HOUSE OF ASSEMBLY

Tuesday 13 November 2001

The SPEAKER (Hon. J.K.G. Oswald) took the chair at 2 p.m. and read prayers.

ASSENT TO BILLS

Her Excellency the Governor, by message, intimated her assent to the following bills:

Land Acquisition (Native Title) Amendment,

Rail Transport Facilitation Fund,

Statutes Amendment (Stalking),

Unclaimed Superannuation Benefits (Miscellaneous) Amendment,

Waterworks (Commercial Land Rating) Amendment,

West Beach Recreation Reserve (Review) Amendment.

STATUTES AMENDMENT (BOOKMAKERS) BILL

Her Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the bill.

DISABILITY SERVICES ACT

A petition signed by 246 residents of South Australia, requesting that the House amend the Disability Services Act to recognise deaf/blindness as a disability, was presented by the Hon. D.C. Kotz.

Petition received.

SCHOOL CLASS SIZES

A petition signed by 10 residents of South Australia, requesting that the House urge the government to reduce school class sizes by increasing the staffing allocations formula over a three year period, was presented by Mr Condous.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. R.G. Kerin)—

National Wine Centre of Australia—Report, 2000-01

By the Minister for Primary Industries and Resources (Hon. R.G. Kerin)—

Dairy Authority of South Australia—Report, 2000-01
Dog Fence Board—South Australia—Report, 2000-01
South Australian Sheep Advisory Group—Report, 2000-01
SABOR Ltd—Financial Report, 2000-01

By the Minister for Human Services (Hon. Dean Brown)—

Charitable and Social Welfare Fund—Community Benefits SA—Report, 2000-01
Controlled Substances Advisory Council—Report, 2000-01
South Australian Aboriginal Housing Authority—Report, 2000-01

By the Minister for Government Enterprises (Hon. M.H. Armitage)—

Adelaide Festival Centre—Report, 2000-01
Adelaide Festival Corporation—Report, 2000-01
Art Gallery of South Australia—Report
Carrick Hill Trust—Report, 2000-01
Construction Industry Long Service Leave Board—Actuarial Report as at 30 June 2001
Country Arts SA—Report, 2000-01
Department for Transport, Urban Planning and the Arts—Report, 2000-01
Disability Information and Resource Centre Inc—Report, 2000-01
History Trust of South Australia—Report, 2000-01
Jam Factory Contemporary Craft and Design Inc.—Report, 2000-01
Libraries Board of South Australia—Report, 2000-01
Office of the South Australian Independent Industry Regulator—Rail Regulation—Report, 2000-01
South Australian Film Corporation—Report, 2000-01
South Australian Forestry Corporation—(ForestrySA)—Report, 2000-01
South Australian Museum Board—Report, 2000-01
State Opera of South Australia—Report, 2000-01
State Theatre Company of South Australia—Report 2000-01
Maritime Services (Access) Act—Regulations—Ardrossan
Rules of Court—
Workers Rehabilitation and Compensation Act—Workers Compensation Tribunal –Rules 2001

By the Minister for Education and Children's Services (Hon. M.R. Buckby)—

Regulations under the following Acts—
Education—School Financial Year
Superannuation—Austraining International

By the Minister for Environment and Heritage (Hon. I.F. Evans)—

Coast Protection Board—Report, 1998-99
Department for Environment and Heritage—Report, 2000-01
Environment Protection Authority—Report, 2000-01
Reserve Planning and Management Advisory Committee—Report, 2000-01
Wildlife Advisory Committee—Report, 2000-01
National Parks and Wildlife Act—Regulations—Dogs on Granite Island

By the Minister for Water Resources (Hon. M.K. Brindal)—

Liquor Licensing Act—Regulations—Dry Areas—
Mount Gambier
Victor Harbor
Rules of Court—
Magistrates Court—Magistrates Court Act—Civil Rules—Trial Court

By the Minister for Minerals and Energy (Hon. W.A. Matthew)—

Code Registrar for the National Third Party Access Code for Natural Gas Pipeline Systems—Report, 2000-01.

AUDITOR-GENERAL'S REPORT

In reply to **Ms HURLEY** (23 October).

