and parasites led by Dr Sonia Kleindorfer from Flinders University and supported by DEH, Nature Foundation SA and the South Australian Museum.

There are many others that I could acknowledge. It is a great initiative, and I am very proud to announce it today.

REGIONAL DEVELOPMENT BOARDS

The Hon. J.S.L. DAWKINS (15:32): I seek leave to make a brief explanation before asking the Minister for Environment and Conservation, representing the Minister for Regional Development, a question regarding regional development board resource agreements.

Leave granted.

The Hon. J.S.L. DAWKINS: Seven of the 13 regional development boards in this state will have their current five-year resource agreements expire on 30 June 2008. In addition, the other six RDBs, the resource agreements of which were to expire on 30 June 2007 but which were given a 12-month extension, will also have their agreements expire at the end of this financial year.

I understand that the minister took this decision so that all boards would be in funding alignment and to allow for the implementation of new key performance indicators in closer integration with the economic targets under South Australia's Strategic Plan.

The level of state government funding under the RDB resource agreements has not increased during the term of the current government. The opposition understands that RDBs have been provided with draft resource agreements to commence in July 2008. These draft resource agreements apparently make no reference to state government funding allocations and largely focus on changes to the membership of the boards, particularly relating to the ministerial representatives becoming full voting members. When will the regional development boards be provided with the details of their funding allocation from 1 July 2008?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:33): I thank the honourable member for his question on regional development board agreements and will refer those questions to the appropriate minister in another place and bring back a response.

ENVIRONMENTAL MONITORING

The Hon. R.P. WORTLEY (15:34): I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about environmental monitoring.

Leave granted.

Members interjecting:

The Hon. R.P. WORTLEY: Do you mind?

The PRESIDENT: Order! There is too much conversation in the chamber.

The Hon. R.P. WORTLEY: When it comes to proper management of our precious parks and reserves, knowledge is the key. Without complete and up-to-date data and observation, land and NRM managers are fighting an uphill battle. Will the minister please inform the council of any recent initiatives to improve our knowledge of South Australia's parks and reserves?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:35): I thank the honourable member for his question, and I am pleased to say that a recent biological survey of the Caroona Creek Conservation Park has greatly improved our knowledge of this beautiful tract of land. In fact, it has produced further confirmation that this area is home to some amazing and rare plants and animals. It is located on the western edge of the Olary Plain, about 50 kilometres north of Burra. It contains very beautiful terrain.

As I alluded to a moment ago, a biological survey of the proposed park, carried out by DEH and the SA Museum, has turned up some amazing results. We now know that the Caroona Creek is home to four species previously unrecorded in this area, including three lizard species and the native Bolam's mouse. The three lizard species, previously unrecorded in the area, are a real treat to have found.

Surveys like this one, completed just last month, are an invaluable tool for better managing our precious parks and reserves, as they let us know exactly what species populate which areas.

They help to fill significant gaps in our knowledge of many species, and they play an important part in helping us to achieve our conservation goals. These surveys are also tremendous opportunities to strengthen community ties, and I would like to acknowledge the many community volunteers who took part in this most recent survey.

The park conserves a representative sample of transitional terrain between the rounded hills of the Mid-North in this area of the Flinders Ranges. The knowledge we have gained will now be used to better manage the park and contribute nationwide to our understanding of the dispersion of these wonderful species.

JOHNSON, MRS G.

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:38): I seek leave to make a ministerial statement relating to the death of Mrs Gertie (Grannie) Johnson, an Aboriginal elder, which was also made by the Minister for Aboriginal Affairs in another place today.

Leave granted.

The Hon. CARMEL ZOLLO: The state government was saddened to learn of the passing of Mrs Gertie (Grannie) Johnson and extends its condolences to her family and to the Adnyamathanha people.

Mrs Johnson was a much-respected member of the Aboriginal community, and she was passionate in sharing her knowledge of Adnyamathanha cultural traditions. With Mrs Johnson's passing, an important cultural link to the past is lost. For the benefit of parliament, I offer the following information regarding Mrs Gertie (Grannie) Johnson. Grannie Gertie was born in 1919 at Finke Creek in the Northern Flinders Ranges. Grannie Gertie's father was a witchdoctor (Yura Urngi) and her uncle was a rainmaker.

Grannie Gertie began her life in a camp of Adnyamathanha people working around Angepina Station. She often stated that it was a hard but good life. She remembered the arrival of missionaries who came with their rations and shifted the Adnyamathanha people to Ram Paddock Gate. Grannie Gertie then went through the experience of the Adnyamathanha people being shifted from Ram Paddock Gate to what is now the present day Nepabunna community.

Grannie Gertie married and raised her children at Nepabunna. Although Nepabunna was an Aboriginal settlement that was run and dominated by missionary influences over several decades, the Adnyamathanha people continue to speak their traditional language and live their lives according to Adnyamathanha customs on a daily basis.

Grannie Gertie, throughout her life, continued her role in maintaining Adnyamathanha culture by sharing her skills in language, the telling of Dreamtime stories and by explaining the traditional ways of her own elders to not only Adnyamathanha people but non-Adnyamathanha people as well.

Evidence of her cultural wisdom and expertise can be found in several books and articles written about historical and contemporary Adnyamathanha issues. Grannie Gertie's experience, knowledge and leadership enabled her to be chosen as one of the registered native claimants for Adnyamathanha country. The Vulkathunna-Gammon Ranges indigenous land use agreement (ILUA) is just one of the many achievements stemming from Grannie Gertie's role with the native title process. Grannie Gertie had a love for the natural world and showed this by supporting her community to establish the Nantawarrina indigenous protected area. Nantawarrina was the first indigenous protected area (IPA), being declared on 26 August 1998. The property has an area of 58,000 hectares and is located adjacent to the southern boundary of Gammon Ranges National Park in the northern Flinders Ranges of South Australia.

The title to the land is held by the South Australian Aboriginal Lands Trust on behalf of the Adnyamathanha people. Nantawarrina was among only three Australian winners of a UNEP global 500 award on World Environment Day 2000, recognising the significant efforts of the Nepabunna community in managing Nantawarrina as an IPA. Grannie Gertie was a great support to the Nepabunna school and was for many years a mentor and active member of the Nepabunna school council. Grannie Gertie is survived by her children, countless grandchildren and great grandchildren, extended families and numerous Aboriginal and non-Aboriginal friends.

MATTERS OF INTEREST

WORKCHOICES

The Hon. I.K. HUNTER (15:42): We are just days away now from a federal election and, according to the Prime Minister, working families have never been better off. I want to talk today about the real truth about working families and WorkChoices. The Prime Minister's extreme industrial relations laws have taken away basic conditions from Australians, including penalty rates, overtime, leave loading and even public holidays. These conditions are now able to be bargained away in a one-sided negotiation between an individual employee and their boss. The laughably named 'WorkChoices' legislation is severely impacting on the lives of Australians who are already in a fragile situation, and with WorkChoices, in the immortal words of Karen Carpenter (slightly paraphrased) 'they have only just begun'.

The federal government is at pains to convince an increasingly incredulous public that there are no plans to take WorkChoices further. You just have to look at its record to see how honest this government is. I do not have to remind members of core and non-core promises. In the lead-up to the 2004 federal election the Prime Minister gave no hint of the implementation of these extreme industrial relations laws, no hint about AWAs and no hint about scrapping basic conditions. Yet, what did the federal government do? As soon as it gained control of the Senate after the election, without any warning it changed the industrial relations landscape in Australia. It could not be trusted then and it should not be trusted now.

Not that WorkChoices has proven to be electoral poison for the coalition: the Prime Minister has said he has given a guarantee in relation to there being no further changes. The Australian people have heard guarantees from this Prime Minister before and know exactly how valuable they are. His industrial relations minister, Joe Hockey, promised he would resign as a minister in a Howard government if further changes were made, although, interestingly, no mention was made by him whether he would do the same under a Costello government.

However, other ministers are on record as saying something else entirely. Peter Costello has called WorkChoices one of the government's great reforms, and in 2005 he articulated his vision for industrial relations reform, saying, `If you started with a clean sheet of paper you would have a minimum wage and then as much as possible free negotiation over that minimum'—so, minimum wage, nothing else, and a free for all bargaining between employers and employees.

He went on to add that we should be trying to move to an industrial relations system where the predominant instrument is the individual contract. Of course this legislation is lifted entirely from the stated aims of the HR Nicholls Society—the secretive and extreme organisation that exists solely to create a completely deregulated free market for labour, and counts among its past and present members not only the Treasurer but also Senator Nick Minchin and the Liberal candidate in Makin at this year's election, Bob Day. I wonder how many other members of this august chamber have been members of the HR Nicholl's Society—that secretive and extreme organisation.

Senator Minchin, of course, let the cat out of the bag last year, telling a meeting of the HR Nicholl's Society that this is evolution, not revolution, and there is still a long way to go: awards, the IR Commission and all the rest of it. Yet, somehow, the federal government expects working families to believe that it is not hiding plans to take these already draconian laws any further. This promise is becoming increasingly difficult to believe.

It was revealed on Monday that the federal government has repeatedly denied freedom of information requests for cabinet documents detailing the government's original plans for WorkChoices. The government is going all out to prevent voters from learning the truth about what it was originally planning before the 2004 election. You have to wonder: if it has no intention of taking further action on WorkChoices, why will it not release its original plans and repudiate them?

No matter how often the Prime Minister and his cabinet try to deny it, Australian working families could be forgiven for believing that, if re-elected, the federal government will take these laws to further extremes. One only has to look at the HR Nicholl's Society website to see what a Costello-led industrial relations system would look like.

Australians have simply had enough of these extreme laws. Their trust in this government has run out, and the polls are showing that they are likely to take their anger out at the ballot box. I will be there, with those voters, indicating my extreme anger at the government and I will be voting for Steve Georganas in Hindmarsh and for Labor in the senate.

VOLUNTEER FUNDRAISING

The Hon. J.S.L. DAWKINS (15:46): I rise today to give some emphasis to the great efforts of volunteers and community organisations at three recent events which I have attended and which have raised significant funds for excellent but very different causes in this state. First, on 21 October 2007, I was very pleased to attend the North Mooloolloo Golf Classic at the North Mooloolloo station via Copley. I am not sure whether you have ever shorn there, sir, but I think you probably know where it is.

It was the fifth biennial golf classic. I did not play but I did assist in some of the organisation and provision of refreshments, etc. That wonderful event raised $15,000 for the Royal Flying Doctor Service. There were 19 teams, incorporating 86 players from all over South Australia. It was a very hot, dusty day, but most of the competitors completed the 18-hole course. There was terrific food put on and, of course, an auction, which contributed to that wonderful amount of $15,000.

I congratulate Ian and Karen Ferguson, the owners of North Mooloolloo station, for their great support for this cause, as well as the members of the Copley Cricket Club, who provided great support.

The second event was the Gawler Barossa Tractor Pull, which was held at the Gawler Paceway on 10 November. It was sponsored by the Gawler Rotary Club (of which I am a member) and the Gawler Light Rotary Club. It was the inaugural event, and it was run by the Gawler Barossa Tractor Pull Incorporated on behalf of the Australian Tractor Pull Association. There was an attendance of more than 4,800 people, and gross takings exceeded $90,000.

It was a wonderful event. I spent more than four hours in the ticket box on a relatively warm day, and for most of that time we were completely busy with people as they came in. In fact, there were people queued up outside the gates when it started at 10 o'clock in the morning, and the event went right through until 10 o'clock at night.

I do commend the committee chairman Bob Ahrens and all of the many hundreds of volunteer helpers, including the venue coordinator Steve McLachlan and the event coordinator Mike Williams. Many others contributed to that event, which I think will raise more than $65,000 for Rotary projects in the local community and overseas.

The final event I wish to mention is the Craig Haines Memorial Trust's Sportsmen's Night, which was held last Friday night at the Northern Districts Cricket Club at Salisbury. It was the tenth such event, attracting 200 people, and the amount raised exceeded $7,000 for the first time. Many members might recall that 10 years ago Craig Haines was a young man of 20 who tragically lost his life in a bungled service station robbery in Gawler. He had just returned from a scholarship in the United Kingdom playing cricket, an experience from which he benefited greatly. He was a member of, at that stage, the newly formed Northern Districts Cricket Club. The club formed the Craig Haines Memorial Trust to raise money to allow other promising young cricketers the same opportunity to play cricket in the northern hemisphere and to benefit from that experience.

I give great credit to the organisers of that function at the Northern Districts Cricket Club—Steven Oates, David Northcott and Mavis Northcott, who was the mother of the late Craig Haines. I also commend Max Walker, who was the speaker at the event and who I believe freely gave his time, speaking for over an hour and a quarter and answering questions and signing books for a much greater time that that.

OBESITY EPIDEMIC

The Hon. R.P. WORTLEY (15:52): I rise today to speak about the state of Australia's health and, in particular, the current obesity epidemic. A recent report undertaken by the Organisation for Economic Cooperation and Development has shown that Australians are now among the fattest people in the developed world. The report is the organisation's fourth report comparing key health data from its 30 member countries, principally the world's developed nations. Australian statistics for the report were supplied by the Australian Institute of Health and Welfare.

According to the report, Australia has the fifth highest adult obesity rate of 21.7 per cent, behind the United States at 32.2 per cent; Mexico, 30.2 per cent; Britain, 23 per cent; and Greece, 21.9 per cent. Loss of life is by far the most valuable component of the burden of this disease. However, given the time lag between the onset of obesity and subsequent health problems, such as diabetes, asthma and cardiovascular diseases, the rising rate of obesity in Australia may mean higher health care costs in the future.

Total health care spending accounted for 9.5 per cent of GDP in Australia in 2004, slightly higher than the average of 9 per cent in other countries included in the report. However, the report has produced some positive statistics. While obesity rates in Australia are high, smoking rates continue to decline, due to the great work of ministers such as the Hon. Gail Gago in introducing legislation aimed at reducing the number of smokers in this state.

Australia is a world leader in reducing tobacco consumption. The report shows that Australia is ranked fifth, on 17.7 per cent, in the lowest daily smoking rates by adults. Other world leaders include Sweden (15.9 per cent), the United States (16.9 per cent), Portugal (17 per cent), and Canada (17.3 per cent). Australia has succeeded in more than halving its daily smoking rates over the last 20 years, from 35.4 per cent of adults in 1983 to 17.7 per cent today.

In another recent study conducted by health insurer MBF, a survey of 1,200 people found that 70 per cent rated their health as excellent, very good or good. At the same time, nearly two-thirds described themselves as being overweight or obese. A third of the people surveyed with an obese body mass index of 30 or more believed they were actually obese. Dr Christine Bennett, MBF's chief medical officer, said:

> The survey results were disturbing because they indicated that obesity was becoming regarded as the norm in our society.

An Access Economics study revealed that one in four Australian children are now deemed overweight or obese, which has a direct bearing on their social or psychological state. Every year the rate of increase for Australian children stands at 1.7 per cent—triple the US and double the rate in much of Europe. Obesity is an epidemic which confronts the consumer states of the Western World. It is important that we take a total whole of society approach to obesity. It is vital that we encourage individuals to look at how they exercise, what they eat and how they live so we can all lead a healthy lifestyle.

CONLON, HON. P.F.

The Hon. R.I. LUCAS (15:55): I rise to speak about the appalling performance of minister Patrick Conlon, the minister in charge of transport. Recent events highlight the problems that this poor minister has been suffering and inflicting upon the people of South Australia now for some four or five years.

I am on the record as having indicated that it was highly inappropriate for the minister to have ever been appointed originally as minister for police and also minister for road safety because of personal issues relating to the minister which I have highlighted in the parliament on previous occasions in relation to his record. Nevertheless, the Premier appointed him to those positions, although, after a couple of years, he was removed from both portfolios.

The time has arrived for the minister to be removed from this particular portfolio as well. His handling of the transport portfolio has been in one word abysmal. I think it has been highlighted in particular by the recent decision that he took to spend $100,000 of taxpayers' money to have a knees-up or a party to celebrate the Premier's favourite project, that is, the $30 million tram extension from Victoria Square to the casino.

The situation was that his officers were asked prior to this particular knees-up how much it would cost. They indicated that it would be only a modest amount, but they did not know. We now know why they did not know because, having pursued it, we have been made aware that $100,000 was spent on a party for the opening of the tram. An amount of $19,000 was spent on event management—what on earth would get into the head of a minister that he wanted to spend $19,000 for event management for a party on a Sunday—and $17,000 for merchandise, including show bags—I wonder whether 'Fix it Pat' badges were put in those show bags—and coasters to be given out. Safety and security supposedly cost $16,000, and $31,000 for marquees, vision, sound and lighting, and catering.

On a Sunday nearing summer, why on earth do we need to be spending $31,000 on vision, sound and lighting for a knees-up prior to the launch of the tram? Just to show how out of touch are both the Premier and the minister, the minister defended it in *The Advertiser* by saying that he had been very frugal in the amount of money that he had spent. That is, he had spent $100,000 and he said that he was very frugal in terms of how much money he spent. He then went on to say, 'It was about a modest proceeding as you could put on while putting one on'. Let me advise the Minister for Transport and the Premier that you can put on functions with a cup of tea for much less money than $100,000. It is an indication of how arrogant and out of touch this Minister for Transport and the Premier—

The Hon. R.P. Wortley interjecting:

The PRESIDENT: The Hon. Mr Wortley is out of order. He has had his opportunity and he should listen in silence.

The Hon. R.I. LUCAS: —are in relation to these particular issues. As an indication of a minister's competence, one of the issues which I highlight is that, having now looked at the minister's handling of his own personal staff, I find that, in just over five years, this minister has had more than 76 personal staff in his ministerial office. That is more than 76 in just over five years.

The Hon. R.P. Wortley interjecting:

The Hon. R.I. LUCAS: Yes, career opportunities. A number of former members of Mr Conlon's staff who have spoken to people have made it quite clear how appalling an office it is and how appalling a minister he is to work for. That is the reason why more than 76 officers have been in and out of that ministerial office in just over five years. I went back in my own mind to think about my last four years as Treasurer, and I reckon that about 20 to 30 staffers went in and out of my office during that time.

If you have a situation where a minister's performance—and, obviously, the way in which he manages his office and his staff—is so appalling that you have more than 76 people going in and out of the office, that tells you something. My advice to the minister is (and it came from my mother originally): be nice to the people you meet on the way up because you will meet the same people on the way down.

WORKCHOICES

The Hon. B.V. FINNIGAN (16:00): I wish to commend to members the report of the Industrial Relations Commission of South Australia on its Inquiry into the Impact of WorkChoices and Independent Contractor Legislation on South Australian Workplaces Employees and Employers. This report was, of course, produced after the Minister for Industrial Relations (Hon. Michael Wright) in March this year directed the commission to inquire into and report on those matters.

It is important that, given the impact of WorkChoices on South Australian employees and workplaces, we had an objective and independent inquiry look into it. The commission received evidence from witnesses by way of 30 written submissions and various oral submissions. It also conducted a series of regional visits, as well as hearings in Adelaide, to enable people to make submissions, and released its final report on 25 October. The key conclusion of that inquiry is that WorkChoices is unduly complex and has created a highly regulated federal industrial system.

I have certainly made the point previously that the Liberal Party—supposedly the party of lowering red tape and reducing the government sector—has presided over the most regulated federal industrial system we have ever had. The commission also concluded that up to 105,000 South Australian employees who were previously covered by the state industrial system have been brought under WorkChoices. The commission found that WorkChoices has adversely affected many South Australian employees, especially those in the lower paid, less skilled and more vulnerable sectors of the workforce.

The introduction of WorkChoices means that employees must rely more than ever before on their ability to negotiate with their employers in order to secure fair terms and conditions of employment. Of course, the fundamental weakness of WorkChoices is that it very much puts the bargaining power on an unequal level, so that the employee is at a disadvantage. The commission found that many South Australian employees have lost the right to procedural fairness in the process of a termination of employment and have lost the protection of unfair dismissal remedies.

The commission found that workplace agreements can be made which exist almost entirely independently of awards due to the removal of the no-disadvantage test and the ability to exclude or modify award conditions. The commission made a number of other findings and conclusions, including the observation that, due to the complexity of WorkChoices, many employers and employees are confused about their rights and obligations. As a result, the commission, as it was also asked to do, came up with a number of recommendations. The commission has recommended that the government ensure that resources are directed towards the provision of advice, assistance, education and public advocacy services to South Australian employees and employers.

This should be done by either establishing a new entity, resourcing SafeWork SA or expanding the role of the Employee Ombudsman. The role and name of the Office of the Employee Ombudsman should be reviewed in light of changes within the industrial relations environment, according to the commission. I also commend the Office of the Employee Ombudsman and the Ombudsman, Mr Brennan, for their very substantial contribution to this inquiry. I know that the people who work there put a lot of work into their submissions, and this included hearing submissions from members of the public.

The commission has also recommended amendments to the Equal Opportunity Act to extend the grounds of prescribed discriminatory conduct to include grounds related to caring responsibilities and parental leave, because it has seen WorkChoices as being family unfriendly. There are a number of other recommendations which the commissioner has made, and I commend the report to members.

I congratulate those people in the community taking part in 'Movember' to raise money for research into prostate cancer and men's depression, including the members for Light, Mount Gambier and Newland in another place and my friend John 'Disco' Dunn at the Shoppies. Finally, I wish the very best to all those members of the Labor Party contesting the federal election on Saturday. I know that Karen Lock in Barker has put in a particularly good effort in such a difficult seat traditionally for the Labor Party; and I wish the best to my good friends Amanda Rishworth in Kingston and Nick Champion in Wakefield and to our Senate candidates, led by the inestimable Don Farrell.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! Before calling the Hon. Mr Hood, the chair notes that he was too far away to see the honourable member's moustache.

STEM CELL RESEARCH

The Hon. D.G.E. HOOD (16:06): I wish to place on record—as I did about this time last year in my Matter of Interest of 15 November, so it is almost a year to the day (one week out)—the Family First party's position concerning embryonic stem cell research and therapeutic cloning. Nothing has changed from the position I indicated then, including our firm view that we reject the creation of human life and then harvesting from that life the cells required for the therapy of others. More simply, Family First absolutely rejects the creation of life for the purpose of destroying it.

What has changed has been some interesting developments in relation to the merits of such research. Let us not forget that the South Korean Hwang Woo-suk, who claimed to have made a great leap forward in his research, was exposed as a fraud. There has in truth been no great advance at all in embryonic stem cell research. Indeed (and I think honourable members would be aware of this), in breaking news last weekend the Scottish scientist Professor Ian Wilmut, who led the team that infamously cloned the sheep Dolly in 1996—some 11 years ago already—is now actually abandoning cloning and working instead on creating stem cells without an embryo, starting with skin cells. That is adult stem cell research, something that Family First would wholeheartedly endorse and has no ethical problem with whatsoever.