The Hon. R.G. KERIN: In 1999-2000, the responsibility for staging the Olympic Football Tournament (OFT) was transferred from the Department of Industry and Trade to the Department of the Premier and Cabinet (DPC).

DPC entered into a service level agreement with the South Australian Tourism Commission (SATC) to provide financial and administrative services to the event due to its extensive experience with staging events.

The total cost to government of staging the OFT was $5.706 million which represented a $947 000 underspend as against the original budget.

The positive financial result was attributable to higher than anticipated ticket sales and cost savings.

The total cost to government includes expenditure incurred by all government agencies except the South Australian Police De-

partment (SAPOL) as they provided their services at no charge. Hence, SAPOL costs have been absorbed into the department's recurrent operating budget.

In 2000-01, $500 000 of the surplus was transferred to the Premier's Community Grants Fund to meet an increase in the applicants from the community for funding.

As reported on page 659, Volume 2 Part B—Agency Audit Reports, Auditor-General's Report for the year ending 30 June 2001, the Sydney Organising Committee for the Olympic Games (SOCOG) has not requested a detailed report on the OFT.

The Auditor-General's Department has audited the financial operations of the OFT and details of the financial result are contained within the DPC report on page 659 Volume 2 Part B of the Auditor-General's Report. This report has been tabled in parliament.

In reply to **Ms HURLEY** (23 October).

The Hon. R.G. KERIN: The grant was part of a $1.2 million grant (over three financial years 1999-2000 to 2001-02) awarded to Centenary of Federation South Australia from the National Council for the Centenary of Federation.

The express purpose of the grant was to produce a national centrepiece event for the Centenary of Federation in South Australia.

The grant was allocated across two national centrepiece events in South Australia, *Federation Week: An Australian Mosaic* 13-21 October ($1 million) and *Tracks to Federation: the East West Rail Commemoration* 22-25 October ($0.2 million).

In allocating the grant, the commonwealth expressed the expectation that state funds would also be used to contribute to the events.

The $1 million allocated to *Federation Week: An Australian Mosaic* which consisted of eight events and activities, those allocated funds from the commonwealth grant were:

Look at us Now! Women's project ($75 000)
Business: Part of the Australian Landscape dinner and business awards ($25 000)
Federation Family Picnic Race meeting ($150 000)
Visions for a Nation: National Federation Forum ($100 000)
Memory Museum ($250 000)
Federation Sunday ($400 000)

The total budget for *Federation Week: An Australian Mosaic* including staffing and administration was approximately $1.5 million. Additional funding for the eight projects came from state appropriations ($0.25 million) and sponsorship income ($0.25 million) over three financial years.

The $0.2 million allocated to *Tracks to Federation: the East West Rail Commemoration* wen towards supporting local community celebrations in regional communities which took part in the event plus contributed to project administration and promotions. The budgeted allocations for the Commonwealth funds were:

Pt Pirie ($8 000)
Pt Augusta ($40 000)
Woomera ($13 500)
Ooldea / Oak Valley ($5 000)
Additional programming support ($40 000)
Marketing and promotions ($40 000)
Production costs ($6 000)
Staffing ($47 500)

The total budget for *Tracks to Federation: the East West Rail Commemoration* including staffing, programming and administration was $0.29 million. Additional funding for the event came from state appropriations.

In reply to **Ms HURLEY** (23 October).

The Hon. R.G. KERIN: I presume that Ms Hurley was referring to the river fishery licence holders application to the courts to have the licence condition restricting the taking of native fish from backwaters removed. As the restriction on the taking of native fish could be implemented expeditiously using section 37 of the Fisheries Act 1982 such a licence condition was implemented as a first course of action. This licence condition was subsequently followed up with a change to the river fishery regulations to prohibit this activity. Therefore, the legal action by the licence holders against the licence condition being imposed had no effect on the outcome. The fishers next took their appeal to the Legislative Review Committee, who I understand reviewed the regulations and sought further comment from the Department of Primary Industries and Resources (Fisheries). The regulations which prohibit the taking of native fish from backwaters by licensed commercial fishers are in effect.

In reply to **Mr LEWIS** (23 October).

The Hon. R.G. KERIN: Since 1994, the Department of Primary Industries and Resources (PIRSA) Fisheries has had a firm policy position to prohibit expansion of the commercial use of electrofishing equipment in South Australian waters for a number of reasons, which relate to public safety and the sustainability of native fish populations. These concerns extend to other wildlife such as tortoises, birds and platypi, and any other animals that might feed or drink at or near the river bank.

Electrofishing gear is known to:

- be very non species or size selective;
- fracture the vertebral columns of large, non-target fish like Murray cod, through convulsion;
- have a negative impact (unquantified) on juvenile fish and other aquatic biota;
- be far less effective in high salinity waters, similar to those found in the Coorong;
- be far less effective in waters impacted by high turbidity, similar to those found in the Murray River and it's tributaries; and
- present significant public health and liability risks, particularly in the River Murray, which is frequently accessed by the South Australian public.

The serious public safety and legal liability risks associated with the use of electrofishing equipment are in part outlined in the Australian Electrofishing Code of Practice. This code was developed in 1997 by the New South Wales Fisheries Department for the Standing Committee on Fisheries and Aquaculture. This equipment is recognised to provide a useful research tool to undertake fishery independent fish sampling for stock assessment purposes. Such sampling is undertaken from time to time in South Australian waters under the direct supervision of SARDI Aquatic Sciences.

Other more selective fishing methods are being developed to target carp populations in the River Murray.

For the reasons above, I do not support the commercial use of electrofishing in South Australia.

In reply to **Mr LEWIS** (23 October).

The Hon. R.G. KERIN: Mr Lewis asked a question on 23 October 2001 concerning fisheries licence revenue shown on page 713 of the Auditor-General's Report. I indicated to the Member for Hammond that a more detailed answer would be supplied. There are two columns in the table entitled 'Program Schedule of Departmental Administered Expenses and Revenues for the year ended 30 June 2000' which refer to revenue and expenses pertaining to the management of fisheries within the Department of Primary Industries and Resources (PIRSA) portfolio.

The first column from the left of the table shows revenue from licence holders in the Gulf St Vincent Prawn fishery. This revenue is collected by PIRSA Fisheries as part of the prawn buyback scheme which is nearing completion and is forwarded to Treasury to service the loan agreement. The second table is the Fisheries Research and Development Fund. This is a fund established under the Fisheries Act 1982 where all revenue from commercial fishing licence fees and recreational gear registrations are transferred for use in the management and administration of fisheries. Commercial fishery licence fees are set under the government's policy of full cost recovery for all attributed costs. Each licence holder is charged a licence fee according to the services required from Government and other external service providers to support the management of that specific fishery for the year.

PIRSA Fisheries manages many programs including marine research, management, compliance, licensing services, legislation, legal services, extension services, the fishery management committees and general administration.

In reply to **Ms HURLEY** (23 October).

The Hon. R.G. KERIN: Century Orchards Pty Ltd is a private company established to develop a 650 Ha orchard and vineyard development at Loxton. The 30 shareholders are mainly South Australians who have demonstrated their confidence in the State and the respective industries.

Century Orchards purchases water from the Loxton Irrigation Reticulation Scheme and, along with all Loxton growers, contributed to the cost of the Scheme.

Financial Year	Commonwealth	State	Century	Growers	NHT	Total
	$m	$m	$m	$m	$m	$m
1998-99 Stage 1	0.800	0.570		0.400		1.770
1999-2000 Stage 1		0.930	0.800	0.200		1.930
1999-2000 Stage 2		0.420			0.120	0.540
2000-01 Stage 2	5.200	5.309				10.509
2001-02 Stage 2	*4.596*	*3.490*		*2.060*		*10.146*
2002-03 Stage 2	*3.658*	*4.132*		*2.060*		*9.850*
2003-04 Stage 2	*0.186*	*2.229*		*2.060*		*4.475*
2004-05 Stage 2	*0.000*	*-1.940*		*1.940*		*0.000*
			forecast figures are in italics			
Totals Stages 1 and 2	*14.44*	*15.14*	*0.80*	*8.72*	*0.12*	*39.22*
Totals Stage 1	0.80	1.50	0.80	0.60		3.70
Totals Stage 2	*13.64*	*13.64*		*8.12*	*0.12*	*35.52*