I note that I had this speech planned and was pleasantly surprised by the coincidental front page story in *The Australian* today about the very welcome news of the creation of induced pluripotent stem cells—or iPS cells for short—without using human eggs or embryos. This explains the recent publicity about Professor Wilmut moving into the type of research that Professor Yamanaka has proclaimed to the world overnight. Let me add again that we welcome Professor Yamanaka's marvellous breakthrough, as it has no ethical questions or dilemmas involved in it whatsoever.

I further note that in South Australia just one single scientist has applied to use the spare IVF embryos, and nation-wide the National Health and Medical Research Council has granted just 10 licences in total to research these so-called excess IVF embryos. Indeed, on 26 July the Brisbane *Courier Mail* reported that major Singaporean/Australian company ES Cell International was actually abandoning work on embryonic stem cells due to a lack of success and soaring costs, with the likelihood of having products in a clinic in the short term described as 'vanishingly small'.

Eleven years after the infamous Dolly incident and zero subsequent results in embryonic stem cell research, by comparison the far more ethical adult stem cell research has a number of achievements, including:

- it has treated over 70 conditions, including heart disease, bone and blood based cancers and leukaemia;

- in Australia we have the world first adult stem cell centre at Griffith University which was established in 2006. The centre is researching adult stem cell lines to develop cures for epilepsy, schizophrenia, Parkinson's, and motor neurone and mitochondrial diseases, for instance producing 20 million adult stem cells using olfactory stem cells taken from the adult nose;
- in the United States, due to ethical concerns, a far greater proportion of money is being spent on adult rather than embryonic stem cell research.

In summary, the point that I am making is that the advances in embryonic stem cell research have been virtually nothing whatsoever. The advances in adult stem cell research and the positive uses thereof have been significant and are well documented.

Many of the original scientists who were researching in the area of embryonic stem cells have turned their back on that research due to cost and, simply, the results they were getting were not satisfactory; that is, there were no breakthroughs. Furthermore, adult stem cells research has no ethical concerns whatsoever for anyone. As far as Family First is concerned, therefore, in terms of conducting further research into adult stem cells or embryonic stem cells, the case is closed (if I can put it that way). Clearly, any further research money should be poured into adult stem cell research and not embryonic stem cell research.

GENETICALLY MODIFIED CROPS MANAGEMENT (EXTENSION OF CONTROLS) AMENDMENT BILL

The Hon. SANDRA KANCK (16:11): Obtained leave and introduced a bill for an act to amend the Genetically Modified Crops Management Act 2004. Read a first time.

The Hon. SANDRA KANCK (16:12): I move:

That this bill be now read a second time.

Today the Democrats and the Greens are working cooperatively to introduce bills on the same day to express our respective parties' concerns about the continued pressure on our agricultural and food sectors to switch to genetically modified crops. The Democrats have a proud record on the issue of genetically modified food and crops. In 1996, I introduced a bill to require the labelling of both genetically modified food and irradiated food. I was a member of the parliamentary Social Development Committee at the time it undertook an inquiry into biotechnology. The committee produced two associated reports, one on health and the other on food, which dealt specifically with GM foods. That committee reported to the parliament in October 2001.

The majority of the committee was not willing to rock the boat and, although it reported on the risk of toxicants being produced in the food as a consequence of genetic manipulation, it made recommendations merely about the need for further research. I found myself in the position of having to present dissenting recommendations. Recommendation 9 of the committee stated:

The state government, through its delegate on the ministerial council, to ensure that the commercial release of GM food crops is undertaken under strict compliance with licence requirements.

That was not acceptable to me then, nor is it now. I dissented, with the following recommendation:

Where a majority of producers and consumers in a specified area so indicate their desire for such action, the state government to declare a five-year moratorium on the release of genetically modified material in that area.

Recommendation 11 of the committee stated:

Protocols be developed in conjunction with producer organisations for the handling of genetically modified produce and the segregation of that material from the mainstream, where there is a commercial or scientific justification.

My alternative recommendation removed the reference to 'commercial or scientific justification' and added the words 'and that no release of genetically modified material be permitted until such protocols are established'. By the way, at this point (that is, six years on from that) those protocols still do not exist.

My former colleague, Ian Gilfillan, then went on to introduce a number of bills. In 2000 it was the Genetically Modified Food Labelling bill; in 2002 it was the Gene Technology Temporary Prohibition bill; and twice in 2003 it was the Gene Technology (Responsibility for the Spread of Genetically Modified Plant Material) bill.

The pressure created by the Democrats within the parliament, along with that created by lobby groups in the community, resulted in the establishment of a House of Assembly select

committee chaired by the current Minister for Primary Industries (Hon. Rory McEwen). In July 2003, the final report of that select committee was released and its principal recommendation was that legislation be introduced to prevent the release of genetically modified crops into South Australia's agricultural system until issues regarding the protection of the state's market position are resolved. To quote from Mr McEwen's media release in regard to one of the key recommendations:

> ...that the commercial release of GM crops should not be permitted until industry can guarantee co-existence to satisfy market demands for GM, non-GM and GM-free products. This will require the use of secure segregation and identity preservation systems that are rigorous, robust and cost effective.

He expanded on that recommendation with this comment:

> For industry to meet the conditions of successful co-existence, the whole of the production and supply chain, from seed producers to marketers, will need to work together to resolve a number of significant issues.

I have quoted the Hon. Mr McEwen because the fact is that those supply chain issues have still not been resolved. In 2004, the government introduced the legislation recommended by the select committee, and that is the legislation I am amending today. Money talks, and we should all be extremely wary of the smooth talk of big chemical agri businesses. They have invested a lot of money in genetic engineering and want to recoup that investment. We should always remember that. They have their spin doctors to get out the message about the potential benefits.

At the time the Social Development Committee was conducting its inquiry, those companies were selling us the line that they could solve the problem of vitamin A deficiency in developing countries with their GM patented rice. The only problem with that argument, it was revealed to us, was that a person with vitamin A deficiency would need to eat at least 10 kilograms per day of that said GM rice to relieve their symptoms. I think you would die of overeating under those circumstances, and we are talking of developing countries where people could not afford to pay for 10 kilograms of rice.

Now we are being tantalised with the prospect of drought and salinity tolerant crops, but a prospect is all that it is. After two decades, the giant chemical companies are no closer to patenting such GM crops, but it is dangled invitingly in front of us as we search for technical solutions to some of the huge environmental problems facing us. But we should not be fooled: we should treat their claims with the greatest of scepticism, remembering always the massive financial gains they have to make if they can dominate the market.

I remain unconvinced of the safety of genetically modified food. I think that all members recently received a letter and book from nutritionist Dr Rosemary Stanton OAM. She sent us all a copy of a book called *Genetic Roulette: The Documented Health Risks of Genetically Engineered Food,* by Jeffrey M. Smith, who was here last week. Mark Parnell and I extended an invitation to all members to meet Mr Smith and be briefed on the issue, and I know that some members attended. That book, if people have not yet read it, is worth looking at. I will read some headings from the contents page. In section 1 of the book there is evidence of reactions in animals and humans as follows:

> GM potatoes damage rats; rats fed GM tomatoes got bleeding stomachs, several died; rats fed BT corn had multiple health problems; mice fed GM BT potatoes had intestinal damage; workers exposed to BT cotton developed allergies; sheep died after grazing in BT cotton fields; inhaled BT corn pollen may have triggered disease in humans; farmers report pigs and cows become sterile from GM corn; 12 cows in Germany died mysteriously when fed BT corn; mice fed Roundup Ready soy had liver cell problems; mice fed Roundup Ready soy had problems with the pancreas; mice fed Roundup Ready soy had unexplained changes in testicular cells; Roundup Ready soy changed cell metabolism in rabbit organs; most offspring of rats fed Roundup Ready soy died within three weeks; soy allergies skyrocketed in the UK soon after GM soy was introduced; rats fed Roundup Ready canola had heavier livers; twice the number of chickens died when fed Liberty linked corn; GM peas generated an allergic-type inflammatory response in mice; eye witness reports animals avoid GMOs and a GM food supplement killed about 100 people and caused 5,000 to 10,000 to fall sick.

I want to deal with just one of those, namely 'Most offspring of rats fed Roundup Ready soy died within three weeks'. I first found out about this at a public meeting I attended at the beginning of September and was shocked by this and by photos of two rats—which are of palpable different sizes—one fed on the soy product and the other not. I will read part of what the study was about, as follows:

> Flour from Roundup Ready GM soy was added to the diet of female rats. Other females were fed non-GM soy or no soy at all. The diet began two weeks before the rats conceived and continued through pregnancy and nursing. After weaning at 13 to 14 days the rat pups diet was also supplemented with soy flour. Within three weeks of birth 25 of the 45 (that is, 55.6 per cent) rats from the GM soy group died, compared with only three of 33 (9 per cent) from the non-GM soy group, and three of 44 (6.8 per cent) from the non-soy controls. Pups from the non-GM soy group weighed on average 13 per cent more than those whose mothers consumed GM soy.

Research has also noted a high level of anxiety and aggression in both the females and young pups from the GM groups.

> When the offspring of GM-fed rats in Ermakova's study were mated, they did not produce offspring. This apparent sterility persisted whether or not they continued to feed on GM soy. When the female offspring were mated with male controls they did conceive. The size of the litters, however, was about 25 per cent less than controls.

They then did this trial another two times, and continuing:

> The combined results for all 221 rat pups used in the three experiments yielded an offspring mortality rate of 51.6 per cent for the GM soy group, 10 per cent for non-GM soy, 15.1 per cent for GM soy protein isolate and 8.1 per cent for non-soy controls.

They observed that there may have been, for instance, contamination in the soy flour that was used; however, when the supplier of food to that laboratory introduced GM soy into the basic formulation that basically stopped any further testing, they were unable to continue those tests.

What Jeffrey Smith has to say is that the study is preliminary, the number of rats was small, the feed was not evaluated and the organs were not analysed. Given the concerning nature of these results, it is really important that this study be replicated, but it is extremely difficult for research institutes anywhere in the world to do this because of the power that the multinational chemical companies have over university researchers.

We have Dr Judy Carman here in Adelaide who has had scurrilous comments directed at her and the quality of her research by the multinational companies, involving the academic institutions that she works for. So, with that sort of thing it becomes very difficult for researchers to take it on, knowing that questions will be levelled about their capacity to do research.

For those who do not want to look at those health effects, I suggest we take a more pragmatic approach, which is to look at the straight economic facts. We in South Australia have a market advantage at the present time by keeping our agricultural system GM free. Many countries in Europe and Japan, in particular, which imports a great deal of our grain, have switched to our products because the US and Canada switched to GM. It is an unfortunate thing that the parent act which I am amending, when it was introduced in 2004, included this rider with the government's report:

> In accordance with the commonwealth/state regulatory framework the bill's purpose is not to regulate GM crops for reasons of human or environmental safety.

It is a great pity that our government ever entered into such an agreement with the commonwealth and other states; that is, an agreement to exclude the issues of human and environmental safety as the basis of this legislation. If that is the framework that we are forced to work within, let us talk about the economics. The arguments are there in terms of the prices we are getting now for non-GM canola, and I believe we are also similarly getting good prices for non-GM barley.

A few weeks ago a Japanese delegation visited South Australia and they provided copies of a petition to the officers of this parliament. That petition represented 2.7 million Japanese consumers telling us that if we introduce GM crops here in South Australia—it does not matter how few of them—it will be assumed that all of the crops emanating from South Australia are contaminated with GMOs and they will switch to other sources of supply. Section 5 of the current act allows the Governor to designate areas in the state where GM crops must not be grown. In turn, the schedule in clause 1(2) states:

> A regulation under section 5 that comes into operation in the manner contemplated by subclause (1) will, unless it has already expired or been revoked, expire on the fourth anniversary of the commencement of this act.

Happily, such regulations were put in place for a GM moratorium in South Australia, but they expire at the beginning of April 2008 (a little over four months away). So, if the moratorium is to continue in existence, an amending bill is required, and quite urgently.

This bill amends schedule 1 to extend the moratorium for another five years, which is what consumer groups are asking for; it is what the Japanese have told us that we should do and it is what will continue to give our farmers a commercial advantage. By introducing this bill today, members will have two months to consider the proposal and vote for it when we return in February, as the time constraints will be cutting in by then and we will need to get any bill to the House of Assembly for their consideration so that it is passed before the end of March and can then be enacted so that the moratorium continues.

I urge members to consider supporting this bill because the jury is still out on the health impacts of GM food, and while there is doubt, the moratorium should be extended. We would not

introduce a pharmaceutical product onto the market without extensive testing, none of which has been done in relation to the health impacts of GM food. If for no other reason, and that is the reason that I am constrained to address in terms of the parent act that I am amending, let us keep a moratorium in place because of the commercial advantage this gives to South Australian farmers.

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

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: COASTAL DEVELOPMENT

The Hon. R.P. WORTLEY (16:30): I move:

That the 61st report of the committee, on coastal development, be noted.

The Environment, Resources and Development Committee, by its own motion, commenced the inquiry in August 2006. With the beauty of the South Australian coastline and the popularity of coastal recreation, there is an increasing demand for development along the coastline. This increases the pressure not only on local communities but also on the coastal environment. While acknowledging the complexity of the issues around coastal development in the light of increasing pressure on the coast for housing, recreation, industry and other uses, the committee feels that more could be done to protect coastal landscapes and habitats.

Generally, the committee believes that South Australia is maintaining good best practice guidelines, policies and strategies. However, there are issues around compliance, consistency and integration that need addressing. In general, no matter how good they are, best practice policies and guidelines are only advice, and advice can be ignored, rules can be bent and inappropriate developments put in place, despite clear policies that should prevent this happening. Inappropriate development is still occurring in coastal zones, even in fragile systems such as dunes. No matter how good the development plan, there is always potential for bad development decisions, and the committee has explored ways to tighten up planning loopholes and improve legislation.

The committee is very concerned that the Coast Protection Board may only 'direct' (that is, enforce decisions) under very limited conditions (that is, for substantial earthworks or for the construction of protection works). Most submissions and witnesses saw this as a problem, particularly as around 20 per cent of the board's advice was not followed by planning authorities.

An issue of particular concern is that the majority of the advice on development applications that was not followed recommended refusal or attached conditions on account of coastal hazards. The committee believes that the Coast Protection Board should be given power of direction in regard to coastal hazards.

While many state agencies are involved in coastal management, very few actually have a coastal focus. Without an agency with a specific coastal focus, state departments may provide local government with conflicting advice about coastal management issues. There have been problems in other states that have not kept their coast-based agencies. The committee believes that, to enable integrated management and planning, it is critical to maintain a specifically coast-focused agency in South Australia.

In addition, the committee believes that protection of wildlife and biodiversity is lacking. There is no mandatory development application referral to the Native Vegetation Council, even though that body must approve any clearance of native vegetation, and there is no referral process for developments threatening rare or vulnerable species.

The role of the NRM boards in planning is vague and, despite much coastal biodiversity assessment, risk assessment and capacity building, there is no formal input back into the planning process, and this should be addressed. The committee believes that the relevant aspects of biodiversity plans, marine plans, and natural resources plans must be reconciled and reflected in development plans.

The committee believes that establishing throughout South Australia development plan coastal zones over land containing sensitive features should be a priority, along with regular revisions of the rezoning. The advantages of coastal zoning are that development is not placed in areas of risk of coastal hazards and that sensitive coastal features can be protected from the adverse impacts of development. Consistent and appropriate zoning of coastal land would also assist in overcoming issues of the lack of consistency and integration.

Visual impact is a major issue on the coast. The committee feels that areas of significant landscape value should be recognised and stringently protected, perhaps by the establishment of scenic protection areas, with associated guidelines for development. Ribbon or uncontrolled

development should also be prevented by the use of methods such as urban growth boundaries for coastal towns and careful zoning.

As more and more people explore the 'seachange' phenomenon and move to coastal areas, many coastal communities have reported a loss of a 'sense of place'. This is often due to residential and tourism developments being out of character with the existing environment. Built form has had a significant impact on both visual impact and scenic value, and the committee believes that new development must be kept in sympathy with adjoining developments, be appropriate for its location and be in harmony with its environment.

The committee is concerned that the condition of the coastal zone is generally declining. Pressure on the coast is increasing faster than any ability of the coast to stabilise and self-repair. Coast and marine environments are likely to continue to be under pressure, and the active management of human impacts on the coastal zone is critical to maintaining the health and productivity of coastal and marine systems. The committee has explored a wide range of approaches to do this, including managing access, preventing development in fragile areas, utilising urban growth boundaries to contain development, and encouraging the planting of local species in all coastal developments.

The current planning system does not address cumulative impact, where either a single development might have ongoing effects that accumulate over time and/or a number of combined stresses that have a severe impact. Developments are assessed in isolation, at a single point in time.

The committee feels that changes should be made to development plans to limit contributing activities where there is evidence to indicate that cumulative impacts have occurred and that some environmental threshold has been or will be breached. This process will be facilitated by thorough biodiversity assessments of coast and marine habitats, the collection of baseline data, risk assessment workshops and ongoing monitoring programs, with detailed reporting against sustainability indicators for coast, marine and estuary habitats across South Australia.

The committee chose to place considerable attention on the impact of coastal development on marine systems for several reason, particularly the strong concerns noted in submissions and from witnesses. Problems in marine systems are much less visible and obvious and there is less information available.

For example, it is easy to observe damage to a dune system but marine habitats are out of sight, being below the surface of the water. Marine habitats such as seagrasses and reefs are at risk and are being lost at a considerable rate, particularly in metropolitan waters. In addition, while there are many books and reports on the impacts of development on coastal habitats, there is relatively little focus on the impacts of development on marine systems.

Water quality is the biggest single issue threatening marine habitat, and the committee supports strongly all strategies to prevent nutrient-rich and sediment-laden water from entering marine systems. This might include water reuse, reduction of nutrients and sediment loads and stormwater retention. Cleaning up and reusing stormwater and waste water is critical for drought-proofing South Australia, but it is also critical for the survival of valuable marine ecosystems.

The committee suggested a number of aspirational targets aimed at protecting marine systems. The committee acknowledges that providing sufficient infrastructure to meet the needs of rapidly growing communities situated in such fragile environmental landscapes is one of the key challenges affecting the management of the coast. The provision of coastal infrastructure and services can strain local council budgets, particularly for small, dispersed populations.

This is a particular issue in communities with high numbers of seasonal visitors where infrastructure needs such as the supply and treatment of water, waste management and provision of facilities must cater to a much higher level of demand than that of the resident rate-paying population. The committee feels that the development of a long-term infrastructure plan, with an outline of funding for the first 10 years, would greatly assist in planning for coastal infrastructure. While not an impact on coastal development, nearly every submission voiced concern about climate change and sea level rise.

Climate change impacts on almost all the terms of reference of this inquiry. Climate change must be considered in all aspects of planning, development and assessment. South Australia was the first state to incorporate allowances for sea level rise in its policies. The committee regards it as important to ensure that development plans are amended to incorporate updated IPCC projections

of sea level rise as they are provided. The committee regards climate change and sea level rise in particular as the single biggest issue facing coastal planning.

The measures outlined above and described in detail in this report will greatly improve South Australia's ability to protect and preserve its coast. The committee heard from 19 witnesses during the inquiry and received 31 submissions. I take this opportunity to thank all those people who contributed to the inquiry, as a result of which the committee has made 86 recommendations and looks forward to their consideration and implementation by the government.

I thank and acknowledge the work of my fellow members of the committee: the Presiding Member, the member for Giles; the member for Schubert; the Hon. Michelle Lensink, MLC; the member for Fisher; and the Hon. Mark Parnell, MLC. I also thank the committee staff for their work in preparing this report and the support they provided to the committee.

The Hon. J.M.A. LENSINK (16:40): I rise to support this motion and indicate that I found it a very interesting inquiry. I will reiterate the terms of reference for the benefit of members; that is, the committee was to investigate and report on the impacts of coastal development in South Australia, with particular reference to eight points: adequacy of planning legislation and guidelines; visual impact; built form; environmental impact; ownership of coastal land; preservation of coastal land; infrastructure; and any other relevant matter. Clearly, they were very broad terms of reference.

I do not propose to speak for very long on this matter, because the report speaks for itself, and I note that the Hon. Russell Wortley, who preceded me in this debate, has read into the record the committee summary of findings, and I think the correlation of word for word would be over 99 per cent. In summary, bearing in mind that I did come in part way through the committee's inquiry, I have noted that development and planning, as one of the issues involved, have a somewhat fractured structure in South Australia.

We did hear evidence from Michael O'Brien, who is conducting a review into development, and we hope that some outcomes from that review will improve our planning system. It is not to point the finger at anyone in particular, but environmental concerns within our development and planning process have not always been in the state's best interests. As time progresses and we understand better the importance of protecting our fragile environment, I think those issues will need to be given greater consideration. In this sense, one of the issues that was raised time and again was the role of the Coast Protection Board and the fact that it needs more teeth. It does have a role in making recommendations but, unfortunately, it can be ignored and has been ignored on many occasions.

One of the most startling parts of the evidence that I heard related to the impact of development and urbanisation on our coastline, and the degradation of our marine environment along the metropolitan coast. My understanding is that the northern reefs, which are off the coast of areas such as Port Adelaide and Semaphore, are the most highly degraded. However, as you travel further south, the reefs at Horseshoe Bay and in the area of Moana are in much better condition but are still under threat.

Professor Anthony Cheshire and a number of highly qualified marine biologists provided advice about the impact of the turbidity and nutrient load of stormwater that goes out to sea. Clearly, there are opportunities for South Australia—and in a number of ways this is being driven by councils—to capture stormwater and reuse it. Indeed, I have a bottle labelled 'recharge', which comes from the Parafield wetlands, containing water that was pumped underneath, left for 12 months and is now suitable for drinking.

Also, I direct members to look at the list of recommendations which are diverse. For a number of inquiries they would be considered large; they run to 86. We thought that, if we were to do this job justice in terms of reporting, all the recommendations should be included. They relate to areas such as development assessment panels, changes to the Coast Protection Act, marine planning, the role of NRM boards, coastal zoning, built form, off-road vehicles, feral species, coastal acid sulphate soils, climate change and a number of other planning and conflict of interest issues.

The report is well worth reading. I particularly congratulate Dr Sue Murray-Jones our research officer. She was able to pull this report together from the broad range of evidence we received. She brought it all together in a coherent document, which I endorse to the council.