Notes:
Stage 1
Cost share was based on a cash contribution agreement with the commonwealth.
Stage 2
Cost share was based on funding a percentage of costs for a low pressure base scheme.
To determine costs to be shared for Stage 2 low pressure base scheme, deduct NHT and grower high pressure contributions from total Stage 2 costs.
Total Stage 2 (High pressure) Rehabilitation cost as at 30 June 2001 is $35.52 million.
$0.12 million from NHT in year 1999-2000.
$1.3 million for high pressure from growers.
Cost to be shared between commonwealth, state and growers for Stage 2 low pressure base scheme is therefore:
$35.52 million—$0.12 million—$1.3 million = $34.1 million
Cost share $34.1 million on 40:40:20 basis as follows:
%40 ($13.64 million) includes 3 July 2001 commonwealth announcement, further funding of up to $3.18 million.
%40 ($13.64 million) to state.
%20 ($6.8 million) to growers.

AUDITOR GENERAL'S REPORT

The SPEAKER: I lay upon the table the supplementary report of the Auditor-General for the year ended 30 June 2001 on agency audit reports.

The Hon. DEAN BROWN (Deputy Premier): I move:

That the report be published.

Motion carried.

GOVERNMENT, SYSTEM

The Hon. R.G. KERIN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.G. KERIN: As we celebrate the centenary of federation this year, it is an appropriate time to focus on our system of government, its strengths and its weaknesses. In that way, we can make improvements to ensure that our government systems serve us well into this century, as they have for the past 100 years. I think this is an opportune time to look more broadly at how the public gets maximum value from its government.

For a long time, I have been determined to find ways of making the public sector more responsive. My determination is driven largely by the respect I have for the skills within the public sector. We have enormously talented people within the public sector, but sometimes their talents are not used to their best effect. They are sometimes restricted by bureaucratic process and red tape. We need to foster government departments so that they are as responsive as they possibly can be to the needs of the community. We need to ensure that government agencies consult as a matter of course with all the interest groups in their particular field so that they work with these groups to deliver results.

There are some examples of how we have already started to implement this approach, such as, for instance, Food for the Future, a whole-of-government partnership that is on track to treble the size of our food industry. In Food for the Future, the government has worked as a catalyst bringing industry sectors together to develop growth, exports, jobs and success. It is a dynamic and consultative approach, and I would argue that it has resulted in better outcomes not just in the industry sector but better performance from the bureaucracy.

There are other examples, too. In Port Augusta, the Social Vision and Action Plan is involving the local council, the community and government departments in proactive programs and projects to make Port Augusta a better place in which to live and work. In the health and social services area, the Southern Alliance and Playford Partnership are also breaking new ground when it comes to cooperation across levels of government, government departments and community organisations. In education, our Partnerships 21 program has launched a new era of independence for schools with cooperation between the education department and individual school communities.

My view is that this type of approach could be applied more broadly across government. The people of South Australia are full of ideas, ambitions and goodwill. We do not envisage a large-scale restructure of the public sector; rather, we want to modify the way the public sector operates. We need to build on our successes and ensure that we tackle issues from a whole-of-government perspective so that our departments work well together to deliver results for the public.

Over the past eight years, we have made much progress. Apart from the examples I have just mentioned, we have introduced the Senior Management Council, where our chief executives deliberately take a whole of government view. We have also instituted the Prudential Management Group to oversight probity across government processes. However, to accelerate our process of reform I have decided to implement a major review to examine ways to improve government responsiveness. The details of the review are yet to be finalised but I will endeavour to announce them publicly as soon as practical.