Debate adjourned on motion of Hon. M. Parnell.

INTERNATIONAL PANEL ON CLIMATE CHANGE

The Hon. M. PARNELL (16:46): I move:

1. That this council notes—

   (a) the release this week of the final part of the Fourth Assessment Report of the International Panel on Climate Change; and

   (b) that a 2° Celsius (median value) increase in global average surface temperatures above pre-industrial levels is accepted by the European Union as the limit beyond which there will be sufficient adverse impacts on the earth's biogeophysical systems, animals and plants to constitute 'dangerous' climate change;

2. And agrees that the imperative of constraining global temperature increase to no more than 2° above pre-industrial levels should underpin government policy responses to global warming.

This motion has a very simple question at its heart, that is, how much climate change are we prepared to impose on our children? Is it 1°, 2°, 5°, or is it more? Because if one message can be taken from the Fourth International Panel on Climate Change Synthesis Report released last Saturday it is that climate change is real, that it is accelerating and that, if we do not act quickly and decisively, climate change threatens to spiral dangerously out of human control with devastating implications for all of us.

The International Panel on Climate Change report says that, as policy makers, we are in an enormously privileged and responsible position to affect the way that our corner of the planet responds to climate change. The International Panel on Climate Change (IPCC) report is fairly and squarely aimed directly at us as legislators and policy makers. Reading the report—and I mean really reading it, understanding it and trying to imagine the impact that it will have on us—is extraordinarily sobering. Every time the report mentions 'annual river run-off' and 'water availability will decrease', we in South Australia should be thinking about the Coorong and the way it is dying, and we should be thinking about our farmers and the way they are suffering. If we do nothing to heed its warning the truth behind the report is achingly depressing.

I would like to read a few short extracts from the report, because I think it is vital for them to be included on the record of the South Australian parliament in 2007. These extracts state:

> ...warming of the climate system is unequivocal...global atmospheric concentrations of [greenhouse gases] now far exceed pre-industrial values determined from ice cores spanning many thousands of years...the IPCC Special Report on Emissions Scenarios projects an increase in these emissions by 25 to 90 per cent between the years 2000 and 2030...continued greenhouse gas emissions at or above current rates would cause further warming and induce many changes in the global climate system during the 21st century that would very likely be larger than those observed during the 20th century...anthropogenic warming and sea level rise would continue for centuries due to the time scales associated with climate processes and feedback, even if greenhouse gas concentrations were to be stabilised...

In relation to Australia the report says, 'By 2020 we face a significant loss of biodiversity—up to 30 per cent of species are severe risk', and it refers to a 'decline in agriculture production' and 'mass bleaching of the Great Barrier Reef'. And so the report goes on.

It is important to note that this IPCC report is not the work of some lunatic fringe making outrageous claims; these findings are contained within a highly conservative and politicised but, importantly, consensus document that has been written by cautious scientists. For them to be so stark in their warnings should make the hair on the back of our neck stand upright.

If we need more authority than the International Panel on Climate Change we could go to someone such as Dr Graeme Pearman, one of Australia's pre-eminent climate change experts. Whilst releasing his own synthesis report last week on behalf of the Climate Institute Dr Pearman said that the IPCC evidence is already out of date. He referred to new data this year which shows that the melt of Arctic sea ice occurred at a much faster rate this year than any of the scientific models had forecast. It shrank the ice 40 per cent below its average size—in other words, losing an area the size of New South Wales. So, global warming is happening much faster than all the models have suggested, and Dr Pearman's devastating finding is that, 'Greenhouse emissions are rising faster than worst-case IPCC scenarios.'

If we want another commentary we can look to the normally reserved and cautious commentator, the United Nations Secretary-General Ban Ki-moon. After seeing for himself the devastation of climate change in Antarctica and the Amazon he said 'these scenes are as frightening as a science-fiction movie—but they are even more frightening because they are real.'

The head of the United Nations climate negotiations warned this week that failure to recognise the urgency of the warnings 'would be nothing less than criminally irresponsible'. If that is not enough, then I urge members to look at page 9 of today's *Australian* newspaper, where unlikely allies and groups as diverse as the CFMEU Mining Division, the Property Council of Australia, Agforce Queensland, banks, churches and environmental groups have all signed a statement saying, once again, that urgent and decisive action is needed to avoid dangerous climate change.

So, for South Australia this is urgent. We must act, and act now. What we desperately need is real leadership from the Rann government on this issue far beyond the small, baby steps that we have taken to date. We have to get beyond the trials, we have to get beyond the iconic or demonstration projects.

What we need is the scientific expertise of this IPCC report to seep into all that we discuss and debate in this parliament. Next time we get a Penola Pulp Mill bill, or bills to change our national electricity laws, or the Roxby Indenture bill comes along for review, we have to stop and consider, in that legislation, the impact on the warming of the planet. When someone comes along with a new proposal for a brown coal mine and a brown coal power station in the South-East we should not be welcoming it, as has been the political response from major parties.

One constituent wrote to me yesterday and stated, 'To even contemplate a new brown coal mine and brown coal power station under the pretence of carbon sequestration is unthinkable', yet we are thinking about it and, at a political level, many of us are offering support and approval for such projects.

As policy makers, we would be foolhardy and reckless if we did not stop and consider how each and every piece of legislation that comes through this council will contribute, or not contribute, to the warming of our plant. If we do not, in 50 years we may well be regarded by our children and grandchildren as criminally irresponsible. I do not think it is possible any longer for us to fall back on the excuse that we did not know. We do know—and we ignore that information at our peril.

It is important to note why 2° Celsius is such a critical figure. Fundamental to any climate change initiative must be a scientific assessment of how much climate change we can bear. It is beyond saying that we can avoid all climate change; we cannot. The question is: how much can we bear? Without this basic assessment it is impossible to set well-targeted policy measures to achieve the real aim, which is preventing runaway climate change.

Two degrees of warming above pre-industrial levels is the globally accepted upper limit above which climate change is projected to spin out of control. However, even if we do manage to keep within that 2°, it is still projected that 97 per cent of the Great Barrier Reef will bleach each year, and the Murray-Darling will have as much as 25 per cent less water flow, with all the devastating effects that we have seen and we are now facing—25 per cent less water, and that is on top of any other effect, such as the effects of a drought. I think it is reckless for us to ask future generations to accept anything more than a 2° rise in temperatures.

The other important message from the IPCC report is that we can do something about this. While reaffirming the extreme urgency of the situation that we have created for ourselves, the IPCC also notes that we do still have time to keep global warming below 2° Celsius if we act now with resolve. In the report, the world scientists have, again, made it abundantly clear that if we are to stop climate change from spinning out of control and if we are to minimise the change to 2°, then global emissions must peak by 2015 and then must start going down. That is only eight years away. That is only, effectively (in the terms of this parliament), two terms of government before we have to peak our emissions. If our state's emissions continue to increase after that date, then we are effectively thumbing our nose at the rest of the world and at the next generation.

In conclusion, I refer to Bob Brown's words, where he says, 'What we do or do not do about climate change in the next two terms of government will determine the course of human history.' It is that serious. In South Australia, in 2007, we have the wealth, social cohesion and access to historically cheap energy and, most importantly, we have access to the knowledge to make change happen. When our children and our grandchildren look back at our time (2007) what story will they tell? We all need to understand that there is such a thing as being too late.

Debate adjourned on motion of Hon. I.K. Hunter.

GENETICALLY MODIFIED CROPS MANAGEMENT (RIGHT TO DAMAGES) AMENDMENT BILL

The Hon. M. PARNELL (17:00): 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 (17:00): I move:

That this bill be now read a second time.

This bill is part of a package of measures being introduced into the council today to deal with the question of genetically modified organisms. The bill that was introduced earlier by the Hon. Sandra Kanck seeks to extend the moratorium currently in place on the commercial growing of genetically modified crops for a further five years. I fully support the bill, and I will speak to it next year.

It is a package of measures. There are measures that we have worked on together. My bill approaches the GM situation from a different angle. The bill that I have introduced has at its heart the question of responsibility and liability in relation to genetically modified crops. If passed, this bill will come into its own if the moratorium is lifted. There is an important question that we have to ask ourselves if the moratorium is lifted: who is responsible for things that 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?

I hope that we have the wisdom here not to lift the moratorium; in fact, I hope that we have the wisdom to extend the moratorium for another five years. But there are pressures afoot, and there are many people calling for freedom of choice. They are saying that you should be free to grow these genetically modified crops, just as you should be free not to grow them if you do not want to.

The bill that I have introduced today deals with the freedom that you have not to end up with genetically modified material on your land. The bill goes on to provide that, if you do end up having your property contaminated with genetically modified material, you have the right to be compensated. So, really, it is a flip side to the freedom that the pro-GM advocates are calling for. Just as you may be free to grow it, you should also be free not to have it extend onto your land. It is not an unusual situation. We have approached a number of issues in that way.

We debate smoking a lot in this place. We talk about people having the right to choose whether or not to smoke, but we also have the right not to be subjected to passive smoking. This is an analogous situation here. If you choose not to have genetically modified crops on your land, you should have some level of security and protection, and a right to compensation if by some method those crops end up contaminating your land.

What is the likelihood of genetically modified crops leaving the place where they were planted and ending up elsewhere? You would have to say that the prospect is very likely. We all know of the type of vectors that can spread plant material. We have wind, we have water run-off, we have the action of pollinators, and we have trucks that carry grain up and down roads and criss cross our borders. And, of course, our state borders are very porous. Compare the situation when you arrive in Australia from overseas. If you go through customs and quarantine, there are thorough inspections of luggage, thorough searches for the tiniest little bug that might have found its way into the souvenirs that you bought. We do not have that at our state borders. We have a principle in our Constitution that says that trade between the states should be free. If the moratorium is lifted, not just in South Australia but also, for example, in New South Wales or Victoria, it will make it very difficult to keep this material out of our state.

The next question to consider is: what losses might people suffer—people who choose not to grow GM crops on their land but who subsequently find their land and crops contaminated with this material, which they chose not to have on their land? We have heard already about some of the premium prices that the GM-free crops can attract. I enjoyed hosting and meeting the delegation of Japanese consumer organisations who came to this parliament a little while ago. The number of people they represent goes into the millions, and they do not want to eat genetically modified crops. That says to us that there is a market and a premium that can be achieved if we resist the temptation to go down the GM path.

There is a real risk that some of these premium markets could evaporate if we embrace GM technology. We also have people who could lose as a result of having not just a GM status revoked but also if they had a higher status, such as organic status, attached to their crops. If they were no longer able to claim that their crops were organic because they had been invaded by GM

crops escaping from elsewhere, then they would suffer losses and their returns would be lower. My bill says that these people are entitled to some compensation for their loss.

The next question is: who should be liable; who should be responsible if one person suffers loss because someone else's exercise of free choice resulted in the contamination of the land? The two main options would be, first, that you can make the farmer who planted the GM crops liable; or, secondly, that you make the company or owner of the patent or intellectual property in that genetic material liable. In my bill I have opted for that second option.

Rather than chase the individual farmer, the ultimate responsibility lies with those big multinational companies which sell and promote this technology. They are the ones who I say should be responsible for compensating for any losses. People might think that this is very harsh and that we should have some defences or ways of avoiding that liability, and that is a discussion I am happy to have with the Farmers Federation and others over the coming months. It may well be that we could move away from absolute strict liability, but I have not heard any arguments yet as to why that should be the case.

Liability is important because in many ways it reflects the precautionary principle, which says that if you do not know what the consequences of some action might be, then a prudent course of action might be not to do it. That is paraphrasing a principle usually described in many more words than that, but I like to summarise it like that. If you do not know the outcome, the precautionary principle suggests that you should not do it. You only need to think about these risks, and it is a reasonable position to take that if the risk is manageable and acceptable then it will be insurable. If it is not insurable, you have to ask yourself why we are allowing it to happen.

It is a very sobering thing to do to drag out your household insurance policy and find that it will not cover, for example, any losses as a result of nuclear accident. The thing that makes the nuclear industry viable is the fact that it is not required to stand behind its technology, so it can get away with making it uninsurable. If that were not the situation, we would not have a nuclear industry. So, if it is safe, it will be insurable; if it is not safe, we should not be doing it.

It is a bill of three clauses. The major clause is clause 3 which inserts a new section 27A into the Genetically Modified Crops Management Act 2004. In the new section 27A, subsection (4) states:

> An action for damages under this section lies against any person who has a proprietary interest in the material.

That is further defined in the bill as being the holder of the patent or other form of registered interest or the owner of the intellectual property. So, that is the person who is responsible and they are responsible to the owners of property who have their property invaded, if you like, by this material without having introduced it or planted it themselves.

It is a very straightforward bill. I am hoping that we will not need to use it because that will mean that we have kept the moratorium going and, hopefully, we will keep it going for another five years, as the Hon. Sandra Kanck's bill proposes. Yet, if it seems that this parliament, in its wisdom, and the parliaments of Victoria and New South Wales, choose to lift the moratorium, then I think this bill is a very important fallback position so as to make sure that freedom of choice extends to farmers who do not want to be involved in the GM industry and who choose to keep their properties GM free.

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

SELECT COMMITTEE ON COLLECTION OF PROPERTY TAXES BY STATE AND LOCAL GOVERNMENT, INCLUDING SEWERAGE CHARGES BY SA WATER

The Hon. I.K. HUNTER (17:13): I move:

That the time for bringing up the committee's report be extended until Wednesday 23 July 2008.

Motion carried.

SELECT COMMITTEE ON PRICING, REFINING, STORAGE AND SUPPLY OF FUEL IN SOUTH AUSTRALIA

The Hon. B.V. FINNIGAN (17:13): I move:

That the time for bringing up the committee's report be extended until Wednesday 23 July 2008.

Motion carried.

SELECT COMMITTEE ON ALLEGEDLY UNLAWFUL PRACTICES RAISED IN THE AUDITOR-GENERAL'S REPORT, 2003-2004

The Hon. B.V. FINNIGAN (17:14): I move:

That the time for bringing up the committee's report be extended until Wednesday 23 July 2008.

Motion carried.

SELECT COMMITTEE ON THE ATKINSON/ASHBOURNE/CLARKE AFFAIR

The Hon. R.P. WORTLEY (17:14): I move:

That the time for bringing up the committee's report be extended until Wednesday 23 July 2008.

Motion carried.

SELECT COMMITTEE ON THE SELECTION PROCESS FOR THE PRINCIPAL AT THE ELIZABETH VALE PRIMARY SCHOOL

The Hon. R.P. WORTLEY (17:15): I move:

That the time for bringing up the committee's report be extended until Wednesday 23 July 2008.

Motion carried.

SELECT COMMITTEE ON FAMILIES SA

The Hon. C.V. SCHAEFER (17:15): I move:

That the time for bringing up the committee's report be extended until Wednesday 23 July 2008.

Motion carried.

BUDGET AND FINANCE COMMITTEE

The Hon. R.D. LAWSON (17:15): On behalf of the Hon. Mr Lucas, I move:

That the time for bringing up the committee's report be extended until Wednesday 23 July 2008.

Motion carried.

SELECT COMMITTEE ON SA WATER

The Hon. M. PARNELL (17:16): I move:

That the time for bringing up the committee's report be extended until Wednesday 23 July 2008.

Motion carried.

SOCIAL DEVELOPMENT COMMITTEE: GESTATIONAL SURROGACY

Adjourned debate on motion of Hon. I.K. Hunter:

That the report of the committee on its inquiry into gestational surrogacy be noted.

(Continued from 14 November 2007. Page 1285.)

The Hon. J.S.L. DAWKINS (17:16): In speaking to the noting of this report, I understand that my colleague the Hon. Stephen Wade, who is a member of that committee, will be speaking on this matter on the next occasion that we meet. However, as the person who was the instigator of the legislation which was referred to the Social Development Committee on 24 September 2006, I wish to make some comments about the report. Of course, Mr Acting President, you are well aware of that, as presiding member of that committee.

In general, I and those who have benefited from surrogacy (and will in the future) are very supportive of the report. I think we recognise that there is in this report thorough coverage of the many complex issues that are involved in this matter. So, on their behalf, I indicate my thanks to the committee which, of course, includes you, sir, as the presiding member, the Hon. Dennis Hood and the Hon. Stephen Wade from this chamber, and the members for Hammond, Morialta and Taylor in the other place.

I indicate my gratitude for the work of the staff of that committee. I attended as many of the hearings as possible, and I think that the welcome that the committee gave to people (whether directly involved or others who had an interest) was commendable. I note that you, sir, in your remarks, gave great credit to the witnesses who came along and bared the private part of their lives to the committee. I think that it was a fabulous effort, because not only did they come along

and indicate all the troubles that they have had in having children over a number of years, but, as someone said, 'Basically I came along and told you all about my insides.' I think an incredible amount of courage is needed to do that, and I give great credit to the people who did so because their evidence has allowed this report to be as thorough as it is.

The recommendations are quite detailed. Obviously, the first aspect of the recommendations deal with parenthood and birth certificates for children born through surrogacy. Of course, that is probably an aspect of this bill that has not had much attention in the media or in general discussion. It is a very important one. Only recently we had a case where two people had a child through a surrogacy arrangement, and that child is genetically theirs. They have had to adopt this child. I think that in this day and age, it is ridiculous that they had to adopt a child that is genetically their own. I am grateful for the number of recommendations that are in this report in relation to that aspect. Obviously, I am grateful for the fact that the committee has indicated quite strongly that it believes that surrogacy in the form that I have proposed should be legalised in this state.

I recognise that a bill cannot just be referred off and looked at straightaway, but it has been 14 months. Many of these people have been waiting for years and many of them have expended many thousands of dollars going interstate. Some people would like to actually go into a surrogacy arrangement in this state, and another delay is something that concerns me greatly. The recommendation that the government bring back legislation will result in a further delay. I admire the great faith that some of my colleagues have that the government will bring in legislation very early in the new year. I have been here a little bit longer than one or two of my colleagues, but not as long as some. I would be very glad to be wrong, but if we have a bill in this parliament within 12 months, I will be very glad to shout a couple of drinks. I will be delighted if it happens.

I indicate that I will reintroduce my bill at the earliest opportunity in the new year. I will be making some amendments to that bill, and I will sit down in the next few weeks to pick up some of the suggestions from the report. There are some recommendations there that can improve the bill, but there are some that I will not pick up. I will not go into great detail today because, obviously, I will make another speech when I introduce the bill.

I suppose I am biased, but this bill has been prepared by me, with guidance from our excellent parliamentary counsel and also those who have a passionate interest, and it has been presented to this parliament. It is not a bill that has been shot out of the ground by anybody, and it is a bill that could have been amended and passed on to the other house if it were supported, but that is not the case. As I said earlier, the committee has quite emphatically urged the government to bring back legislation. I thank committee members for that, but it is my intention to introduce an amended bill in February.

As I have said, I will not go into great detail, but there are one or two areas I want to address. The report does put some store in the fact that my bill may contravene state and commonwealth antidiscrimination legislation. In some places, the 'may' might have been underestimated, but it is 'may'—and the Hon. Mr Hunter did acknowledge that last week, on my interjection. I think there is a point of difference there. I do not intend to alter my bill in that regard. I still have a belief that it should relate to heterosexual, married couples and to those who have been in a de facto relationship long enough to be regarded by the law of this state as being the same as a married couple.

The reference to individuals is something that concerns me as well. I believe that such legislation should be only for couples. I will not delay the chamber. I intend to do much more work on the report and on my original bill than I have been able to do in the seven or eight days since the report was brought down. I look forward to further contributions on this report, and I indicate that, as early as possible in the sittings next year, I will be seeking leave to reintroduce a bill in relation to surrogacy in this state.

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

DRUGS, ROADSIDE TESTING

Adjourned debate on motion of Hon. A. Bressington:

That this council urges the government to reconsider its roadside drug testing policy given that the drug wipe test using the Cozart RapiScan chromatographer failed to meet international standards for the detection of illicit drugs.

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for

Multicultural Affairs) (17:28): I think it is important to put the government's position on the record in relation to this motion. The Hon. Ann Bressington's motion is based on the false premise that the roadside screening tests being used by SAPOL failed to meet international standards for the detection of illicit drugs.

As honourable members would be aware, SAPOL began roadside driver drug testing on 1 July 2006. Mr Bill Cossey's recent review of the first year of operation of the Road Traffic (Drug Driving) Amendment Bill 2005 describes SAPOL's implementation of the roadside testing regime as 'exemplary'.

I place on the record what equipment SAPOL has been using and why Securetec Drugwipe Twin II and Cozart RapiScan equipment has been approved to conduct roadside testing of drivers. First of all, in relation to the Securetec Drugwipe Twin II and Cozart RapiScan, the detection level for cannabis using this equipment ranges from 30 nanograms up to 150 nanograms per millilitre, as specified by the manufacturer. The equipment is only a screening device, and the true levels it detects can vary from subject to subject. Drivers testing positive for drugs are reported for an offence only once a sample has been confirmed in the laboratory. The detection level in the laboratory is as low as 2 nanograms per millilitre.

The research paper was completed by Ghent University (the Rosita 2 study) in March 2006 and was published in June 2006. The study evaluated the rapid point of collection oral fluid testing devices. The study evaluated a range of nine devices, including those purchased by SAPOL through the tendering process.

A copy of the research paper was sourced by Peter Felgate, Manager, Toxicology, Forensic Science South Australia, who was also the technical adviser on the tender committee for the acquisition of the oral devices used by SAPOL. Mr Felgate provided the following advice to SAPOL last year—and this information is still relevant today. The study set a testing threshold for the devices of two nanograms of cannabis (THC) per millilitre of oral fluid. This is an extremely low threshold and well exceeded the specifications detailed within the tendering process. A threshold of this level will detect THC for up to eight to 12 hours after use and would also detect residual amounts in frequent heavy users, despite their not having used cannabis in any time proximate to driving a vehicle.

The failure rate referred to in the study indicates that some of the devices tested may provide a false negative in up to 70 per cent of tests at the two nanogram threshold. The devices purchased by SAPOL have a threshold of 30 nanograms per millilitre of oral fluid, and this equates to a capacity to detect THC within about four hours of use. This time frame is consistent with the likelihood of impairment at the time of being detected.

The research study also found that, of all devices tested, the Securetec Drugwipe and the Cozart Bioscience RapiScan were rated as the better performing devices for roadside drug testing. Other devices were assessed as being overly complex and not suited to roadside use, or involved significant delays for drivers whilst awaiting results from screening tests. The devices used by SAPOL were rated by the study as having a failure rate of less than 5 per cent, which is in clear contrast with the failure rate of other devices tested, which ranged from 10 to 25 per cent. The study considered that a failure rate of a maximum of 5 to 10 per cent was acceptable.