One of the fundamental factors in operating an effective system of government is confidence—public confidence in the system. We must be constantly prepared to look for reforms and improvements. That is one of the reasons why I have requested the Attorney-General and the Chief Executive of the Department of Premier and Cabinet to conduct an initial review of some of the codes of conduct that operate within government. Included are codes of conduct for ministers, members of parliament and senior public servants. We need to make sure that our processes of accountability and probity are of the very highest standard. At the same time, we need to make sure that those processes do not unnecessarily impede effective outcomes for the public. They must not result in government becoming paralysed by overcaution. In other words, we do not want process to impede performance.

Modernising government, encouraging government to be more responsive, helping government to interact with the people it serves, and fostering links between the government and the private sector are key challenges for us today. Our public sector review process will lead to tangible improvements for South Australia as we continue to build a stronger economy and a stronger future for all South Australians.

SOFTWARE CENTRE INQUIRY

The Hon. M.K. BRINDAL (Minister for Water Resources): I table a ministerial statement made by the Attorney-General in another place.

QUESTION TIME

LE MANS RACE

Mr FOLEY (Hart): Is the Premier aware that Panoz Motorsport Australia has filed a claim for damages for losses in excess of $18 million in the Supreme Court against the state government for cancelling the Le Mans car race in Adelaide for the next eight years and which cites reasons of 'misleading and deceptive conduct' by the former Premier John Olsen and former Minister for Tourism Joan Hall? According to publicly available Supreme Court documents yet to be heard, Panoz Motorsport is claiming damages for allegations that include:

- repudiation of an agreement for a further eight Le Mans car races to be held in Adelaide;
- misleading and deceptive conduct by the former Premier and former tourism minister about their alleged intention to extend the Le Mans car races in Adelaide;
- breaches of section 56 of the South Australian Fair Trading Act by the former Premier and the SA Motorsport Board about attendance figures—

The SPEAKER: Order! There is a point of order.

Mr FOLEY: —in the V8 car race in Adelaide.

The SPEAKER: Order! Member for Hart, when I call a point of order and you are on your feet, I expect you to respond.

Mr FOLEY: I did not hear you, sir.

The SPEAKER: I am sure everyone else in the chamber heard me.

The Hon. M.K. BRINDAL: I rise on a point of order, Mr Speaker. The member seems to be canvassing a matter that is currently before the courts, if I understand his question correctly. Is it in order to ask questions in this House about matters that are before the courts?

The SPEAKER: Order! I will be consistent with rulings I have given in the past. This is not a criminal but a civil case. The honourable member is asking whether the Premier is aware of the matter. The chair is of the view that the question is in order.

Mr FOLEY: I will recap on the explanation. According to publicly available Supreme Court documents yet to be heard, Panoz Motorsport is claiming damages for allegations that include:

- repudiation of an agreement for a further eight Le Mans car races to be held in Adelaide;
- misleading and deceptive conduct by the former Premier and the former tourism minister about their alleged intention to extend the Le Mans car race in Adelaide;
- breaches of section 56 of the South Australian Fair Trading Act by the former Premier and the SA Motorsport Board about attendance figures for the V8 Clipsal car race; and
- a breach of duty by the former Premier in relation to the accuracy of the attendance figures for the Clipsal 500 V8 car race in Adelaide.

The Hon. R.G. KERIN (Premier): The only question the member asked was whether I am aware of the matter and, yes, I am aware of it. We will defend the issue, because we do not believe that the action is justified. I do not think the member for Hart learnt anything at all on Saturday about focusing on the issues on which people want us to focus.

HEALTH POLICY

Mr CONDOUS (Colton): Will the Deputy Premier outline to the House the state government's achievements in health and what it plans for the future?

The Hon. DEAN BROWN (Deputy Premier): Since 1993 this government has had a very clear plan as to where it is taking health in this state. Firstly, it set out to overcome the neglect of former Labor governments by investing in our facilities. Since 1993 it has invested something like $700 million in upgraded and new hospitals. There is hardly a hospital in the state—if there is one—that has not been upgraded, replaced or expanded by this government. Certainly, none has closed as happened during the previous government.

We have invested in hospital services and we have increased real expenditure in hospitals by 35 per cent. We have had clear plans about what we want to do in priority areas of health. We have concentrated, for instance, on cancer treatments and invested significantly in new cancer equipment, such as the recent new purchases worth $10 million for the Royal Adelaide Hospital. We have put in place a strategy in terms of anti-smoking and reducing the incidence of smoking, with the resultant health effects. We have gone out there actively supporting health promotion—and that is well known in terms of eating fresh fruit and vegetables—and also

implemented a range of other programs. This government has provided free needles for diabetics in the community. We have set up after-hours GP clinics to take account of the fact that many GPs have dropped out of providing those services. We have set up three clinics which are operating effectively. We have put in place a strategy and a plan and allocated money to deal with pressures in our emergency departments.

I highlight that it is this Liberal government that for eight years has planned, worked and achieved in terms of health, in sharp contrast to where the Labor Party now sits. Some 18 months ago the Labor Party signed its Medicare alliance. It was signed by Kim Beazley, as well as the Leader of the Opposition here in South Australia and all other Labor leaders around Australia. Every time members of the Labor Party in South Australia have been asked, 'What is your policy on health?' they have said, 'Don't worry; we've got the Medicare alliance. The Medicare alliance will fix everything.'

During the last sitting week I raised the issue of what was in that Medicare alliance. It promised the world and funded those promises with peanuts. I went to the Australian Nurses Federation to put what we have achieved in health, and I heard what the shadow minister (the member for Elizabeth) had to say in terms of the Labor Party's policy on health. All of it was simply related to the Medicare alliance. I went to the PSA annual meeting, and I put the case for the government about our increase in funding and increase in capital expenditure. What did the member for Elizabeth have to say? 'We are going to implement the Medicare alliance.'

Where is the Medicare alliance? Last Saturday night, the Medicare alliance died and was buried. The key signatory to that alliance was Kim Beazley, and he is no longer leader of the Labor Party. Everything that the Labor Party has promised here in South Australia as to how it will fix up our health issues has involved the Medicare alliance and that is absolutely dead and buried. Quite clearly, the state Labor opposition is now void of any policy in terms of health, as it comes to the next state election just a few months away. It is very clear, indeed, that all that they have relied upon for the last 18 months, with the signature of the Leader of the Opposition and all the promotion from the member for Elizabeth, is now absolutely non-existent. So it stands as a party and as an alternative government with absolutely no health policy whatsoever.

Members interjecting:

The Hon. DEAN BROWN: Well, it's a fact. On 20, 30 or 40 occasions I have heard the member for Elizabeth rely on the Medicare alliance, and the Medicare alliance no longer exists. The Labor Party of this state is without a health policy for the next election.

LE MANS RACE

Mr FOLEY (Hart): There is certainly a difference, isn't there—very impressive! My question is directed to the Premier—that is you, Rob; not you, Dean. Did the Premier—

Members interjecting:

Mr FOLEY: Sorry, sir.

Members interjecting:

The SPEAKER: Order!

Mr FOLEY: Did the Premier, as the then Acting Premier, attend a meeting on 2 January this year with the former tourism minister Joan Hall, Mr Don Panoz, Mr Dean Rainsford and others, including representatives of the Crown Solicitor's office, to discuss amending a formal agreement between the government and Mr Panoz to sign our state up to a second Le Mans car race in Adelaide on 30 November this year and for a race in each of the next eight years?

The Hon. R.G. KERIN (Premier): Yes, I did attend a meeting with Don Panoz and Dean Rainsford (and I am not too sure of the date, but it was very soon after the race, so 2 January might be correct; I would have to check my diary), at which—

An honourable member interjecting:

The Hon. R.G. KERIN: Mr Speaker—

Members interjecting:

The SPEAKER: Order!

The Hon. R.G. KERIN: It was an absolutely appropriate thing to do. We had just had a guy come in and sponsor a race here, the race had been run, and we sat down and talked through the issues that came out of the race. What the hell would be inappropriate about that? Absolutely nothing!

Members interjecting:

The Hon. R.G. KERIN: No. What we see here is a very—

Members interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. R.G. KERIN: —sensitive member for Hart trying to blow up into an issue a meeting—

Mr Foley interjecting:

The Hon. R.G. KERIN: No. The member for Hart—

An honourable member interjecting:

The SPEAKER: Order! The Premier will resume his seat. The chair will not be ignored. I warn the member for Hart.