The concerns raised by the study relate to the potential for false negative readings, meaning there is a likelihood that drivers affected by cannabis may not provide a positive sample at the roadside at the thresholds set within the study. Whilst there is a risk of false negatives being recorded in the SAPOL testing program, it must be recognised that any person driving with an observable impairment that is inconsistent with the alcohol screening will be reported or arrested for DUI and may be subjected to a blood test for other drugs.

The study specifically refers to the drug testing program in Victoria and comments on the deterrent factor that random drug testing provides, despite the potential for false negatives. The study concluded that the operational applications of the Securetec device technique (SAPOL's initial roadside screening test) was well accepted by police users and drivers tested.

To summarise, the research study, whilst credible, does not at this time impact on the processes or equipment purchased for roadside drug testing by SAPOL. Since this advice was provided, SAPOL has conducted a 12-month trial on testing drivers for prescribed drugs, including cannabis, using the stated equipment. The results of this trial show that 2.91 per cent of the drivers tested positive to a prescribed drug. The pure detection rate for cannabis in South Australia was 26 per cent of the positive drivers. The pure detention rate for methyl amphetamine in South

Australia was 43 per cent of the positive drivers. The pure detection rate for ecstasy in South Australia was 3 per cent of the positive drivers. Some 28 per cent of the positive drivers tested were detected with a combination of prescribed drugs.

Of the combination (28 per cent) of drugs detected in positive drivers, the breakdown was: five were positive to all three prescribed drugs; 64 were positive to cannabis and methyl amphetamine; two were positive to cannabis and ecstasy; and 10 were positive to methyl amphetamine and ecstasy. Some 26 per cent of all positive drivers detected in South Australia tested positive to cannabis, and 24 per cent of the positive drivers detected had cannabis combined with another prescribed drug. By comparison, Victoria, which utilises the same testing equipment, between December 2004 and May 2007 had achieved a pure detection rate for cannabis of only 7 per cent of all drivers tested, with a further 24 per cent of drivers testing positive to cannabis combined with another prescribed drug.

During the course of the drug trial, 647,757 drivers in South Australia were tested for alcohol, with 5,984 drivers being detected with a positive reading. The positive rate for alcohol detected in a static and mobile testing environment was 1 per cent; 10,097 drivers were detected for a prescribed drug; and 294 drivers were found to be positive. The positive rate for drugs in drivers is 2.91 per cent. The detection rate for drugs in drivers cannot be considered low.

The government has provided funding, and I am very pleased that SAPOL is currently preparing to expand the roadside drug testing regime and, of course, any part of that process is a tender for drug testing equipment. It is possible, as a result of that tender process, that the current equipment used by SAPOL for drug testing may change. Of course, this is a purely operational decision for SAPOL. I am sure that, should any changes be made by SAPOL, they will only serve to enhance a very successful regime.

I need to remind members that SAPOL, in conjunction with the Department for Transport and the Motor Accident Commission, has established a driver drug testing regime that is a successfully combined deterrent and detection mechanism and one with a succession of inbuilt safety nets. Finally, I might add that the government's roadside drug testing policy and the procedures adopted by SAPOL to enforce it have been a success. I am pleased that SAPOL has been able to enforce the government's message of clamping down on drug drivers.

I suggest that the motion urging SAPOL to reconsider its roadside drug test policy, although well meaning, is misguided because this policy has already achieved results in terms of penalising those who choose to put everyone's safety at risk by taking drugs and getting behind the wheel of a car. The policy is clearly working well and the government cannot support the motion put forward by the Hon. Ann Bressington. The drug driving legislation (as we know) had a built-in provision for review to be carried out after that one year, and the report of the review has now been laid before both houses of parliament. I have taken the report to my cabinet colleagues and asked them to note it. I said that I would come back with appropriate legislative changes for cabinet discussion and approval.

Some of the recommendations were drafting and legislative tidying up, and we have already commenced that process. We are considering all the recommendations. I have also spoken to both the Premier and the Attorney-General, and we all agree that we need to take even stronger measures to stop people driving under the influence of alcohol, drugs, or both, and if people drink and drive or drink and drug drive, again besides putting their own lives at risk, they are putting at risk the lives of other people who have the misfortune to be on the road at the same time.

I have also had several discussions with Police Commissioner Mal Hyde, and we agree that the incidence of one in 34 people taking drugs and driving is very concerning. I have indicated to my colleagues my support for further strengthening of the recommendations. We are committed to improving the process, getting drug drivers off our roads and ensuring that the system works in the best possible way. We should not forget that the system has worked, and worked well; we have picked up lots of irresponsible people and taken them off our roads. As I mentioned, the government is continuing to support the program with an extra $11.1 million over four years to increase the program in South Australia. I believe that we have sent and we will continue to send a strong message that drug and drink driving is a serious offence and one not to be tolerated.

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

WORKCOVER CORPORATION

Adjourned debate on motion of Hon. A. Bressington:

That this council condemns:

1. The practices of the WorkCover Corporation in both the administration of the fund and the treatment of injured workers and the lack of support and rehabilitation for those workers;

2. The Premier for backing down from his call for a royal commission or similar wide-ranging inquiry into allegations of corruption by WorkCover in May 1997, whilst leader of the opposition; and

3. Other parties for allowing WorkCover to languish in dysfunction since that time.

(Continued from 14 November 2007. Page 1309.)

The Hon. R.P. WORTLEY (17:39): The Hon. Ms Bressington has sought the support of this council to pass a motion of condemnation regarding the operation of WorkCover. I remind members that it is only a matter of weeks since this place referred WorkCover for inquiry by the Statutory Authorities Review Committee. That committee has not yet had a chance to commence its deliberations in any meaningful way. Members will also be aware that in March this year the government announced an expert independent review of the WorkCover scheme. The review is to provide its report to the government in the coming weeks.

The honourable member's motion makes for an interesting conspiracy theory, entwining a few scant facts with some sensational fiction. This motion is entirely frivolous and utterly unhelpful. It is a motion based on highly questionable facts and subjective, biased views. Frankly, it is a motion that is not worthy of this council's attention. The motion focuses much attention on events long past. In one case cited, these dealings have been recent. In other cases, the circumstances date back more than 10 years. This motion does nothing—not a thing—to contribute to improvements in the WorkCover scheme. The condemnation of this council which the honourable member seeks will make no contribution to meeting the challenges that lie ahead—none. I will make some remarks later about the circumstances to which the honourable member refers, but I do not intend to rebut all of the assertions made, notwithstanding that many of the remarks are worthy of lengthy and forthright challenge.

It is worth considering for a moment the nature of accident compensation schemes, whether they be work or motor vehicle related. Accident compensation schemes deal with people who have been injured. One common element that all schemes of this nature have is aggrieved parties who feel they have been unjustly treated and let down by the schemes that are designed to help them. This is an unfortunate but not uncommon circumstance. Where such grievances do arise, there are robust review and complaint mechanisms in place. Such mechanisms, both in WorkCover and through independent bodies such as the Workers Compensation Tribunal and the Ombudsman, are in place to ensure that workers are treated justly. In the majority of cases, those avenues do provide workers with options to have their grievances heard and considered.

It is worth emphasising the size of the South Australian scheme and the number of injured workers who access it. In the past 10 years, dating back to the 1997-98 financial year, WorkCover received in the order of 260,000 claims from workers of registered employers. I do not intend to make light of any injured worker's poor experience with WorkCover, but it is worth noting that the vast majority of those who made a claim had an experience with the scheme entirely different to the three or four cases described by the honourable member. The experiences described are based on the views of aggrieved parties that feel they have been wronged by the scheme. The honourable member makes no attempt to present an alternative viewpoint to add objectivity or, indeed, hard facts that would withstand scrutiny.

In that light, I would question the assertion that the circumstances described are typical. They are not. I recommend that members do not leap to any unfounded conclusions that these limited circumstances are anything but rare and in any way point to systemic problems within the scheme. Focusing on these highly specific and unusual case studies and stories of woe will not get to the heart of the issues that should be addressed. The honourable member concluded her remarks by saying that every member in this place and the other place should be working to seek a solution that brings back justice for injured workers. The government agrees entirely with this proposition and has established an expert independent review to thoroughly examine the WorkCover scheme and to recommend, amongst other things, legislative change. In that regard we welcome those comments and look forward to the support of members in this place when considering any amendments to be proposed by the government.

The call to action in the honourable member's concluding remarks is, however, at odds with the position adopted in the preceding 8,300-odd words in support of the motion. It is also inconsistent with the appeal for this place to condemn numerous and unspecified parties for alleged wrongdoing in years past. The government is on the record as indicating its strong concerns with the state of the WorkCover scheme that it inherited upon forming government in

2002. Many of the historical issues to which the honourable member has referred occurred under the former government. However, the scheme, injured workers and South Australian employers can ill afford an unhelpful focus on the failings of the past. The government is focused on delivering change and concentrating on the future.

The minister appointed an entirely new board in 2003 and, under that leadership, the management arrangements and scheme foundations have been significantly formed and strengthened. It is evident that challenges remain and significant improvements are necessary to get injured workers back to work sooner.

While I do not wish to be drawn into an unproductive debate about the specifics of the small number of unusual cases highlighted by the honourable member, I feel it is necessary to respond to some of the most outrageous matters raised. The fact that I have elected to highlight a small number of points to rebut it should not be interpreted as acceptance that all the other matters are factual and accurate; this is certainly not my view.

Within the motion there was an assertion that the existence of the 'scheme critical list' influenced the findings of presidential members of the independent Workers Compensation Tribunal. It was asserted that the existence of this list ensured that workers would fail in their disputes. It was asserted that the mere existence of the list blocked presidential members from making independent findings based on the law and the facts. I am sure that this would be a stunning revelation to those presidential members. I am equally sure that the presidential members would consider this to be a baseless, outrageous claim that cannot be substantiated.

I am advised that the scheme critical list was a largely working internal document prepared by WorkCover. Following the legislative changes in 1995 and the move to outsource claims management, WorkCover sought to closely monitor legal proceedings that may have been significant in interpreting the legislation. It was an administrative mechanism to monitor important cases. At some point in time it was decided to share the listing with the tribunal, as a means of monitoring the cases before it.

The honourable member made reference to the attention that the infamous scheme critical list attracted in mid-2000. What the honourable member failed to mention was that the president of the tribunal responded to that attention by saying that the tribunal paid no regard to that listing and at no time and in no way did the scheme critical list have any bearing on the findings of the tribunal. For the honourable member to assert otherwise is outrageous and displays a fundamental misunderstanding of the powers of WorkCover and the role of the tribunal as an independent arm of the judiciary. I would expect that eminent members of the judiciary would be offended at the assertion that they operated in 'a justice system which is not permitted to rule according to the merits of their claim' and the assertion that 'for most part judges are forced to rule in WorkCover's favour'.

The motion also made reference to a person who had a long history with WorkCover. I do not intend to give a detailed history, but I urge members to question the characterisation of this person as an innocent victim of the scheme, wronged through little fault of their own. The person named has numerous criminal convictions for assault and dishonesty. The later convictions related to his workers compensation claim. I understand that currently there are further criminal charges pending in the Magistrates Court and a contempt charge in the Supreme Court.

Members of the judiciary in South Australia are very familiar with this person and their conduct in and out of the courtroom. This person has had their day in court many times over, and they have not been denied justice. The honourable member's statement that 'after 17 years of being in this system and not getting any outcome, I am surprised that it is only contempt of court that he has been charged with' is just plain wrong. The statement alone must cast serious doubt on the credibility of this motion and the extent and quality of the alleged breach that led to it.

As would be the case for any member here, I hold dear the principle of free speech and welcome advances in technology which allow greater expression of that freedom. However, I would express surprise at the extent to which the honourable member quoted directly from the WorkCover blog. I make no criticism of the existence of this site or the people who contribute to it. The experience of some injured workers does cause great distress to both them and their families. This is a tragic outcome and it is regrettable. Their frustration and suffering is evident from the passages quoted.

My surprise comes from the prayer which was quoted by the honourable member and which was described as 'probably the most heart wrenching of all'. The passage quoted in this place, amongst other things, prays for harm and suffering to be brought to bear on WorkCover staff

and their children. The author is entitled to those views, but for a member of this place to present such a quote, which is no doubt offensive to the staff of that statutory authority, is of great concern. This is the same web blog that invites people to publish the home addresses of staff of WorkCover and Employers Mutual so they can be paid a visit which 'could get nasty'

This is the same web log on which a person with alleged connections to bikie gangs then volunteers to send his bikie mates to fellow WorkCover staff to teach them a lesson. I ask members in this place to seriously question the honourable member's judgment in quoting from a site that prays for harm and incites violence against the staff of WorkCover. This motion is conspiratorial and frivolous at best and serves no good purpose.

Additional focus on historical issues regarding three or four cases will not assist in delivering any improvement in the scheme. It will not in any way change the experience of injured workers or help small employers, the two groups the honourable member concludes need the help of this parliament. As I stated in my opening remarks, the condemnation of this council, which the honourable member seeks, will make no contribution to meeting the challenges that lie ahead.

The honourable member has displayed a significant lapse in judgment in proposing this absurd and baseless motion. If this council displays a similar lack of judgment and supports the motion it will bring this proud institution into disrepute. I urge members to oppose the motion.

Debate adjourned on motion of Hon. I.K. Hunter.

PREVENTION OF CRUELTY TO ANIMALS ACT

Adjourned debate on motion of Hon. J.M.A. Lensink:

That the regulations under the Prevention of Cruelty to Animals Act 1985, concerning rodeos, made on 16 August 2007 and laid on the table of this council on 11 September 2007, be disallowed.

(Continued from 14 November 2007. Page 1315.)

The Hon. I.K. HUNTER (17:50): I rise today to respond to a number of questions raised in the course of the debate on rodeo regulations. Those questions particularly relate to the process used in developing the regulations and to a particular aspect of the regulations themselves. First, let me address the consultation process. From comments made by various speakers, it appears there has been some confusion about the consultation process that took place over the regulations.

I am in a position to provide some more detail on what actually occurred. I have been advised that, in fact, there were two stages in the consultation process with four separate opportunities for input. First, there was consultation on the drafting instructions, which will be used to write the regulations; and, secondly, there was consultation on the draft regulations themselves. The first stage of the consultation process involved a meeting involving representatives of most rodeo clubs, two senior public servants and the RSPCA representative at Marrabel on 8 July this year.

The meeting took about three hours to work through, line by line and word by word, the drafting instructions (not the final version) used to draft the rodeo regulations. Detailed notes from the meeting, including the changes proposed by the meeting, were subsequently emailed out to rodeo clubs within a few days of the meeting. Rodeo industry representatives then met with the Minister for Environment and Conservation on 17 July to discuss their specific concerns.

This meeting focused specifically on the proposed ban on calf roping through a weight limit and the banning of small electric prods at rodeos. A further period of two weeks was provided for comments from rodeo clubs on the drafting instructions. This included both written comments and numerous telephone calls from clubs querying aspects of the draft instructions and offering changes. I understand that all comments were considered in finalising the drafting instructions which were then submitted to cabinet.

Following the drafting of the regulations by parliamentary counsel, the second stage of the consultation process involved:

- a copy of the draft regulations sent to clubs on 6 August 2007, and a further round of comments received and considered in finalising them; and
- a copy of media releases sent to the rodeo clubs on 17 August 2007 outlining the main aspects of the regulations which had been approved by Executive Council and which would come into operation on 1 September 2007.

The entire consultation process thus took over a month, and there were at least four opportunities for input from the rodeo industry. While I understand that some in the rodeo industry may not be happy with all elements of the regulations, it would be unfair to overly criticise the consultation process. The provision of four opportunities for comment rates extremely well.

While the process has been condensed in terms of time, this was intended to ensure that the regulations would be available to the rodeo industry in advance of the commencement of the rodeo season so there would be clarity about the animal welfare rules for rodeos. As members may know, the rodeo season normally starts around September/October of each year.

In respect of the consultation process I have just outlined, the Hon. Sandra Kanck has asked whether Mr Mark Heuritsch and Mr Andrew Brown were in attendance at a meeting with the Minister for Environment and Conservation on 17 July 2007. My understanding is that these gentlemen were present at the meeting held on 8 July 2007 at Marrabel; however, they were not present at the meeting held on 17 July, where a number of representatives of the rodeo industry—including Mr Jim Willoughby, a senior rodeo judge, and Mr John Osbourne from the Australian Professional Rodeo Association—were present.

As to the regulations themselves, the most contentious issue raised in the consultation process was that of the weight limit on calf roping. In indicating support for the motion by Family First the Hon. Andrew Evans queried why the minister used a 200 kilogram weight limit to effectively ban calf roping instead of just banning calf roping outright. I understand that this is a drafting issue.

The National Consultative Committee on Animal Welfare Standards for the Care and Transport of Rodeo Livestock, on which regulations are based, defines a rodeo as a competition using cattle and/or horses which includes one or more of the following events: saddle bronc riding; bareback bronc riding; bull riding; steer riding, roping and tying; steer wrestling; and team roping. There are no definitions supplied for calf roping.

The event we know as calf roping is, in fact, not specifically referred to in those standards but is a 'roping and tying' event on cattle that, I understand, is done on cattle normally weighing between 100 kilograms and 130 kilograms. Thus, to ban an event named calf roping we would first have to define that event and then differentiate it from other events involving roping and tying. The simplest way of doing this is to use a weight standard. As the minimum weight suggested in the National Rodeo Standards for steer wrestling and team roping events is 200 kilograms, this was used as the cut-off point for any animals used in events involving roping and tying. This weight limit is also consistent with the Victorian legislation.

At every point in the consultation process I understand the minister has clearly stated the impact of the regulations on calves. It is untrue to assert that the minister was not open about the impact, and I am sure that the Hon. Andrew Evans, if he wishes to confirm this, could ask the minister to supply copies of her press releases, which made this perfectly clear. The Hon. Andrew Evans also indicated that he was told by the RSPCA that 'there was no science to justify this regulation on the basis of physical injury to the animal.' My understanding is that, whilst some might assert that the statistics on physical injuries may be low, those statistics do not record the bruising, pain and distress caused to calves which are likely to accompany calf roping, where the young animal is not merely roped but thrown to the ground and its legs tied. This must place considerable stress on these young animals and poses risks to their welfare.

Given that this event is held purely for its human entertainment value (such as it is), it is the policy of the RSPCA that calf roping is not justified on animal welfare grounds and should be banned. The government supports this position. By contrast, steer roping uses older animals at a greater weight—and that is the 200 kilograms minimum in Victoria that is now proposed for South Australia.

In conclusion, I suggest that, whilst attention has been focussed on the issue of calf roping, this is but one aspect of the regulations. The regulations as a whole are a significant advance on the existing rodeo standards. For the first time the rodeo industry will have clarity about exactly what will and will not be regarded as ill-treatment in the context of a rodeo event. The wording of the regulations has been carefully drafted by parliamentary counsel to dovetail in with the provisions of the Prevention of Cruelty to Animals (Animal Welfare) Amendment Bill. This should provide clarity for the community and lessen the uncertainty which has prevailed for many years. I propose that the regulations be allowed to stand.

[Sitting suspended from 18:00 to 19:47]

The Hon. J.M.A. LENSINK (19:47): I would like to commence by thanking all honourable members for their contributions to this debate. Indeed, I was somewhat surprised that so many people took a position on this motion, which I initially moved because I thought that it would enable some form of debate and discussion on the matter of the regulation of rodeos. In summing up, I do not wish to repeat all the comments that I made when I initially moved this motion but I do want to state a few things for the record. First, I believe that there has been a distinctive shift in the policy of this government in relation to rodeos. I again refer to a letter from the previous minister for the environment, the Hon. John Hill, dated 16 March 2006, to Mr James Willoughby of the Festival State Rodeo. It states:

I am pleased to advise that this meeting was convened on 25 January 2006. The RSPCA, DEH and APRA agreed on the following statements:

- rodeos in South Australia are far more regulated than in most other states;
- the NCCAW [the National Consultative Committee on Animal Welfare] standards are practical and achievable, and it is the responsibility of rodeo personnel to ensure that these standards are met.

On the next page it goes on:

The government remains committed to ensuring that South Australian rodeos are conducted with the highest standards of animal welfare, including the presence of a veterinarian—

and I emphasise 'veterinarian'—

at every event, and will ensure that DEH, the RSPCA and APRA continue to work together to consider the implementation of further improvements to rodeos in South Australia.

The regulations, as tabled by this government, codify what is already taking place. I have had some correspondence from proponents of rodeos (who have been referred to in this debate), and they have examined the *Hansard* comments of a number of members who spoke on this motion. They say that, as far as they are concerned, other than the changes to calf roping and cattle prods, what is being proposed in these regulations is basically following the NCCAW standards. They state:

We, in South Australia, have stringently followed these standards, where we have had no injuries at all in the calf roping in this state under this code. In the last five years alone, where we can differentiate injury rates between calf roping and steer roping, it clearly shows that, in the calf roping event, there has been, in fact, only one injury which nationally is .024 per cent.

They have specifically raised the issue that calf roping has involved no injuries in South Australia. In fact, Victoria was the first state to introduce a minimum weight of 200 kilograms, which means that it is steers instead of calves. Victoria's injury rate is, in fact, higher than the national rate. The injury rate for steer roping (animals greater than 200 kilograms) is 0.112 per cent compared with 0.024 per cent. I think that they raise the valid issue of statistics, which are vigorously kept and provided to the Department for Environment and Heritage, and which in many ways speak for themselves.

On 17 October, in her contribution to this particular motion, minister Gago stated the following:

While the concept of having the agreed code of practice enforced by the Prevention of Cruelty to Animals Act was a good one, it was a concern to me that the wording of the code did not lend itself to being a document able to guide whether or not an activity was prosecutable.

We have a bill before us—the animal welfare bill—which makes a certain number of offences indictable. I would be surprised if the existing act did not allow a number of those issues to be addressed through that means.

I would like to reiterate that we have a situation in South Australia where rodeos comply with national standards. The regulations in effect codify those national standards as regulations. Yet, in relation to the bill before the council, which is the subject of a separate debate, there is not codification of those particular codes. So, I think it is germane to the whole issue of rodeos that they have been singled out for very specific treatment—and I use that word very carefully. I think they have been singled out, and I think that there are very minor sections of our community who have very strong views about what occurs at rodeos, who have perhaps captured the left wing corner of this debate, and are—to mix metaphors—the tail wagging the dog in this debate.

I have already mentioned injury rates. It is probably worth raising the issue of injury rates that occur in other comparable events which involve animals as competition. I think it would be interesting if the government were prepared to place on the record the injury rates for other competitions using animals, for example, steeplechases. A number of us have attended the

Oakbank festival a number of times. Unfortunately, a number of animals are destroyed as a result of their involvement in that particular event. I would be very surprised if the injury and destruction rate of those race horses was lower than it is in some of the competitions involved in this particular regulation.

We have specific initiatives in South Australia instituted by the rodeo organisations, which specifically attempt to improve the treatment of animals and prevent injury. One of the proponents has written to me and stated:

> Rodeos in South Australia use a jerk device to prevent injury. In the USA most calf ropers use a polygrass rope. These ropes have no stretch in them at all. In Australia very few calf ropers use a polygrass rope because our climate is too dry and these ropes go limp. Calf ropers here use poly ropes that have roughly 30 centimetres of stretch.

The proponent goes on to suggest that, if the minister wanted to improve the welfare of the calf she could ban the use of polygrass ropes in South Australia. Further, it goes on to say that the implement, the jerk device, has made the event safer. However, the device did not work on a 200 kilogram steer.

There has been some discussion about the issue of consultation in relation to this regulation. The people who have been referred to in this debate have put on the record their view on the consultation that occurred. I will refer to the minister's speech on 17 October, wherein she stated:

> Clubs were aware of the final content of the regulation prior to the rodeo season commencing. On 8 July this year staff from my department and the RSPCA met for several hours with the rodeo club organisers and participants...

They state that on 4 July this year the minister released a media statement advising that small electric prods and calf roping were planned to be banned under the new regulations effective from 1 September, but stated that there would be no further debate on the issue. According to them that media release of 4 July was the first news of the proposed changes. Four days later, 8 July, which concurs with what the minister stated in her contribution, a meeting was held at Marrabel, where copies of the draft regulations were distributed and input sought. They state that during the lunch break an officer of the DEH was asked if the minister would change her mind if there was opportunity to present their side of the case in relation to calf roping. They state that this officer of the department was very nice and honest, but replied that it would be very unlikely, due to the media release, and that it would not look good to go back on that.

The perception amongst the proponents of rodeos is that the government has made up its mind that the media release of 4 July had set the case in stone and it would be very hard to resile from that position. Any further representations that may have been made after that date would fall on deaf ears and the proponents of rodeos continue to provide representations and have stated that the minister sent emails about the changes, but requested that no more information be sent about calf roping after receiving a report from APRA. They have stated the case quite clearly, and I do not think anybody has sought to misrepresent any positions.

The Hon. Caroline Schaefer and I met with representatives of APRA and the Festival Rodeo Association, which, as I mentioned previously, clearly struck us as very genuine, somewhat surprised and clearly having the interests of animal welfare at the front of mind in all of its organisation and capacity in terms of rodeo events. There is that aspect of it. There is also the issue of the contribution that rodeos make to the life of rural and remote communities. They play a significant fundraising role and provide a community meeting point which is very important in the life of a number of our rural communities which, as we all know, are experiencing drought conditions.

So, I think it is quite unfair for the rodeo organisations to have been singled out in this way and made an example of when their injury rate is incredibly low and their reporting standards are rigorous. They have a veterinarian at every event. They do it with the interests of their community at heart and provide a central meeting point for their communities, and they are run by volunteers. That they should be made an example of, particularly when there are other competitive animal events which clearly have much higher injury rates, I think is completely unfair, and I urge all members to support the disallowance motion in favour of the rodeo sector.

Motion carried.

SUMMARY OFFENCES (DRUG PARAPHERNALIA) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 November 2007. Page 1309.)

The Hon. SANDRA KANCK (20:04): This bill builds on the Controlled Substances (Sale of Equipment) Amendment Bill 2006 which was also introduced by the Hon. Ann Bressington, except that this version is even more draconian. In her original bill, the fines were set at $2,000 for the sale of what is termed drug paraphernalia in this bill. In this bill the penalties will be increased to an amazing $10,000 or imprisonment for two years for an individual, and for a body corporate a fine of $50,000.

The Hon. Ms Bressington says that the bill is aimed to put out of business shops in South Australia that sell such equipment. Clearly, with those penalties she will succeed. The question to be asked, and to be answered rationally, is whether this will produce better outcomes. I wonder about the effective closing down of these businesses as compared to businesses that specialise in selling paraphernalia for brewing beer or making wine.

What this bill does is to alienate users, and in putting out of business the small number of retail outlets that currently sell such equipment the government will obliterate the supply of implements that have been purposefully designed. These shops, whether or not the member wants to recognise it, do play a role in providing positive information to users. One proprietor informed me by email that he would be happy to work with the government to educate users along the lines of the sorts of campaigns that have been used in regard to tobacco. He observed that 'the industry is the gateway to the end user, but we are never consulted'.

While the Hon. Ms Bressington's earlier bill referred to water pipes, cocaine kits have now been included. The bill defines 'cocaine kit' as follows:

> A cocaine kit is constituted by two or more of the following items packaged as a unit apparently for use for the purposes of preparing for introduction, or for introducing, cocaine into the body of a person:
>
> (a) a razor blade;
>
> (b) a tube;
>
> (c) a mirror;
>
> (d) a scoop;
>
> (e) a glass bottle;
>
> (f) any other item apparently for use together with any item referred to in paragraphs (a) to (e) to prepare for introduction, or to introduce, cocaine into the body of a person;

I know that from time to time there are jokes about what women carry around in their handbags, but I always carry a mirror in my handbag and from time to time I carry a small paper knife with a retractable blade. If that retractable metal blade is taken out of its plastic holder it would, no doubt, be able to be classified as a razor blade. So, I have two of these items in my handbag that are deemed to make up a cocaine kit, but I guess I am safe because I am not selling or supplying them.

All of the items listed in the definition are easily purchasable from a variety of different shops: hardware stores, supermarkets and chain stores. It would appear that, provided they are not together in the same plastic bag, people will not get caught by it. From that perspective alone, it demonstrates that this is a bill that makes the law an ass. Also in the definitions we have a definition of water pipe:

> 'Water pipe' means—
>
> (a) a device capable of being used for smoking by means of the drawing of smoke fumes through water or another liquid; or
>
> (b) components that, when assembled together, form such a device; or
>
> (c) a device that is apparently intended to be such a device but that is not capable of being so used because it needs an adjustment, modification or addition,
>
> and includes, without limitation, devices known as bongs, hookahs, narghiles, shishas and ghalyans.

My observation is that the banning of the sale of such equipment will not stop people making them or using them. On the internet there are thousands of entries that you can access that will tell you how to make your own bong. One of the things that I have seen on a number of these sites is the recommendation to not use wood, aluminium or plastic in making them. The wood, I assume, because of the risk of it catching alight; aluminium I am not sure about, but perhaps it has a low

melting point; and plastic because of some of the monomers that can be released that are carcinogenic.

In banning the sale of bongs and such equipment, this bill will increase the chance that more drug users will resort to the homemade variety, and a whole lot of them will be made of such materials. In checking the internet to find instructions about how to make a bong, I have made a list of some of the suggested utensils or materials to assist one in doing so. Plastic buckets, soft drink bottles, the tops of plastic soft drink bottles, the cardboard core of the toilet paper roll, aluminium foil, the casing of a ballpoint pen, used chewing gum, electrical tape, copper pipe offcut, a teapot and incandescent light bulbs are some of the materials recommended for making a homemade bong.

One of the sets of instructions I saw gave the warning, 'Beware of lighting your hair on fire when you light this thing.' There are warnings on some websites about the toxicity of the plastic—especially PVC—should it melt whilst being used, but a lot of internet sites do not give that warning. There are health and safety risks, and this bill will result in more users taking this pathway to make their own drug delivery equipment. Previously in this place, I have referred to the *Lancet* article of March this year, and I am sure I will do so again until members get it. This article ranked a number of drugs, both licit and illicit, based on their harm. I remind members that on that list alcohol was fifth, and eleventh was marijuana, which is one of the substances that this bill is clearly targeting.

The Hon. D.G.E. Hood interjecting:

The Hon. SANDRA KANCK: No, that's not how it was done. I recommend that you look at the article. Making illegal the purchase of these currently legally purchasable drug delivery systems would be akin to making it illegal to buy glasses in which to drink your alcohol. Any sane person would see the stupidity of that, yet members fail to see that it is equally stupid to do the same with an illicit drug, particularly when its effect will be to force users to make their own equipment, some of which will have unintended health consequences.

Illicit drugs carry with them a culture, just as licit drugs do. Human beings create comfort zones and tend to fear what is beyond their experience, and fear is not a sound basis for devising effective legislation. When we know that some people self-medicate with illicit drugs, including some people with mental health problems, it is foolish to add another physical health problem on top of that. This is more of the tough on drugs approach that this government and opposition favour, and there is a real irony in that approach.

As supplies of cannabis have been driven underground, the organised crime that has emerged has responded to the tougher legislation by ensuring that they get a higher financial return on their investment to justify the risk. That has meant that hydroponics and selective breeding have been used to provide a drug that apparently will deliver more THC. I would hardly call that a great outcome. Get tough on drugs and the drugs that are supplied as a consequence deliver a greater hit: surely an illogical outcome for policy makers.

In the US, Paul Armentano of the NORML Foundation responded to drug enforcement administration warnings about the increased potency of cannabis by suggesting that staff of the DEA should wear T-shirts with the message, 'I have arrested millions, and all I got was stronger pot'. Looking at the bill again, probably the one thing that I would support is the insertion of new section 33GA (in the schedule), relating to the sale of equipment to children for use in connection with consumption of controlled drugs. I suspect that, if I look a little bit closer, it is probably covered in existing law anyhow but, even if it is not, that one particular section in itself is not enough to convince me to vote for this bill in its entirety.

As members know, I have campaigned strongly over many years against the licit drugs, alcohol and tobacco, and I will continue to do so. However, I have never, ever argued to prevent the sale of glasses to drink the alcohol or cigarette papers for 'roll your owns'. We need to have a rational debate about all drugs and their harms, but this bill will not stop people using illicit drugs; rather, it will change the nature of it to unsavoury, unsanitary and unsafe drug use. For those reasons, the Australian Democrats do not support this bill.

The Hon. A. BRESSINGTON (20:16): I thank all members for their contribution to this bill.

Bill read a second time.

INDEPENDENT COMMISSION AGAINST CRIME AND CORRUPTION BILL

Adjourned debate on second reading.

(Continued from 26 September 2007. Page 777.)

The Hon. B.V. FINNIGAN (20:17): The government opposes this bill, and I will go through the reasons for the government's opposition. I will look at the number of mechanisms that currently exist in South Australia to deal with corruption issues; the record showing issues that have been dealt with in recent years without the benefit of an ICAC; the danger of allegations causing damage or a threat of action; the cost involved in such a proposal; and, finally, I will reflect a little on the Democrats' position on this issue across the board and why they might be moving this bill.

I will turn first to the mechanisms that exist in South Australia to deal with potential problems of corruption. Neither the commonwealth nor half the jurisdictions of Australia have an independent commission against corruption or like body, and the South Australian government is yet to be convinced that South Australia needs one. ICACs are very expensive. The government believes that we have a good system for investigating allegations of corruption and complaints here in South Australia.

We have the Police Anti-corruption Branch, an independent and very disciplined force; the Auditor-General and the Ombudsman, who can investigate any administrative decision of any government agency, including local government; and the Police Internal Investigations Branch, all of which are fighting corruption here in South Australia. We also have whistleblower legislation and the Police Complaints Authority, to which members of the public and others can direct complaints about the actions of the police. It is the government's view that South Australia is better served by these agencies than it is by the $30 million ICAC proposal of the Hon. Ms Kanck.

By having a variety of anti-corruption forces in South Australia, we have achieved a certain creative tension among the organisations. If a person has a complaint and they take it to one agency and do not get satisfaction, they can move on to the next one. If you have a monopolistic anti-corruption commission, you have only one go at it. Moreover, all the investigative power is concentrated in one agency, creating yet another forum where corruption can breed.

I will turn now to events in recent years that have been dealt with without the benefit of an ICAC. Some may argue that, by this government voting this bill down, it looks like the Labor Party has something to hide, or that, if one opposes an independent commission against corruption at a price tag of about $30 million a year for taxpayers, we are somehow turning a blind eye to corruption.

It is not the Labor Party that had a Premier who was found by an inquiry to have lied to parliament; it is not the Labor Party that had a Deputy Premier who was found by an inquiry to have lied to parliament; it is not the Labor Party that had a minister resign in disgrace for commercial conflicts of interest; and it is not the Labor Party that used something like $350,000 in taxpayers' money to pay off the personal debts of their ministers. All of those things happened during the last term of the Liberal government, but all were able to be brought to light and dealt with, in most of those cases, by resignations of the ministers concerned, and even the premier, without the need for an ICAC.

I turn to the danger of allegations being used to damage people who have done nothing wrong, or the threat of action being used to coerce people or prevent them from fulfilling their duties. Earlier this year, *The Advertiser* published an article written by Mr Brian Carr. Mr Carr was the chief executive of the Liverpool council in New South Wales, and is currently the Chief Executive of Light Regional Council. He has been a CEO in local government for 26 years. Of his experiences with the New South Wales ICAC Mr Carr wrote: 'If you want to destroy someone, report them to ICAC.' The council was investigated three times while he was at the helm. Each time it was cleared of any wrongdoing, but not before enormous damage was sustained by the council and its workers.

The New South Wales ICAC commissioner recently admitted that, of the 2,500 complaints of corrupt conduct the ICAC receives each year, only 50 warrant serious investigation, and a mere five or six lead to full-blown inquiries. Mr Carr went on to say that, in New South Wales, there are two main groups that have become adept at exploiting the ICAC system. The first group comprises those who want to exert inappropriate pressure on government officials. To do this, they use the threat of an ICAC investigation in an improper way. This approach is designed to paralyse elected officials with fear and render them incapable of making hard decisions. Mr Carr continued:

> One high-profile New South Wales lawyer, seeking to manipulate local government decisions, would regularly bully elected members by threatening them that if they acted contrary to his professional advice, their behaviour could be seen as 'ICAC-able'...The second group is made up of political opponents and those with an axe to grind. For personal or political reasons they wish to maliciously damage the reputation of those in public office. As

former CEO of Liverpool Council, one of New South Wales' largest, I saw many disgruntled parties, community groups, mayoral aspirants, political candidates, developers and companies who'd lost out on tenders all misuse ICAC in this way. For them, ICAC was the perfect vehicle to vent their spleen, leak their spurious allegations to the media and publicly injure the elected official they held a grudge against.

Mr Brian Carr went on:

> Is this really the kind of unchecked anti-corruption system we want for South Australia? In my view, it merely paves the way for a more sinister form of corruption to flourish.

So, there is a real danger that people can use the threat of ICAC action to coerce public officials, elected councillors or others into acting in a particular way. Similarly, when allegations are made and are then made public, the mere investigation can be enough to seriously damage someone or end their career. The Hon. Ms Kanck, in her contribution when introducing the bill, said:

> Back in 2005 we saw allegations of paedophilia being made against a state MP, and that would have been cleared up very quickly without all of the endless media speculation if we had been able to refer the matter to an ICAC.

To me, that is a rather extraordinary proposition because, had such a body been in existence and such a reference been made to it, it is quite likely that the identity of that person would have become public and there would have, in fact, been much more media speculation and much more hyperbole and public hysteria, almost, about that issue. The use of an ICAC to seriously damage someone or to vent allegations that have no basis in fact would be an extremely damaging development for this state and would, in fact, do nothing to reduce corruption, but would seriously damage people's confidence in the institutions of the state. It would be a very unfortunate development if a body could be used to irreparably damage people's reputations for no good reason, other than someone has a vendetta against them.

I turn to the cost. In New South Wales, the cost of the ICAC is around $30 million a year. In an article in *The Advertiser,* the New South Wales ICAC Commissioner said that he has 120 staff and it costs around $30 million a year for their investigations. That money could otherwise be used to employ teachers, nurses and police. Instead, they have 120 staff—

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order! The Leader of the Opposition has just entered the chamber and he is disrupting it already.

The Hon. B.V. FINNIGAN: Instead, those 120 staff are used to run ICAC when they could be more usefully employed.

The Hon. T.J. Stephens: What about Miltie?

The Hon. B.V. FINNIGAN: I believe that the Hon. Mr Stephens interjected, 'What about Miltie', which I assume is a reference to Milton Orkopoulos, who is—

The PRESIDENT: The Hon. Mr Stephens is out of order.

The Hon. B.V. FINNIGAN: —facing significant charges or has faced significant charges—I am not sure where that is at the moment and whether he has been convicted. I am not sure whether those charges have anything to do with an ICAC. He has been charged with criminal offences. He has been prosecuted by the police and charges have been laid by the DPP. So, thank you to the Hon. Mr Stephens for adding to my arguments against an ICAC. The police and the criminal system are dealing with the offences with which that man has been charged.

The Hon. S.G. Wade: We haven't got time to go through all the corrupt Labor politicians.

The Hon. B.V. FINNIGAN: Again we have just heard the Hon. Mr Wade say that we have not got time to go through all the corrupt Labor politicians. I mean, this is the classic opposition—

The PRESIDENT: The Hon. Mr Wade is out of order, and you are out of order for responding.

The Hon. B.V. FINNIGAN: I stand humbled, Mr President. It is the opposition's continual tactic to rubbish and slur, rather than come out with facts. It shows why there are those who are advocating an ICAC, because what they want is this nice conflagration of issues and controversy and ministers being brought down. They are not really interested in whether people have done something wrong; they are not interested in good government: they are just interested in feeding the opposition fires. That is why they set up these committees to which they are not interested in turning up.

Finally, I turn to the Democrat position regarding this matter. It is a puzzle to me as to why the Australian Democrats have not moved to try to establish an ICAC at the commonwealth level. Indeed, the last time I checked—fortunately, we are sitting this week, because I may well be incorrect in asserting this in a few days' time—the Liberal Party is in federal government.

I saw John Howard on the *7.30 Report* last night. He did not say anything about an ICAC. We have gone through six weeks of an election campaign; where is the call for an ICAC from Senator Nick Minchin, the Leader of the Government in the Senate, the Prime Minister, or the Minister for Foreign Affairs, South Australia's most senior minister? Not a word from them about how we need an ICAC, or a crime or misconduct commission at the federal level.

The federal government has a much bigger budget and deals with much greater issues. Let us look at some of the things that have happened with the federal government recently. It is now revealed that over $500 million—that is, half a billion dollars (about a third of the cost of our new hospital)—has been spent by the federal government on government advertising in the past two fiscal years. There is a $300 million wheat—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Finnigan will refrain from exciting the opposition.

The Hon. B.V. FINNIGAN: We have seen a $300 million wheat for weapons scandal at the federal level, and we know the regional partnerships program has been the subject of an Auditor-General's Report which has revealed the most extraordinary rorting of government funds.

The Hon. D.W. Ridgway interjecting:

The Hon. B.V. FINNIGAN: It has involved people being handed grants who have not even applied for them and councils being advised to double the amount that they should apply for when they have not applied for it yet. The Leader of the Opposition interjects and says, 'take home the Auditor-General's Report'. This is entirely our point. We have the Auditor-General, the Anti-Corruption Branch, the Police Complaints Authority and an Ombudsman and, if there is a problem, it is those officers who are charged with the responsibility of looking after it. Despite all these potential issues at the commonwealth level, certainly there is no move by the Liberal and National parties to establish an ICAC, and none by the Australian Democrats that I am aware of, although I stand to be corrected.

Finally, as far as I am concerned the real issue for the Australian Democrats is that they are against development and want to see development grind to a halt, and they are happy to support any move that may bring that about. The Hon. Sandra Kanck said in her contribution:

> The mining and development booms in this state mean that a lot of money is being thrown around in South Australia, along with a lot of pressure on government authorities to make decisions that favour these investors.

This is the classic tactic of throwing around allegations. Where is this corruption? Where are these developers that are supposedly engaged in some sort of corrupt behaviour? Let us have an ICAC to investigate something that we do not even know exists, but we think there must be something going on because there is all this development and mining. There must be something fishy going on, so let us have an ICAC to investigate it. That is backed by the Liberal Party which, of course, has the most extraordinary record when it comes to political donations and other things that have gone on in the past in this state, and nationally.

So, members of the Liberal Party in this state are now, for political convenience, supporting the call for an ICAC. They are not doing it at the federal level when they are in government. I do not know whether they will do it in the City Council of Brisbane, since that will be possibly the only authority or government they have in Australia in a few days. If they get back into government I am prepared to bet any money I have, or I will go to the ANZ and say, 'The Hon. Ann Bressington recommends me. I want to borrow some money to pay off a debt to the Liberal Party because it will not introduce an ICAC.' No way in a million years, and we know that.

As the Hon. Sandra Kanck mentioned, there is all this development and mining, therefore there might be something fishy going on and we need an ICAC to investigate it. That simply reflects the fact that the Hon. Sandra Kanck, in my view, and the Australian Greens are not too keen on development and are happy to support anything that they think will put a spanner in the works. I respect that position. You do not have to support development. I am a bit of Luddite at heart. I would be quite happy if we had a Roman cityscape out there with nice beautiful ancient four-storey buildings and nothing else. But that is not what we have, and I do not take the view that we need to stop all development happening. I think that is the view—

The Hon. Sandra Kanck: What does this have to do with an ICAC?

The Hon. B.V. FINNIGAN: Well, in her speech the Hon. Sandra Kanck said that we need it to stop corruption in development. What corruption? There is none that we are aware of. So, let us spend millions of dollars, let us have a lawyers' frolic, in order to root out corruption that we do not know exists. There is no ICAC or similar body in Victoria, there is not one at a commonwealth level, there is not one in Tasmania—

The Hon. T.J. Stephens: It is a pity that there is not one in Victoria at the moment. You hardly need one there, do you?

The Hon. B.V. FINNIGAN: Well, there are things being investigated in Victoria by another body, and this is my point again. We have already the mechanisms, the processes and the structures that deal with these things. So, having another one that costs millions of dollars that is simply a lawyers' picnic is not going to address this issue. In my mind, it is designed to substitute a quasi-judicial body for the processes of law. We see this again and again where, if you cannot get someone in the courts because you do not have the evidence, just set up some other body with a lower standard of evidence so you can get them. That is an appalling approach. I cannot believe that people such as the Hon. Mr Lawson—a QC—thinks that we should have some sort of quasi-judicial body that does not apply the standards and processes that apply to the Supreme Court or to the other courts in this state.