The Hon. R.G. KERIN: I realise that they are very sensitive across the other side and they are trying to create issues. It was totally appropriate that we had that meeting, during which we talked about the race. Before a man such as that flies home, it is appropriate that you put yourself forward to discuss what happened over the previous couple of days. For you to try to put any other spin on that, I think, is inappropriate in a lot of ways.

Members interjecting:

The SPEAKER: Order! The Premier will ignore interjections.

The Hon. R.G. KERIN: Thank you, sir.

Members interjecting:

The Hon. R.G. KERIN: Yes, I attended the meeting; the meeting was totally appropriate; and deep detail was not gone into.

REGIONAL COMMUNITIES

Mr WILLIAMS (MacKillop): Will the Premier outline to the House how, in partnership with the community, the state government is helping to trigger a resurgence in regional South Australia?

The Hon. R.G. KERIN (Premier): I think it is important that we acknowledge the achievements of regional South Australia. I have already talked about some of these issues in this place, but I think it is important that we once again highlight them. I invite members opposite to listen, because I am not too sure who has been briefing their federal colleagues with respect to some of the comments that have been made over the past couple of weeks. Last week, we heard Gavin O'Connor, the opposition spokesman on agriculture, fisheries and forestry, make a comment which I thought was an insult to the people of regional South Australia, who have been doing things very well.

Mr O'Connor said that the prosperity in regional South Australia was purely because of good seasons, the Australian dollar and commodity prices. He took every bit of credit away from the people of regional South Australia, which I thought was an absolute slap in the face—and perhaps might have had something to do with the 7 per cent swing in first preference votes that went to the Liberal Party. Mr O'Connor gave them absolutely no credit, which totally ignores what has happened in regional South Australia over the term of this government.

With respect to the wine industry, basically, exports are about 10 times what they were previously. Exports in the food industry last year increased by 40 per cent to overseas, 29 per cent to interstate, with 10 per cent less coming in. That is a major achievement from our primary producers. The aquaculture industry was basically nothing seven or eight years ago and now, on Eyre Peninsula, the industry is getting towards $400 million, and employs a heap of people right around the coastline. For Gavin O'Connor to ignore that type of effort, I think, is a slap in the face for regional South Australians. Regional South Australia is doing well because of the people out there—the entrepreneurs. For him to say that it is purely because of those other things is a slap in the face for the people concerned.

He also made the point that it had nothing to do with government policy. Food for the Future has been a partnership between government and industry, very much a partnership between the two. I went to the Food and Fibre Awards on Friday night and many of the people there actually said that that collaborative approach and leadership from within industry and government had helped them to achieve getting to another level. There is a whole range of issues that have nothing to do with commodity prices, the dollar or good seasons, and what has happened in the meat, aquaculture and wine industries, to mention just three. I think it is about time that the ALP in this place correctly briefed their federal colleagues on just what is going on in South Australia, because we have seen a lot of mistakes come from them over the past fortnight.

LE MANS RACE

Mr FOLEY (Hart): My question is again to the Premier. What advice did the Premier receive and who briefed him about the government's future plans for the Le Mans car race in preparation for the 2 January meeting this year with Mr Don Panoz, Mr Dean Rainsford, the former tourism minister and Crown Law officers?

The Hon. R.G. KERIN (Premier): The member for Hart is just trying to lift the profile of a meeting which was basically a debrief and a semi-casual meeting on the afternoon—

Mr Foley interjecting:

The Hon. R.G. KERIN: No, listen. The member for Hart is trying to paint a picture of something that just did not occur. The meeting occurred; the meeting was held during the afternoon and it was a chat about where we go in the future. For the member for Hart to come in here and yet again start—

Mr Foley interjecting:

The SPEAKER: Order! The member for Hart will remain silent. He has already been warned once.

The Hon. R.G. KERIN: Once again we see him coming in here after months of doing exactly the same thing; he is trying to create a scenario where we go out and play the man and not the ball.