We have proper process in relation to the police and the courts. We do not have a history of, or evidence that there is, widespread corruption. This is simply an opportunity for the opposition—and, with all respect, the minor parties—to do what they do best, which is create all this drama all the time, throwing out allegations and aspersions about what people have or have not done, with no evidence. There is nothing to suggest that there have been significant levels of corruption which need to be investigated.

Members interjecting:

The ACTING PRESIDENT (Hon. I.K. Hunter): Order!

The Hon. B.V. FINNIGAN: Members opposite say, 'Rather than going after outlaw motorcycle gangs'—who are the people we should be going after in this community—'let's spend $30 million and let's employ over 100 people to investigate allegations of corruption that we know don't exist.' There is no evidence of widespread corruption in South Australia. What the opposition and the other parties are suggesting is that we spend millions of dollars to employ dozens, if not hundreds, of staff to try to investigate things in the hope they will uncover something.

Members interjecting:

The ACTING PRESIDENT: Order! The leaders might like to take their discussion outside.

The Hon. B.V. FINNIGAN: We know from those bodies interstate that they spend millions of dollars—

The Hon. D.W. Ridgway interjecting:

The Hon. B.V. FINNIGAN: I am floored—I must sit down and recover from such a barb! These bodies spend millions of dollars and employ many staff with the intention of creating a lot of work, because that is the nature of bureaucracy; we all know that. The idea is that you spend a bit of money to show that you approve of and want to invest in something, and people will not roll up three years later and say, 'Not much corruption happening around here; we think you should wind us up.' Of course, that will not happen, and we all know that. It becomes a mushrooming bureaucracy that must justify its own existence, so it continually expands its ambit.

We have seen that in other states, where they are spending millions of dollars to investigate things while acknowledging that very few matters they investigate result in prosecution because the evidence is not there. That is the fundamental problem. For all those reasons—because it is not required, because it costs money, because it is an exercise in grandstanding—I believe this bill should be opposed; and the government opposes this bill.

The Hon. R.D. LAWSON (20:37): It is a pleasure to follow the Hon. Bernie Finnigan. Mr Finnigan told the chamber that one of the reasons we should not have an independent commission against corruption in South Australia is that we already have the mechanisms for this: we have the police Anti-Corruption Branch, the Auditor-General, the Ombudsman, and so on. Let me tell the council what the former auditor-general said earlier this year when he retired after 17 years in the role.

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. R.D. LAWSON: He said:

> We don't have the mechanism which would enable us to deal with the types of issues that have been identified in some other jurisdictions.

He supported the establishment in South Australia of an independent commission against corruption. But he is not the only one. The distinguished retiring member for Port Adelaide (Rod Sawford) calls for the establishment of an independent commission.

Members interjecting:

The Hon. R.D. LAWSON: Those opposite are keen to bag Mr Sawford; and no doubt they will bag the next Labor member. Senator Penny Wong has called for its establishment in South Australia. Former ALP senator and regular ABC commentator Chris Schacht has called for the establishment in South Australia of an independent commission against corruption, as has Dean Jaensch, the distinguished South Australian professor of politics, as has Alex Ward.

The Hon. P. Holloway interjecting:

The Hon. R.D. LAWSON: The honourable member talks about Professor Dean Jaensch in disparaging terms, and I think that is appalling. The Leader of the Government says that Dean Jaensch is incompetent.

The Hon. P. Holloway interjecting:

The Hon. R.D. LAWSON: He is right on this—

The Hon. P. Holloway interjecting:

The Hon. R.D. LAWSON: The honourable member is very keen to disparage Professor Dean Jaensch. I think it appalling that, under parliamentary privilege, the leader would make such remarks about a highly-experienced commentator—a regular commentator on Carole Whitelock's show; as well as Leon Byner. We hear Professor Jaensch all the time, yet here he is being rudely, crudely, under parliamentary privilege, attacked in this cowardly way.

And there are others—not only members of the Australian Labor Party—who have called for the establishment of an independent commission against corruption. For example, Law Society President Alex Ward, university criminologist Allan Perry, and, of course, and more importantly, the leader of the Liberal Party in South Australia, Mr Martin Hamilton-Smith—who made an innovative policy announcement to which we in the Liberal Party are committed when elected in 2010, namely, the establishment of an independent commission against corruption.

The Hon. Bernie Finnigan talked about the fact that there is no evidence to suggest corruption in governments around the country—a most amazing claim. Look at what is happening in Western Australia. This very week the Western Australian Premer had to stand down a significant figure in the Australian Labor Party. And, of course, I mention that the activities of the notorious Brian Burke have been exposed in Western Australia by an anti-corruption commission.

Amazingly, in Victoria only this very week senior police officers have had to resign as a result of the activities of a body established in that state. They could not call it a commission against corruption; they established a special body to investigate police and, when that body was given sufficient independence, it exposed corruption at the highest levels of the Victorian police. If we in South Australia think that corruption cannot infect our police, one only has to cite the example of Barry Moyse, who was the head of the drug squad in South Australia.

The Hon. P. Holloway interjecting:

The Hon. R.D. LAWSON: The honourable member says what about my legal colleagues? What about the judiciary? Well, if he has some information about corruption in the South Australian judiciary, I would be surprised to hear about it. But if that exists that is yet a further need for the requirement of an independent commission against corruption. If the leader of the government is saying tonight that there is corruption in the judiciary—

The Hon. P. Holloway interjecting:

The Hon. R.D. LAWSON: Well, I am talking about the police and you are accusing the judiciary of corrupt—

The Hon. P. Holloway interjecting:

The Hon. R.D. LAWSON: What I am saying is that if South Australians think that corruption within the police does not happen here, it does. The scales should have fallen from their eyes years ago when the head of the drug squad, Barry Moyse, was found to be using and dealing the very drugs he was seizing from criminals. Police corruption can occur. I am not accusing any current serving officer of South Australia Police of corruption, but there ought to be a mechanism which exists, first, for the purpose of investigation for prosecution; and, secondly, for clearing people if their reputation deserves to be cleared.

This government by its very actions has changed our minds about the need in this state for an independent commission. Take the Randall Ashbourne affair where the Premier's senior adviser was charged with corruption in relation to an incident involving the Attorney-General.

The Hon. B.V. Finnigan interjecting:

The Hon. R.D. LAWSON: He was ultimately acquitted, but that should have been dealt with by a commission against corruption. When the McGee case occurred there were suggestions that the police might have gone light on a prominent criminal lawyer. The government had to establish a royal commission for that very purpose, which cost millions of dollars to run—

The Hon. P. Holloway interjecting:

The Hon. R.D. LAWSON: You had to establish such a commission. If it had been in existence, an anti-corruption commission could have dealt with that matter in the ordinary course. You would not have had to go to New South Wales and call in a retired judge or pay countless privately-engaged lawyers to conduct the mechanism, because you would already have it.

Take the 'stashed cash affair' involving the Attorney-General and the Crown Solicitor's Trust Account where, because of the lack of cooperation from the government, we had to establish a select committee—which the government has sought to frustrate at every opportunity. An independent commission against corruption would have dealt with that and it would have been finalised a long time ago. There are issues with conflicts of interest with ministers in the current government: the Minister for Agriculture, Food and Fisheries, for example, was recently the subject of protracted discussion, and a commission against corruption could have examined that matter and resolved it to the satisfaction of the public. If we, in South Australia, somehow think that we do not have corruption that requires investigation we are kidding ourselves.

It is not only political people who are calling for such a commission, not only experienced Labor members; George Mancini, chair of the South Australian Council of Civil Liberties, has also called for the establishment of, as he described it, a 'properly equipped, well-resourced body that could demonstrate to the community that corruption was going to be investigated.'

Why does the Labor government fight so fiercely against the establishment of such a commission? The rather weak ground given by the Hon. Mr Finnigan was its costs but, as I have just illustrated with the McGee case, we now have to establish a separate commission every time some event happens or the investigations of the parliament are frustrated by foiling select committees established for that purpose.

The Hon. Bernie Finnigan also says that a commission against corruption is an invitation for false accusations and for people's names to be blackened on the basis of false allegations. However, if the possibility of false allegations against some person were a valid reason not to have a commission why would we have a criminal justice system? Why do we have courts and police if people might use those systems to make false allegations? False allegations are made in every walk of life on a fairly constant basis; just because someone might make a false allegation is no reason to say that we should not have a commission.

We are not so concerned about the false allegations; we are more concerned about the allegations that may ultimately be proved. When you see the work being done in Queensland by the Crime and Misconduct Commission, in New South Wales by the ICAC, and especially in the Western Australian commission, you see the good work and the sound public policy that can be fortified by the establishment of such a commission.

As I indicated, the Liberal Party supports the second reading, and the Leader of the Opposition has indicated that a Liberal government will (if this government has not already done so) establish such a commission—and we know, of course, that this government will not establish a commission, we know that it is scared of such a commission. We will present a fully costed proposal, and there is plenty of fat in this government that can be cut. Admittedly, the cost of

establishing a commission is significant, but the cost of corruption and the corrosion and undermining of public confidence in government is a matter that ought be considered. Of course maintaining integrity has a price, but the government is keen to avoid the imposition of any independent scrutiny of its activities.

As I said, we will present a fully costed policy. We notice that the Hon. Sandra Kanck's bill does not really seek to go into the precise costs, but we regard this bill as—

The Hon. P. Holloway interjecting:

The Hon. R.D. LAWSON: The leader asks why the federal government has not established—

The Hon. P. Holloway interjecting:

The Hon. R.D. LAWSON: He mentions AWB. The commonwealth government quickly established a royal commission to get to the bottom of it. It did not hide behind that at all. Perhaps if it had established an independent commission against corruption it would not have been necessary to establish that sort of royal commission, but do not suggest to us that the federal government has run away from these things. They have all been fully investigated. One does not see the sort of corruption at a federal level as one sees at the state level around this country. It is no justification to deny—

Members interjecting:

The ACTING PRESIDENT: Order! Entertaining as it is, the honourable member will ignore interjections.

The Hon. R.D. LAWSON: The fact that some other places might not have a royal commission is no reason at all for us not to have one. They should have one in Victoria, as everybody says, given the events that are going on there. Their mechanism (they only have a Police Integrity Commission) is virtually, although not under that name, a crime and misconduct commission in relation to the police but, for some reason, the government there (like the government here) is not prepared to allow itself to be the subject of scrutiny.

The Hon. B.V. Finnigan interjecting:

The Hon. R.D. LAWSON: They may not have one in Mongolia either. The fact that somebody has not—

The Hon. B.V. Finnigan interjecting:

The Hon. R.D. LAWSON: I will not be diverted by listening to the nonsense that is being talked by those on the other side, all anxious to cover up what this government is doing. We will be supporting the second reading of this bill. We do not believe that all of the provisions in it and all of the mechanisms that are required to be addressed are addressed in this particular bill. However, we strongly support the establishment of an independent commission against corruption, and we look forward to the committee stages of the bill.

The Hon. M. PARNELL (20:52): The Greens strongly support an independent commission against crime and corruption. We do so in South Australia as we have done in New South Wales and Tasmania and in every state where the Greens are represented. We think it is an important addition to our laws, keeping governments accountable.

I was very pleased to attend a breakfast some little while ago, where the guest speaker was Jerrold Cripps, of the New South Wales Independent Commission Against Corruption. He made the point that some 34 per cent of matters that it dealt with related to local government and that the vast majority of those matters related to local government exercising its controls in relation to planning. In this place, when people have dared to pose questions that might ask the government to explain the connection between political donations and business decisions that have been made by government—decisions to give favourable treatment to developers—we have been pilloried by the Premier.

The Premier says that only someone of the lowest character could possibly ask those questions; yet, when a prominent developer was asked by Matt and Dave on ABC Radio whether giving donations to the Labor Party is a way of buying influence or buying favours, the response was, 'Well, that's the way business works in this state.' Having an independent commission against corruption would be a very useful safeguard to look into political donations and their relationship to government decision-making.

The Hon. Bernard Finnigan made the remarkable claim that, if you support an ICAC, you must be against development. What is the flip side of that coin: if you are for development, you must also be for corruption? Do those two things go hand in hand? That is the logic of what the honourable member said. Support ICAC and you are against development; if you are in favour of development, you must accept the corruption that goes with it.

I was intrigued to hear the Hon. Robert Lawson recite a long list of people who have called for or supported calls for an independent commission against corruption in this state.

The Hon. R.I. Lucas: Was your name on it?

The Hon. M. PARNELL: It wasn't on it; we can add it to the list. I was most interested to read in *The Australian* a few months back on 27 August an article entitled 'Opposing the obvious: why are some premiers against corruption commissions?' I think it is informative for me to read a few sentences from that article. It states:

> If the first sign a premier has been in office too long is a statement that independent oversight of the government is unnecessary, it is time for Labor MPs in South Australia to start thinking about a successor for Mike Rann. Last week, Mr Rann suggested South Australia does not need an independent corruption commission because in other states such agencies spend a lot of money on lawyers.

And that was the Hon. Bernard Finnigan's argument. The article goes on:

> At best, this unforced error means Mr Rann is so unconcerned by what voters think that he now says the first thing that comes into his head.
>
> At worst, it demonstrates that he is comfortable in power and so convinced of the probity of his ministers and mandarins that he genuinely does not see the need for independent investigators, including lawyers whose job it is to ask politicians and public servants hard questions.
>
> But whatever Mr Rann thinks, from the wretched regime of Joh Bjelke-Petersen in Queensland a generation ago to the recent influence-peddling of Brian Burke in Western Australia, the evidence is overwhelmingly in favour of a well-resourced corruption commission.

I think that sums up the argument very well. The position of the Liberal Party, as I understand it, is that it has its own model that it will present to parliament next year. In fact, an article on the front page of *The Advertiser* states:

> A Liberal bill aimed at giving South Australia its first independent anti-corruption body will be introduced to parliament early in the New Year.

The chances are that the Hon. Sandra Kanck's bill will still be on the *Notice Paper*, and we will have the ability to compare a couple of different models. I have an open mind about what model might be best. I look forward to seeing the Liberal version. But for now I think it is important for all members to keep this issue alive and to support the honourable member's bill by supporting its second reading.

The Hon. R.I. LUCAS (20:58): I had not intended to speak until I heard the contribution from the wholly owned subsidiary of the Attorney-General.

The Hon. P. HOLLOWAY: I rise on a point of order. Do we really have to put up with that? It is totally unparliamentary. Mr Acting President, I ask you to seek a withdrawal from the Hon. Rob Lucas.

The ACTING PRESIDENT (Hon. I.K. Hunter): I am not convinced that it is unparliamentary, but I do invite the Hon. Mr Lucas to withdraw and rephrase.

The Hon. R.I. LUCAS: Mr Acting President, no, I will not withdraw, and I will not rephrase. There is nothing unparliamentary in the phrase that I used. I was not going to speak until I heard an unparliamentary contribution from a member in this chamber. The first thing that I will say is that the reason that the Hon. Mr Finnigan got to his feet this evening to oppose the establishment of an ICAC in South Australia is that his master, the Hon. Mr Atkinson, has been trenchantly opposing and fighting the establishment of a corruption commission in South Australia for a number of years.

One might ask why the Hon. Mr Atkinson would be so trenchantly opposed to the establishment of a corruption commission in South Australia. The reason is self evident. There have been a number of examples where, had an ICAC been established, issues would have been referred to the ICAC that relate to the Attorney-General.

The most obvious of all relates to the issue of the Atkinson/Ashbourne/Clarke inquiries. The allegations in relation to that, after a secret whitewash inquiry by the Premier, were eventually flushed out and forced to be considered by bodies other than the Premier and the head of the

Premier's Department at the time. I will not go over the whole sordid history of that attempted cover-up by Mr Rann, but both the Premier and the Attorney-General would have been dragged kicking and screaming before a South Australian ICAC to defend their actions in relation to that issue.

I will respond briefly to a comment which, if made publicly by the Hon. Mr Finnigan (it has been made on a number of occasions by the Hon. Mr Atkinson), would be defamatory. The Hon. Mr Finnigan repeated the claims that have been made by the Hon. Mr Atkinson in another chamber that moneys paid in relation to a defamation action that involved me and the former Hon. Mr Xenophon—if he is a former 'honourable'; I am not sure whether he retains that title—

The Hon. R.P. Wortley: He got his 10 years today.

The Hon. R.I. LUCAS: He got his 10 years, but I think you still have to apply. I do not know whether he is Mr Xenophon or the former Hon. Mr Xenophon. The claim has been made and repeated by the Hon. Mr Finnigan this evening that in essence a criminal or illegal act was committed by me or by the former government, that is, that personal debts were paid for by the taxpayers. That is an allegation of a criminal offence made against another member and it has been made on a number of occasions by the Attorney-General. But because I am not a litigious fellow, when he has made it publicly thus far, I have not pursued legal action against him.

However, this is the first occasion on which anyone, obviously under instruction from the Attorney-General, has stood up and made the claim in this chamber that, in essence, I was involved in a criminal action, that is, that the former government paid a personal debt in relation to a legal action involving myself and Mr Xenophon. I will not go through all the history of this, as it was considered by the former Auditor-General, who is, as a number of members have indicated, no close friend of mine. However, he, having considered the issue, could find no evidence of any criminal act and reported, as was the fact, that the former Attorney-General and the former cabinet followed all the appropriate processes. It was considered by the Auditor-General and there was no evidence to sustain the sort of claim the Hon. Mr Finnigan has made in relation to this issue.

I had not intended speaking, but when I heard the ill-considered contribution parroted by the Hon. Mr Finnigan, inspired and drafted by the Attorney-General and his fellow travellers, I felt compelled at least to place on the public record the facts as opposed to the musings or smearings from the Attorney-General and the Hon. Mr Finnigan.

Members interjecting:

The ACTING PRESIDENT: Order! Honourable members will show the Hon. Ms Kanck due respect in her summing up of the debate.

The Hon. SANDRA KANCK (21:05): In summing up and responding to the comments on this bill, most of which I have only heard this evening, I thank members for their contributions, particularly those who have indicated support for the bill. The Hon. Ann Bressington indicated a few weeks ago that she wants the bill amended, and I indicate that it is my intention also to amend the bill when we get to the committee stage on the basis of the feedback that I have received from the public.

Many members of the public who contacted me have felt that, when they have been to the Police Complaints Authority or the Ombudsman, for instance, justice has not been done. Yet, those are the sorts of organisations that the Hon. Mr Finnigan, the Attorney-General, the Premier and so on cite as being reasons for us not to have an ICACC. They talk about the Ombudsman, the Auditor-General, the Police Complaints Authority and so on. But I remind members and the government, in particular, that, when the current Acting Ombudsman and the former auditor-general left his job earlier this year, he called for an ICACC and, according to *The Advertiser* on 24 August, he criticised the secrecy surrounding the Police Complaints Authority. So, one of the people who has held one of the positions that the government uses as justification for not having an ICAC himself says that an ICACC is necessary.

The Hon. Mr Finnigan says that I am proposing a $30 million ICACC. I am not proposing a $30 million ICACC; I am not sure where he has got that figure from. If he actually examined my speech, he would see that I said that I have based this bill on the New South Wales model for ICAC but I also said that, on a population basis, we would not need to spend the same amount of money nor have the same amount of staff. There would not be a call to spend money on 120 staff. They would be twiddling their thumbs.

I also noted the comment from the Hon. Mr Finnigan that basically there were only 50 complaints of substance in New South Wales. I am not quite sure of that figure because Jerrold Cripps, the Commissioner of the New South Wales ICAC, addressed the attendees at a breakfast where he said that there were 2,500 complaints received per annum but only 500 were sustained. Perhaps the 50 complaints referred to might be those complaints (of those 500) that are forwarded to the DPP for action. But if it is only 50, I invite the Hon. Mr Finnigan and the members of the government to consider that that is one a week which is a very good result. It shows that the ICAC is worth its money.

The Hon. Mr Parnell referred to the comments that Mr Cripps made at that breakfast in regard to local government and planning issues. One of the comments that he also made was that the mining boom in South Australia was ripe for corruption, and I am sure he had not read the speech that I had made in this parliament a month earlier. He came up with that of his own volition.

I suppose that the government's contribution was to be expected but, despite its unwillingness to accept the need, I think the fact that this bill today will pass at the second reading vote must be a message to the government that this is inevitable. It might not come this year or next year, but it is inevitable. Ninety per cent of South Australians believe that we need an ICACC and all political parties, except the ALP, believe we need an ICACC.

The Hon. P. Holloway: What about Canberra?

The Hon. SANDRA KANCK: I think Canberra is a good idea. I have no problem with that. When I look at some of what went on with the Haneef affair earlier this year, I think that there is a very good case for an ICACC at the federal level, but that does not mean we do not have it here.

I can understand why the government holds out against an ICACC because wherever such a commission has been set up it does uncover corruption. Regardless of which government is in power, it tends to reflect upon that government of the day. I remind members of what I said in my second reading explanation, that a lot of the work of the ICACC in New South Wales is involved in ensuring that parliaments, governments and government agencies do things the right way, so that things are done properly and are seen to be done properly. It gives advice on the wording of legislation and by-laws and so on, so that there cannot be mistakes.

The Hon. M. Parnell interjecting:

The Hon. SANDRA KANCK: As the Hon. Mark Parnell has said, it prevents corruption. The government is claiming expense as an excuse for not supporting ICACC, but there would be savings in the removal of other bodies, such as the Police Complaints Authority. Michael Kelledy, a partner in the local law firm Wallmans Lawyers, pointed out in an *Advertiser* opinion piece of 4 September this year that the Anti-corruption Branch reports to the state government not the parliament, so it is not independent.

The Anti-corruption Branch is another body that could go if an ICACC were to be established. So, it is not as if we have to keep all these other bodies going as well as the ICACC. What is important is the 'independent' in that title 'Independent Commission Against Crime and Corruption'. The public is always suspicious, for instance, of the police investigating the police and when the Anti-corruption Branch reports to government it is very clear that it is not independent.

This is the fourth time that the Democrats have moved for the setting up of an ICACC. Today is going to be different because, for the first time, we will get this passed at second reading. It is an important step—it is not the final step, of course—and I look forward to more constructive comment and amendments in the committee stage next year.

Bill read a second time.

TOBACCO PRODUCTS REGULATION (OUTDOOR EATING AREAS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 September 2007. Page 680.)

The Hon. R.P. WORTLEY (21:13): The government does not support the measures proposed in this bill. A total ban on smoking came into force across all enclosed areas within hospitality venues on 1 November 2007. This measure is the accumulation of five years of planning, extensive public and stakeholder consultation and phased-in implementation. This process has been thorough and has had excellent stakeholder support.

A great deal of time and effort has gone into working with pubs, clubs and the casino, including the creation of the hospitality taskforce, made up of industry and health peak bodies, which advised on the current legislative measures banning smoking in all enclosed areas. Any further changes to smoking laws affecting hospitality venues at this point would introduce an unnecessary level of complication to the process of industry complying with current legislation and would damage the cooperative relationship developed between the broad range of stakeholders in South Australia.

This year's World No Tobacco Day theme, which is promoted by the World Health Organisation, is 'smoke-free inside', in recognition that going 100 per cent smoke free is the only effective measure to protect people from passive smoking exposure. This is very timely, given that 2007 sees the implementation of the final phase of the South Australian smoke-free laws for all enclosed workplaces and hospitality venues.

A comprehensive media campaign was introduced in October, including a television and radio advertising campaign, which was created to announce the changes. Introducing further legislative change will confuse the message being delivered to the public announcing the end of temporary exemptions to enclosed areas. The Hon. Dennis Hood states that this bill is based on the Queensland model. Addressing smoking in outdoor environments is complex and requires a thorough and scientifically based approach that takes into account a range of issues rather than dealing with one aspect at a time.

Any further changes to the Tobacco Products Regulation Act 1997 in respect to banning smoking in outdoor areas would first require extensive consultation with the hospitality industry. Clearly, this has not occurred prior to the introduction of this bill. The government does not support the bill which deals with only one aspect of smoking in outdoor areas and which will jeopardise the progress currently being made in South Australia. This government is committed to ensuring that current legislative measures are implemented and are working effectively.

The Hon. J.M.A. LENSINK (21:16): I rise reluctantly to advise that the Liberal Party will not be supporting this measure, although I congratulate the honourable member on bringing the initiative to this chamber. I remind the council that I supported a similar proposal in the tobacco products amendment bill of 2004 that was put to this council previously, which suggested that 50 per cent of outdoor eating areas should be reserved for non-smoking people.

I have consulted with some relevant organisations, including the Restaurant and Catering Association and the Australian Hotels Association. Having listened to the previous speaker, he has outlined that, in terms of tobacco legislation, the hotel sector is undergoing probably the most significant changes that it has undertaken in its history, in that people will no longer be able to smoke in the vast majority of the areas within the hotels, and to that I say, hear, hear! It is a shame that we received the wooden spoon award as the last state in Australia to adopt that measure.

I do have sympathy for this proposal. As somebody who likes to sit outside, I do not enjoy inhaling—

The Hon. R.P. Wortley interjecting:

The Hon. J.M.A. LENSINK: Not at all. I do enjoy sitting outside. In fact, I have been inhaling other people's smoke in the lift on the way down, which was not a very pleasant experience. However, I appreciate the difficulties of the Hotels Association and the work that its members have had to undergo in instituting the current bans which came into force on 1 November.

The Restaurant and Catering Association has also written back to me, and I think it has quite a number of germane arguments. In her response, Sally Neville, the CEO, states:

> Under the proposed amendment, a business would need to restrict outdoor areas...If all the non-smokers are inside the restaurant, and all the diners that want to sit outside are smokers, the restaurateur will be forced to refuse them... this would become unworkable for the staff and operators.

So, in fact, staff who may have minimal training or who are employed on a casual basis will be required to enforce these rules and, I think, that will create some difficulty for them. I think the proposal is well-intentioned, but a whole range of difficulties present themselves in its implementation. Therefore, we are unable to support it at this time.

Debate adjourned on motion of Hon. J.S.L. Dawkins.

EDUCATION (COMPULSORY EDUCATION AGE) AMENDMENT BILL

In committee.

Clause 1.

The Hon. R.I. LUCAS: I do not intend to pursue a number of the issues that I raised in the second reading in relation to what I claim to be the political spin on this issue, which the government has obviously denied. Our positions are established, and I do not intend to waste the time of the committee.

First, the minister, in her reply, and the minister's reply in another place, referred to the government's trade school initiatives. Can the minister briefly indicate whether all decisions have been taken in relation to the location of those trade schools and whether all decisions have also been taken in relation to the resources to be provided to each of those trade schools?

The Hon. CARMEL ZOLLO: I can advise the honourable member that the ones that have been announced are the Northern Adelaide Trade School for the Future, the Western Adelaide Trade School for the Future and the Eyre and Upper Spencer Gulf Trade School for the Future. The Northern Adelaide Trade School for the Future will operate from Parafield Gardens High School and will specialise in areas including electronics, advanced manufacturing, engineering, construction, information technology and robotics. It will build on the strength of the Northern Adelaide State Secondary Schools Alliance.

The Western Adelaide Trade School for the Future will operate from Le Fevre High School and will target skills shortages in the areas of engineering, electrotechnology and construction, especially in relation to air warfare defence. It will also include trade programs in transport, health and community services. The Eyre and Upper Spencer Gulf Trade School for the Future will operate from Edward John Eyre High School in Whyalla and Peterborough High School. It will focus on skills needed by the mineral resources industry and transport, health and community services. The funding, I am advised, is $28.4 million over four years.

The Hon. R.I. LUCAS: We are talking about approximately $7 million a year amongst 10 schools. Is it fair for us to assume that about $700,000 per year is being provided to each of the trade schools that are being talked about?

The Hon. CARMEL ZOLLO: My advice is that we will have to take that question on notice and bring back a response.

The Hon. R.I. LUCAS: I am prepared to accept that undertaking from the minister. Can the minister indicate whether she can obtain an answer now, or perhaps also take this question on notice: if it is about $700,000, or whatever that is, does it include one-off capital contributions for schools and additional staffing requirements that the school would require?

The Hon. CARMEL ZOLLO: My advice is that it would include capital costs and costs for brokers, but no specific allocation for additional teaching staff in schools.

The Hon. R.I. LUCAS: I will not prolong the committee stage, but I make the point that, if we are talking about approximately $700,000, we are talking about an extraordinarily modest contribution to the cost of secondary schooling for something which is to be called a trade school. I know an auction is occurring in the federal arena at the moment between both the federal government and the federal opposition in relation to technical training, trade schools or whatever, but certainly the dollars being offered by the federal parties to individual schools on the basis that they need at least this amount of money is many millions of dollars.

The point being made by both the federal government leader and the federal opposition leader is that, when one is talking about skills-based training in some of the areas that the minister is talking about—not all of them, I concede—in particular anything to do with defence, automotive and minerals skills processing, you are talking about extraordinarily expensive equipment needing to be provided to young people. Again drawing on my now receding history as minister, I can remember the time in the mid-1990s when schools were seeking to upgrade to cad cam equipment. It was seen to be the cutting edge but extraordinarily expensive for individual schools to purchase, and schools were unable to purchase it at the time.

We now see the 2008 equivalent of that in terms of schools being able to access training. If we are seriously talking about skills development for South Australia's future, particularly if we are to call something a trade school—and that is what the government is doing—we have to look at exactly what we mean by calling a school a trade school. I refer to my experience in discussions

with New South Wales ministers of education when, at one stage, they went through a process of calling every fourth school almost a technical school or a trade school. It was in vogue.

If you do market opinion poll research, when you ask, 'Should we reintroduce technical schools or trade schools,' everyone nods yes. They tell the market researchers that and the politicians say, 'We will provide tech schools or trade schools.' The reality is that it is easy to say that and, as I said, certainly with the New South Wales experience, the shingle went up outside the local high school which said, 'This is now such and such technical school or such and such trade school.' However, when you asked the principals or teachers within those schools what they got for that, they would answer, 'We got a plaque outside and precious little else.' That was all there was.

That will be the challenge. I guess for the first time, irrespective of who is elected on Saturday, we will have a potential mess in the area of technical and trade education in terms of the various offerings, because you have various policies being offered at the federal level and you have the state (properly, I think) trying to compete in the area in terms of technical schools, trade schools or whatever. Nevertheless, the federal government has considerably more resources at its disposal.

We are already having reports of competition for bodies in parts of South Australia; that is, the commonwealth government proposals for tech colleges and the state government's proposals or current policies in relation to trade schools. Of course, both of them are competing with each other in particular areas. As I said, from talking to teachers and principals, a body count is already occurring. People are trying to attract young people to be participants, whether it be in the technical college, the trade school, or whatever.

It is one of the dilemmas our federation leaves us with at the moment in terms of responsibilities in this particular area and, after the flurry of the federal election campaign, we will have to see what settles. As I said, I will not labour the point at the committee stage, but the point is that, if we are talking about $700,000 for a trade school, it is almost the equivalent of the New South Wales circumstance which I saw in the 1990s where the school gets to call itself a trade school but there is precious little else available in terms of resources going into those schools to provide genuine skills development.

I repeat: you only have to look at some of these technical and specialised areas and the cost of the equipment and the specialised training that is required to know that you cannot do it on the cheap, and you cannot have dozens of these schools all over the place. You need concentrations both in terms of the capital equipment and resources and also the specialised teacher training that is required to implement those programs.

The Hon. CARMEL ZOLLO: As I have already mentioned, we are committed to bringing back further information, but I should point out that the breakdown of funding cannot be split evenly across regions because it does depend on the existing infrastructure and VET courses and a range of other things, such as skills. Also, of course, it depends on the resources already existing in training organisations affiliated with the schools.

The Hon. R.I. LUCAS: I turn now to some of the questions that I outlined in the second reading debate earlier today or yesterday—I cannot remember now, but it was not very long ago. Can the minister respond in relation to the questions I asked about the process that will be adopted by the government in relation to exemptions for young people who are involved in work? I ask the question: is this a decision to be taken by the school, at the district level of the department, or by central office? Perhaps the minister could at least initially outline the proposed process for considering which young people can be exempt from this bill.

The Hon. CARMEL ZOLLO: In relation to who is exempt, the interagency advisory group has recommended that responsibility for considering and granting full and partial exemptions from enrolment and participation in an approved learning program will be centrally managed, as is currently the case for children of compulsory school age, that is, 15 and 16 year olds—for example, the Director of School and District Operations in DECS.

For young people of compulsory education age seeking a full exemption who are enrolled in a program provided by or under the authority of the Catholic Education Office, the Director of Catholic Education should have the delegation to consider and grant full exemptions from enrolment and participation. For young people of compulsory education age seeking a partial exemption who are enrolled in a secondary school, all public, Catholic and independent school principals should have the delegation to consider and grant exemptions from partial enrolment

and/or participation. In relation to home schooling, all 16 year olds seeking to be home schooled will be required to enrol at a school and seek an exemption from participation.

Granting this exemption will be done by the central delegate, as is the case for children of compulsory education age. Consideration has also been given by the independent sector (AISSA) as to whether it will seek a delegation (as the Catholic sector will need to consider) and grant an exemption and undertake the responsibilities for monitoring young people granted exemptions.

The Hon. R.I. LUCAS: I ask the minister to clarify whether she is saying that in the government school system, first, the decision for all exemptions has to be taken by the central office director of schools.

The Hon. CARMEL ZOLLO: I understand that it is yet to be determined, but that is the advice of the stakeholders.

The Hon. R.I. LUCAS: So, if the advice of the stakeholders is implemented, and I guess there is every likelihood of that, at the local level—Port Lincoln high school, for example—for a young person aged 16 years who applies to be exempt, that decision cannot and will not be taken by either the principal at Port Lincoln or the regional director, or whatever that title is these days, so will that have to be forwarded to the Adelaide-based director of schools?

The Hon. CARMEL ZOLLO: My advice is that at the local level the director and the principal will support the student to develop an application. That application will then be forwarded centrally for approval, as is the case now for 15 year olds.

The Hon. R.I. LUCAS: Is the minister able to indicate how many students aged 15 are exempt from the compulsory school leaving provisions which exist at present?

The Hon. CARMEL ZOLLO: My advice is that, to date in 2007, 211 students have been exempted. The breakdown of the reasons for this number include employment, 67; apprenticeships, 64; TAFE, 53; traineeships, 19; and medical, four.

The Hon. R.I. LUCAS: When the minister indicated that the local principal of Port Lincoln (using the example I have given) and the local area director would assist the student to make the application, I assume that the government or the department is intending that a standard form will be completed by the student (with the assistance of the persons the minister has indicated) to be submitted to the centrally located director of schools.

The Hon. CARMEL ZOLLO: My advice is that that is correct.

The Hon. R.I. LUCAS: The minister indicated that young people who are home schooled will have to register at a school, then seek an exemption. I ask the minister whether that is the current arrangement in relation to home schooling; that is, home-schooled students are required to register at a school, then seek exemption from compulsory schooling.

The Hon. CARMEL ZOLLO: My advice is that that is the case now, so it will be exactly the same.

The Hon. S.G. WADE: In that case, do the statistics for the school reflect home-schooled students who never attend?

The Hon. CARMEL ZOLLO: My advice is that home-schooled students have to enrol and that an officer from the department monitors their participation and learning.

The Hon. S.G. WADE: My question was more in terms of whether government school statistics for the number of students enrolled in a school include the home-schooled students associated with that school community.

The Hon. CARMEL ZOLLO: My advice is that they are counted but not funded.

The Hon. M. PARNELL: My question relates to the approximately 2,000 16-year-olds who will be caught up in the new legislation. The second reading explanation refers to these people as those who otherwise would not be attending school and who are at risk of falling through the cracks. If these 16-year-olds are picked up (for want of a better word) by police or Education Department officers—perhaps they are hanging out at the shopping mall or are otherwise not gainfully employed or engaged in educational activities—what assurances will the minister give that these people will not be sent straight to the nearest school and put into mainstream classes where they do not want to be; and probably the other students in those classes do not want them there, either.

The Hon. CARMEL ZOLLO: I am advised that there is brokering for individual programs for each individual student at the school level and the district level depending on who last had the particular student.

The Hon. M. PARNELL: It seems to me that now it is a requirement for these 16 year olds to be doing something useful, either training or employment. It would seem that the easiest option is to stay enrolled at the school you were enrolled in as a 15 year old—just stay enrolled. If a 16 year old drops out of that class, they decide they do not want to be there any more, and, whilst I appreciate that alternative programs will be available, I am keen to get some assurance that those programs will be universally available. Also, can the minister assure us that students will not be sent back to a school where they do not want to be and where they are likely to be disruptive to other students?

The Hon. CARMEL ZOLLO: I assure the honourable member that they will not be forced back to school. The government has implemented myriad strategies already to engage and retain all young people in learning and training to ensure they acquire the necessary skills and qualifications for future success. Key initiatives, such as the Future SACE and locally brokered programs, are available for students most at risk to encourage the engagement and participation of all young people.

We are committed to following up all young people and supporting the provision of multiple pathways for them. As I also mentioned in my second reading summing up in relation to authorised officers, from the beginning of 2009 each new DECS district office will also designate a responsible officer to facilitate the follow-up of 16 year olds who disengage. Already a range of district personnel support and assist schools, young people and their families to participate in appropriate programs, for example, transition brokers, inclusion and well-being managers and attendance counsellors.

The Catholic Education Office has indicated its willingness as a system to follow up 16 year olds and could seek to have members of its personnel appointed as authorised officers, which will be possible under the changes proposed in the bill.

The Hon. S.G. WADE: Further to the Hon. Mr Parnell's line of questioning, the second reading explanation talks about these 2,000 16 year olds who are in danger of disengaging. The second reading explanation states:

> These young people will be required to enrol and participate in full-time educational training or accommodation thereof.

My understanding of some of these programs to which the minister refers is that they do not aspire to anything like full-time. For example, my understanding is that the flexible learning options offered by the Service to Youth Council is that its goal is to try to engage the student in one subject at any one time. Is the government hoping to change these pilots? Are these programs to increase the expectations towards what we would understand by the reference in the second reading explanation to a full-time program?

The Hon. CARMEL ZOLLO: My advice is that if they are not full-time: they will be partially exempted. It is about brokering individual solutions for each child.

The Hon. M. PARNELL: I note that this scheme is to commence operation from the start of 2009. I am interested to know, from an implementation point of view, how this might work with our 15 year olds who are currently in school. For example, when a person turns 16 will they receive a brochure or package saying, 'Now you are 16, here are your options'? Will it be something that will just be mentioned at the start of a school year; will we talk individually with each of our young people on their sixteenth birthday and tell them what their options are? Would the government explain how it sees this being implemented; how our young people will know that there are options available to them other than staying at school?

The Hon. CARMEL ZOLLO: My advice is that an entire communication strategy will occur next year. The implementation arrangements will be finalised by mid-2008 with a statewide planning and communication strategy to be undertaken with students, schools, parents, education and training providers and the wider community, along with consultation with parent groups, the South Australian Association of School Parent Clubs and the South Australian Association of State School Organisations as part of the development of the communications strategy. Information will be sent to school governing councils regarding legislation, key contacts and support available to parents, and parents of all enrolled students will receive information regarding the changes and support available to them via school communication channels.

School principals, along with student counsellors and vocational education coordinators, will work in partnership with parents to identify career options and pathways. Transition brokers, student well-being managers and disability coordinators within each district already work in partnership with schools to support those students and their families who require intervention and support. So, in relation to the last comment, this is already current practice.

The Hon. D.G.E. HOOD: I have a point for clarification. I have here a copy of some of the notes distributed during the government briefing, which say, 'It also provides for 16 year olds [referring to the bill] to seek exemption from this requirement if they have gained full-time employment.' Could the minister point out where it actually specifies that in the bill? I understand that is claimed to be the intention, from the briefing, but I do not see that it as specific as that anywhere in the bill—that is, if a 16 year old has full-time employment they will be exempt.

The Hon. CARMEL ZOLLO: I refer the honourable member to clause 17(1):

The minister may, by written notice, if the minister considers it is appropriate to do so, grant an exemption from a requirement of this part in relation to a child, conditionally or unconditionally.

The Hon. R.I. LUCAS: In response to earlier questions from (I think) the Hons. Mr Parnell and Mr Wade, the minister indicated, in relation to a person in part-time work, that the concept of a partial exemption was to be offered. Can the minister explain what is a partial exemption?

The Hon. CARMEL ZOLLO: My advice is that it means they will be enrolled in an approved learning program but not participating full time in that program. Essentially, it just means part-time school and part-time work.

The Hon. R.I. LUCAS: For the sake of the debate, let us assume that the student is not in an approved learning program but is actually just at the local high school doing year 11 or 12 (or whatever it might happen to be) and gets part-time work. Is the minister saying that that student then has to be partially engaged in the SACE, the year 11 or 12 program, at that particular local school?

The Hon. CARMEL ZOLLO: My advice is that they can be in another program through the school; they can be in a VET school program; they can be with another training provider.

The Hon. R.I. LUCAS: I understand that. Where a student is not in a training program, VET or the other options, and has a job which he or she is quite interested in (but it is part time), what the minister is saying is that, in terms of partial exemption, that student has to be partially enrolled in the year 11 or year 12 SACE.

The Hon. CARMEL ZOLLO: My advice is no; in any approved learning program.

The Hon. R.I. LUCAS: I understand that. What I am saying is that if the student is not interested in another learning program and the only thing he or she is interested in is working and not being involved in any other learning program, if that student wants to work part time, he or she will, in essence, enrol at the school but will be doing part-time year 12 subjects at that school.

The Hon. CARMEL ZOLLO: My advice is that they have to be enrolled in an approved program through the school. It does not have to be year 12, as long as it is an approved program. My advice is that that is the case now, as well.

The Hon. R.I. LUCAS: In relation to the example I gave in the second reading debate, where there is a young person who is lucky enough to know absolutely what he or she wants to do and has managed to secure, let us say, 20 hours a week in part-time employment at the local advertising agency and is absolutely intent on advertising as a career and is not intent on further studies in the advertising area, because 20 hours a week is less than the 25-hour cut-off (and I accept that the government and the department have had to come to some judgment as to what they are going to call 'full time'), then that young person really has no option, apart from not doing it, than to be enrolled in some other program, or enrolled in year 12 as well, because he or she will not be in full-time employment, even though it is 20 hours a week, for example.

The Hon. CARMEL ZOLLO: My advice is that there is flexibility. The guidelines, of course, will identify 25 hours per week as a recommended benchmark. However, the delegates responsible for granting full exemptions (the proposed government officer and Catholic Education officer) will have discretion to consider individual cases on their merits. For example, if a child presented with 23 hours, this could be approved depending on the young person's circumstances.

In all cases, young people seeking and granted full exemptions will be provided with information and counselling to identify their future pathways. That may include returning to formal

learning at some point, or future career and employment options. The guidelines concerning exemptions will need to be reviewed regularly, particularly in the first instance, regarding this new measure. The Interagency Implementation Advisory Group, or a similar body, will be asked to consider evaluation of the effectiveness of these measures and it is intended that this information will be included in the first report on the operation of this part required under the bill in 2010.

Advice will also be sought from employer groups and those responsible for supporting young people's engagement. The director, Workforce Policy and Business Services Development from Business SA provided feedback to the discussion paper on this topic and will be consulted in regard to the development of the regulation and the interface between these provisions and the employers.

The Hon. R.I. LUCAS: What is the government's intention in relation to young people who will turn 17 soon after the start of a school year—in March or some time in the first term? Is it the government's intention that they must enrol for the start of that school year; then the compulsion expires and they can leave one month after the start of the school year?

The Hon. CARMEL ZOLLO: My advice is that if they have already received the SACE they will not be captured by the legislation anyway. At the end of the term before, the school will support them to either seek an exemption or go down the appropriate pathway.

The Hon. R.I. LUCAS: I do not understand that. I am not talking about a student who already has the SACE but a student who is 16, without the SACE and will turn 17 some time in the first term. Will that student be required by this legislation to enrol for a month or so of the first term or will there be alternative provisions in relation to that student?

The Hon. CARMEL ZOLLO: My advice is that before that happens, at the end of term 4 the school will broker unless the student seeks an exemption.

The Hon. R.I. LUCAS: Will the minister clarify that? She is indicating that at the end of term 4 this young person will be brokered—someone will speak to them. I am not clear what the minister is indicating. Will the student be required to enrol at his or her school the following year because they are still 16?

The Hon. CARMEL ZOLLO: Yes, unless they have an exemption or another pathway.

The Hon. R.I. LUCAS: It will potentially create problems for some students, their families and some schools if the requirement is that a student has to enrol for one month. We can take the example of a student who clearly does not want to continue in compulsory schooling or education. Under the arrangement the minister is outlining, that student will be required to turn up to a school at the start of that school year, knowing that one month into the year there is no longer the compulsion to be there and they can leave.

That poor school and student will have to cope with a student with no long-term ambition to achieve something or do anything and there will be potential problems. I will not delay the committee by persisting with the point, but note that it is a recipe for some problems with the government's intention in relation to the policing of that aspect of its proposal.

The Hon. CARMEL ZOLLO: We will not abandon students at 17 years; it is about finding the best pathway for students.

The Hon. R.I. LUCAS: I was not suggesting the government was abandoning anyone, but making the point in relation to the example I have given. Will the minister confirm that this legislation will apply in exactly the same form to all Aboriginal students and Aboriginal education programs?

The Hon. CARMEL ZOLLO: My advice is yes, and that is why there is capacity to have myriad learning programs. We also have had consultation in the APY lands.

The Hon. R.I. LUCAS: Can the minister clarify the process that a school or district will need to go through to have a learning program approved? That is, will that all be done by the Director of Schools centrally in terms of approving a learning program for the purposes of the legislation?

The Hon. CARMEL ZOLLO: Guidelines will be developed and consideration will be given to any delegation to approve any learning program. In the first instance, it is proposed that it will be managed centrally, because it is a new initiative and we want to manage it consistently. The Future

SACE will provide many more pathways, and fewer students will require individually tailored programs.

The Hon. R.I. LUCAS: The minister has confirmed that, at least initially, it will be done centrally. Again, will the Director of Schools make that decision or will it be some other central officer?

The Hon. CARMEL ZOLLO: The responsibility rests with the minister. The minister will consider whom to delegate that responsibility to.

The Hon. R.I. LUCAS: I want to ask a question in relation to an issue that the Hon. Iain Evans first raised in the House of Assembly. The minister gave a response in the second reading today, and I repeated the question in my second reading speech. The question asked by the Hon. Iain Evans was quite clear. He asked:

> Just to clarify it, the word 'employ' does not include looking for work, and can you please clarify for me my previous question on the matter of what happens to their social security payment in the event of this bill becoming law? Will 16 year olds who are currently unemployed and receiving unemployment benefits lose their unemployment benefits because they have an obligation under this bill to be in an approved learning program?

The minister answered:

> My advice is that Centrelink has advised us that they will not be affected.

The Hon. Iain Evans continued:

> Will the minister table that advice for the purposes of the house? You can send it to me in between houses.

The minister answered:

> We are happy to table that.

I want to be quite clear about the question being asked: if you have a 16 year old who is currently unemployed and receiving unemployment benefits, will they lose their unemployment benefit because they have an obligation under this bill to be in an approved learning program? That is, either they have to be in school or an approved learning program or in work. There is no provision for them to be unemployed at the age of 16.

The minister said that she was happy to table the advice. Today the minister indicated—I think first by way of inference—that there was no written advice, only verbal advice, but the minister actually referred to a completely different set of circumstances. She was talking about the Youth Allowance. On behalf of the minister, the Hon. Carmel Zollo said:

> The Hon. Rob Lucas raised a few issues, in his recent contribution, in relation to wanting some information on Centrelink. I think the question was asked in the other place how this bill would affect 16 year olds' eligibility for the commonwealth Youth Allowance. In response to that I can say to the honourable member that we have been assured that verbal advice from Centrelink indicates that nothing in this bill will adversely affect a young person's eligibility for Youth Allowance.

It then goes on to explain the provisions of the Youth Allowance.

As I have just made clear to the minister, the question that was asked by the Hon. Mr Evans and myself had nothing to do with Youth Allowance; it talked about a young person who was unemployed or on unemployment benefits. The minister made it quite clear in the House of Assembly that she had had advice from Centrelink and indicated that those young people would not be affected. She then indicated that she was happy to table that advice. Did the minister mislead the House of Assembly when she said that she had received advice of a written nature in relation to the issue of unemployment benefits for 16 year olds?

The Hon. CARMEL ZOLLO: The minister in the other place did not mislead the house. My advice is that young people under 21 are not eligible for Newstart and are only eligible for Youth Allowance. The written advice the minister was referring to is actually in a 'Guide to Australian Government Payments'. I have a copy of that here and I can certainly table it. I also have a brief that has been provided to me.

Young people, under the changes proposed in the Education (Compulsory Education Age) Amendment Bill 2007, will not be disadvantaged in respect of eligible Centrelink entitlements. Centrelink has advised that a young person's non-compliance with a state requirement to participate (at 16) as a compulsory education age young person would not preclude them from receiving Youth Allowance, provided they meet the eligibility criteria. I am happy to table this.

The Hon. R.I. LUCAS: I thank the minister for that: that may well clarify some issues. Can I confirm that what the minister is saying is that currently a 16 year old who is unemployed, even if he or she is not studying, or endeavouring to study, receives Youth Allowance?

The Hon. CARMEL ZOLLO: Yes; that is correct.

The Hon. R.I. LUCAS: I quote from the minister's second reading response, as follows:

It is anticipated that these officers will be from the government sector—

this is talking about authorised officers—

and the non-government provider sectors that indicate a willingness and capacity to follow up the young person and support their re-engagement. For example, the Catholic Education Office has indicated that it is willing to undertake this role for 16 year olds in its sector.

Can I take it from that that the Independent Schools Association, and that particular independent schools sector, has not indicated either the capacity or the willingness to be involved under the terms of this legislation in the same way as the Catholic Education Office has?

The Hon. CARMEL ZOLLO: My advice is that it is still considering its position. Consideration is also being given—I think I mentioned this before—by the independent sector as to whether it will seek a delegation, as the Catholic sector will, to consider and grant an exemption. The Catholic sector will have an authorised officer to consider and grant an exemption and undertake the responsibilities for monitoring young people granted exemptions. My advice is that there are two issues: they will either get a delegation or they will actually have a delegation to be an authorised officer.

The Hon. R.I. LUCAS: Can I clarify then: if I am a 16 year old student at an independent school in South Australia, under this legislation, and the independent school has not sought a delegation, how is this legislation to be applied to me as a 16 year old who is in an independent school in South Australia?

The Hon. CARMEL ZOLLO: My advice is that there will be confirmation of an authorised officer for each approved learning program and a central coordinating delegate will be developed in 2008, in consultation with the interagency advisory group and representatives of each sector.

The Hon. R.I. LUCAS: In the position where the Independent Schools Association has not currently engaged to the degree that the Catholic Education Office has, and if it chooses not to so engage, is the minister suggesting that it will be a government school officer who will be required to pursue the 16 year old student at the independent school who is not undertaking the appropriate level of study in an approved learning program?

The Hon. CARMEL ZOLLO: My advice is that the government sector will follow up for them, as is indeed the case now.

The Hon. R.I. LUCAS: There is not a case in relation to 16 year olds in compulsory education. I presume the minister is talking about compulsory schooling. The dilemma here, of course, is that compulsory schooling is currently much more manageable than compulsory education would be under this legislation because, with compulsory schooling currently, we have to check with the independent school to make sure the young person is attending the school. In this case, the student might not be at school, may well be in an approved learning program of any nature or, indeed, may well be employed somewhere, so the task for the government authorised officer will be much more complex and difficult to achieve under the provisions of this legislation.

The Hon. CARMEL ZOLLO: My advice is that each sector will decide whether they want to appoint their own. As has already been mentioned, all students will be required to register with SSABSA prior to turning 16 years of age, and they will be supported in this by their school. The system for monitoring and tracking that will be developed through consultation with the Interagency Implementation Advisory Group, which will focus on engaging young people. The registration with SSABSA will provide each young person with a unique student identifier. Consultation has commenced between SSABSA and the education and training sector to develop protocols for the exchange of information concerning young people's participation.

Further, there will be requirements on both providers and employers to notify SSABSA should a young person disengage. The Interagency Implementation Advisory Group has considered the appropriate transfer of information for follow-up of these young people in each sector and has recommended that an authorised officer be identified for each sector, as I have just

mentioned. For example, the government authorised officers would be likely to follow up young people participating in TAFE or with a private registered training organisation.

The Hon. R.I. LUCAS: Will the minister clarify one of the questions that I raised in the second reading debate; that is, if at the start of the school year a 16 year old is in full-time employment—is employed in a job greater than 25 hours a week—and two months later becomes unemployed but is keen to stay in the workforce, but it may well take some weeks in terms of getting further employment, what does this legislation say to that young person? As soon as they are unemployed, are they required to enrol back at the local school?

The Hon. CARMEL ZOLLO: My advice is that there will be guidelines developed and communicated to young people, and also the relevant support officers who can, of course, assist the young people concerned about their need to re-engage.

The Hon. R.I. LUCAS: I am comforted that they will be advised about the need to re-engage. I want to know what the legislation requires of them. On my reading, it would seem to indicate that if you are not in full-time employment there is a requirement under the legislation, in essence, to be enrolled in school or in an approved learning program. Will the minister confirm whether that is what the legislation says? That is, you have been exempted, you have been in full-time employment and you then become unemployed; I cannot see a provision in the legislation which, in essence, does not mean that the student is then required to re-enrol immediately.

The Hon. CARMEL ZOLLO: As previously advised, there are no penalties in this bill. It is not about them having to re-enrol in a school but into any learning program. Of course, any work undertaken as part of learning or training, such as an apprenticeship or traineeship, will not require an exemption. As I have already mentioned, they will be supported to re-engage in any approved learning program.

The Hon. R.I. LUCAS: Is the minister confirming that, under the requirements of the legislation, there a legal obligation for them to re-enrol? While I understand the minister is saying that there is no penalty (they will not be sent to gaol or penalised), I am just trying to establish what the minister's intentions are in relation to the legislation.

The Hon. CARMEL ZOLLO: My advice is that there is a requirement that a student, as a condition of their exemption, notify when they have ceased employment, and information is also provided to them up-front about how they will re-engage and receive support to re-enter an approved learning program.

The Hon. R.I. LUCAS: The minister is obviously intent on not answering the question. I think the record is clear: I have asked the question three times, and the minister is intent on not answering it. Let me just say that, given the minister has not specifically responded to the question I put, it would be my reading that, under this legislation, a student who receives an exemption because they are employed full time but loses the job after two months is required, under this law, compulsorily to re-enrol at school or in an approved learning program. Given that the minister has not denied that, I think that is an indication that that is indeed the circumstance.

I understand all the words 'they will be encouraged to re-engage' and all those sorts of things—I accept that—but what I am saying is the government is asking us to pass legislation as a parliament, and we need to know what the law is going to say to these young people. So, let's leave the question there. I am not going to persist for the fourth time to try to get the minister to say something that she, on behalf of the government, is not prepared to say.

In the case of a young person who does not want to be at school, who was in full-time employment but loses the job, is desperate to stay in full-time employment and is trying to find another job, in terms of the practice of the authorised officers and others, is the minister prepared to given an assurance that reasonable time will be given to that young person to find further full-time work if that is the option that young person, perhaps supported by his or her family, is quite intent on at that particular stage?

The Hon. CARMEL ZOLLO: My advice is that that is correct. Can I say that I take some exception to what the honourable member has said, because I am certain that I said it was a condition of the exemption that the person re-enrol and try to re-engage.

The CHAIRMAN: The minister might have answered the question but not in the way the Hon. Mr Lucas would have liked.

The Hon. R.I. LUCAS: Thank you for your running commentary, Mr Chairman.

The CHAIRMAN: You are welcome.

The Hon. R.I. LUCAS: It is not always accurate, Mr Chairman, but I am always appreciative of your running commentary during the committee stage of the debate. Certainly, on the fourth occasion, I think I did get a response to the question.

The Hon. D.G.E. HOOD: I return to the question I asked the minister a little while ago, about an exemption being provided for anyone of 16 years of age who had gained full-time employment. The minister referred me to clause 17 of the bill. I am not satisfied that clause 17 (unless I misunderstand it) deals with that issue—or certainly not explicitly. If a 16 year old youth (if I can use that term) has full-time employment, are they guaranteed an exemption under this bill, and does the type of employment matter? If they obtained full-time employment in a fast food store, for example, for 12 months at that age—as, in fact, I did when I was 16; I worked full-time for 12 months in a fast food outlet—

The Hon. R.I. Lucas: It didn't do you any harm—

The Hon. D.G.E. HOOD: —there you go—which was of great benefit to me at that stage of my life. I just want absolute clarity on that issue. If a 16 year old has full-time employment, are they guaranteed an exemption?

The Hon. CARMEL ZOLLO: My advice is that clause 17(1) enables that exemption to be made. I am fairly certain that I have already read this into *Hansard*, but I can again say that, under the proposed changes, 16 year olds who are currently working or who are offered employment of 25 hours or more a week will be able to seek an exemption (that is the clause that enables that) for the requirement to participate in an approved learning program, and this proposed 25 hours or more of work will be used as a benchmark for full-time employment.

This was recommended by all the stakeholders and is consistent with the models used in Queensland and Tasmania. However, the delegate granting the exemption will have some discretion to assess individual circumstances as well. If a 16 year old wishes to work part time as an alternative to being in full-time education, that is, to work and study part time, he or she will also be able to seek a partial exemption.

The Hon. D.G.E. HOOD: I thank the minister for her response but, just to be clear, under that clause, it would entitle the 16 year old to apply for an exemption but it does not guarantee them an exemption; is that correct?

The Hon. CARMEL ZOLLO: The honourable member is correct—and it is the same now as with 15 year olds. The determinant is what is best for the student; what works for them and what is the best pathway for them.

The Hon. D.G.E. HOOD: I guess the issue, then, is who decides what is best for that student, and what if the student disagrees with the decision maker?

The Hon. CARMEL ZOLLO: I understand that the student can even ask for a review of the decision. The delegate would be asked to review it, or they could even approach the minister.

The Hon. A. BRESSINGTON: Can the minister clarify what would be determined to be in the best interests of the student, given that we do not have a definition of 'best interests of the child'? What criteria will be used for 'best interests of the student'?

The Hon. CARMEL ZOLLO: My advice is that that role is given to the delegate to determine, in consultation with the school, the family and the student.

The Hon. M. PARNELL: I want to explore this matter a bit further as well, because it seems that the different things that might be taken into account would be the nature of the employment (whether it was wholesome or educational enough), and whether the child needed the money (whether they came from a poor family or a rich family). The minister says that the government will publish guidelines in the *Gazette* in relation to the granting or variation of exemptions. Are there draft guidelines? Is there any guidance that the minister could give us as to the type of criteria that the government is proposing to take into account to determine what is in the best interests of the child and the factors that must be taken into account?

The Hon. CARMEL ZOLLO: My advice is that the interagency advisory group will be working on those guidelines early next year. Guidelines will be developed for the delegates about what they should consider, and they are currently being consulted.

The Hon. S.G. WADE: The review of the decision, as I understood it in the first instance, was to a government bureaucrat. So, a government bureaucrat reviews a government bureaucrat, and then we have the opportunity of a government minister reviewing the decision of a government bureaucrat. Could the minister explain the steps of the review that would take place?

The Hon. CARMEL ZOLLO: As I said, those protocols are being developed now. Obviously, you would approach the appropriate delegate, for example, the Catholic Education Office.

The Hon. S.G. WADE: As I understand it, the Hon. Mr Hood's questions are about a young person who has left the education stream and who is looking for the employment stream. Are we suggesting that a young person who, as far as they are concerned, is leaving their education behind them, is still accountable to whichever sector they come from as to their future life choices?

The Hon. CARMEL ZOLLO: Until they turn 17, the system has a responsibility to assist them in either learning or earning.

The Hon. A. BRESSINGTON: Just to clarify, if there are no set out criteria of what is in best interests of student, if there are no consequences or penalties for not notifying and if the state is then responsible for determining their best interests, what feedback from parents would be enough for a child to get an exemption? To be clear, in my contribution I spoke about my three sons who dropped out of school in year 10. They were bored; they had had enough. They found part-time employment here, there and everywhere, but it was enough to show them that they needed to go back to school to get an education.

That was a 12-month period during which time they were required to be working, but not in full-time positions, because they were hard to get. Under this legislation, would my children now be forced to go back to school or to participate in some sort of learning program to which they are not attracted? What would be their options and who is responsible, apart from the state, for ensuring that this will work for the kids?

The Hon. CARMEL ZOLLO: I did say earlier that guidelines would be developed, but 25 hours per week is enough. It really is about developing programs to which students will be attracted. A combination of factors will assist the students and the families.

The Hon. A. BRESSINGTON: For clarification, an assessment process will determine and basically evaluate what the students' interests are and where they can be best directed for courses, learning, trade, or whatever will grab them? Is a full assessment program already outlined somewhere for this process?

The Hon. CARMEL ZOLLO: My advice is that each student will be doing an individual learning plan in year 9 or year 10 to do just that.

The Hon. S.G. WADE: To clarify that, is the individual learning plan that the minister just referred to the personal learning plan that is stage 1 of SACE?

The Hon. CARMEL ZOLLO: My advice concerning those questions is that, no; an individual learning plan can be turned into a personal learning plan for SACE but the individual learning plan will be for all students (as I have mentioned, years 9 or 10) to identify their learning or earning pathway.

The Hon. D.G.E. HOOD: I want to clarify a point I made a little earlier, and that is, to be simplistic about it, under this bill it is possible that a 16 year old would seek and obtain full-time employment but not be granted an exemption to undertake that full-time employment.

The Hon. CARMEL ZOLLO: If they have already been offered full-time work, I cannot concede that it would not be approved, but that ultimately would be up to the delegate, as is the case with 15 year olds now.

The Hon. A. BRESSINGTON: So, anywhere in this plan does the parents' assessment of the child and the child's needs in a reasonable situation in any way override the assessment of the delegate, or do they have any role? This sounds very Brave New World-ish to me.

The Hon. CARMEL ZOLLO: Parents are very actively engaged in all these matters and can approach the individual delegate as well.

The Hon. S.G. WADE: To flesh out the minister's assertion that the parents are actively involved, what role do parents have in the development of individual learning plans?

The Hon. CARMEL ZOLLO: Essentially, the schools encourage young people to work with their families and take advice as to what is in their best interests.

Clause passed.

Clauses 2 to 14 passed.

Clause 15.

The Hon. R.I. LUCAS: My questions now relate to the issue of authorised officers. Clearly, any member of the police force is an authorised officer under the terms of the legislation, then any person authorised in writing by the Director-General of Education, then any person authorised in writing by the Chief Executive Officer of, I presume, the Department for Families and Community Services. I assume there is an intention to have officers who used to be known as truancy officers. Can the minister indicate the type and range of officers that it is currently contemplated will be authorised by the Director-General to be authorised officers? Also, can the minister give some indication of the number of those officers?

I highlighted earlier in the committee stage—and I was mightily encouraged by the participation of members in the committee stage towards the latter stages of that debate—the task that will confront some young people. We did not get into the detail of some of the potential circumstances; I raised only a few. Anyone engaged in secondary schooling will know that numbers of students school hop, either by their design or by the school's design. They are asked not to come on Monday if it is a non-government school. They hop between non-government schools, they hop between Catholic and independent schools and they end up back in the government school sector.

Even in the government school sector there can be encouragement for a young person to find another option, although they might not be compelled. I understand the theory is that they will be registered with SSABSA and that these officers will pursue them all over the place, in and out of work, in and out of pre-learning programs and in and out of schools. In theory it sounds fabulous when we discuss it in the committee stage of the debate, but the reality for these officers is that it will be much more complicated and complex. Will the minister indicate how many officers within the Education Department will be authorised to undertake this challenging task? Secondly, will the minister outline the current nature of the employment of those officers?

The Hon. CARMEL ZOLLO: My advice is that we have DECS personnel who undertake that function. They do it now without doing it compulsorily. A number of people will be brokered right across the local level at the district level, and the interagency advisory group has a great commitment across the sector to broker local solutions for each student. We will be consulting further as to exactly how many numbers we will need.

The Hon. R.I. LUCAS: What is the intention? Is the minister indicating that at this stage the government is not in a position to indicate how many there will be?

The Hon. CARMEL ZOLLO: While I said there are existing officers, I cannot indicate an exact number this evening, because we do not know how many students are likely to need this.

The Hon. R.I. LUCAS: What are the positions of the officers currently working in this area called?

The Hon. CARMEL ZOLLO: I do not have all the names with me here, but there are a number of different support officers, including behaviour-approved coordinators, student attendance counsellors and district improvement coordinators. That is three we put on the record this evening.

The Hon. R.I. LUCAS: Is the minister prepared to take the question on notice and to provide a written answer in relation to the existing officers who work in this area? Also, is the minister intending to increase the resources in this area? There is an existing resource for a number of officers, and the minister has undertaken to indicate what that is. Have the government and the minister indicated already that there will be an increased resource in this particular area?

The Hon. CARMEL ZOLLO: The department has been asked to identify the resources that will be needed. Of course, if students return to school more funding will be made available. I undertake to provide a list of those names.

The Hon. R.I. LUCAS: The reason I have raised this issue of authorised officers is because there is an interesting collection of powers for authorised officers. Bear in mind that we

are not talking about police officers here because they have considerable powers anyway: we are talking about school attendance counsellors and the sorts of persons to whom the minister has referred. They are public servants within the Education Department. Subclause (4) of clause 80A provides:

> [These education officers are authorised] at any time to attend at residential premises and request any person in the premises to provide the officer with—
>
> (a) the full names of all children...
>
> (b) the respective ages of those children; and
>
> (c) the schools at which, or the approved learning program in which, (if any) the children are enrolled in accordance with this Part.

There are offences for persons who hinder or obstruct an authorised officer (in this case an Education Department officer) exercising their powers under this act, and those offences incur a maximum penalty of $5,000. Does this power exist already in relation to compulsory school-age children?

The Hon. CARMEL ZOLLO: The answer is yes. Existing powers apply already to 15 year olds. The existing section states that an authorised officer may, at any time of the day, attend at residential premises and request any person in the premises to provide the officer with the full names of all children of compulsory school age and children of compulsory education age resident in the dwelling house, and the respective ages of those children and the schools at which or the approved learning program in which (if any) the children are enrolled in accordance with this part. That is from the existing act, so these powers are not new.

The Hon. R.I. LUCAS: The minister might be able to short circuit this line of questioning. Is the minister indicating that no additional powers are given to authorised officers—I am not worried about the police—in relation to the 16 year olds? That is, all these powers of authorised officers that currently apply to 15 year olds now apply to 16 year olds?

The Hon. CARMEL ZOLLO: That is correct.

Clause passed.

Remaining clauses (16 to 19) and title passed.

Bill reported without amendment.

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (22:48): I move:

> That this bill be now read a third time.

I take this opportunity to thank all those people who assisted in ensuring that this legislation passed this chamber. I am not familiar with the names of all the officers, but I thank them. Of course, I congratulate and thank the minister in the other place.

Bill read a third time and passed.

MARINE PARKS BILL

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

TOBACCO PRODUCTS REGULATION (MISCELLANEOUS) AMENDMENT BILL

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

At 22:51 the council adjourned until Thursday 22 November 2007 at 11:00.