Members interjecting:

The Hon. R.G. KERIN: Absolutely, for crying out loud—for the people of South Australia and for the Labor Party. Some people in the Labor Party would like you to take stock of where you have headed over the last few months. They saw the result very clearly on Saturday of where you guys are heading, and they do not like it. The people of South Australia do not like it and the Labor Party membership does not like it. For you to come in here yet again and try and find a date and paint a picture of what does not actually exist, I think is just inappropriate.

The Hon. G.A. Ingerson interjecting:

The SPEAKER: Order!

Mr Conlon interjecting:

The SPEAKER: Order! I warn the member for Elder and the member for Bragg.

EMPLOYMENT

Mr SCALZI (Hartley): Can the Minister for Employment and Training detail to the House the latest ABS figures with respect to employment in South Australia?

The Hon. M.K. BRINDAL (Minister for Employment and Training): I would be truly pleased to answer this question, considering that, as the results came out—and I am disappointed that the member opposite did not comment positively on them. Last Thursday the figures came out and showed that this state—

Mr Conlon interjecting:

The Hon. M.K. BRINDAL: Well, we will not have to worry about you being dull and annoying in the next parliament; you will be off being dull and annoying in the Senate.

The SPEAKER: Order! The minister will ignore interjections.

The Hon. M.K. BRINDAL: We are within .1 of a percentage point of the national average for unemployment in South Australia. That is the first time in memory in this state that we have been as close to the national average. More importantly, we continue to trend downwards. Compare that to the Labor states, where it is plain to see why Labor is scratching for votes. In Victoria, last week the unemployment—

Mr Conlon interjecting:

The Hon. M.K. BRINDAL: Well, you didn't win, did you Patrick. You didn't win. In Victoria, the unemployment rate rose by nearly 1 per cent, to 7 per cent. Victoria, without Jeff Kennett, is only just doing better than us, and they are going down month by month. We are improving. New South Wales, once considered to be Australia's job powerhouse, rose nearly half a percentage point in October. Indeed, over the last year under a Labor government in New South Wales, unemployment in that state has risen by 1.3 per cent. Unemployment in Queensland and Western Australia is also increasing.

In South Australia, employment for the month of October rose to 679 100, the highest number of people in employment in South Australia since October 12 months previously. Female employment rose by 2 400, with nearly 304 000 women in October holding jobs in South Australia. The member for Hanson says that that is disappointing. Another good sign is that the participation rate rose by .3 per cent, reflecting an increased optimism by the people out there looking for work.

Not to neglect our young people, there was also good news for them, with an overall fall in the unemployment rate

of nearly 2 per cent. The unemployment to population ratio in the 15 to 19 year olds did fall again last month and compares very favourably with the participation rates throughout Australia. Dare I mention these figures in stark comparison with what they were a decade ago, when the Leader of the Opposition was minister for unemployment. In October 1991, the unemployment rate was 10.1 per cent. In October 2001, the rate is 7.2 per cent. We have shaved nearly a third off. In October 1991, 632 000 Australians had jobs. In October 2001, total employment is standing at 679 100.

So, there are several lessons to be learned from the last almost eight years under Liberal governments: lessons which members of the Labor Party should heed well before they go to a state election; lessons which I hope will cause them to abandon the futile policies adopted last Saturday. Last Saturday, the state ALP, devoid of any ideas, hitched its policy wagon to the ALP federal train. The plan was that Beazley would provide them with a raft of health, education, employment and training and environment policies—in fact, he would give them all their policies. Well, that train is heading west at a rate of knots and is nowhere to be found.

Ms Stevens interjecting:

The Hon. M.K. BRINDAL: So, for the benefit of the honourable member, the public of South Australia have every right to demand of the ALP what its policies are. How irresponsible to actually take people to the polls when you do not even know where you are heading. One good thing that came out of last week was that the member for Spence proved one of the most remarkable political pundits in this nation. He got it exactly right, albeit for a small glitch about Port Adelaide. You wait until you see what happens in the electorate of Adelaide. You will be more than grizzling at the scrutineers then.

The gene pool, as has been said, is very shallow in the ALP. They are not my words. The member for Ross Smith said, 'They will be worried because when you can only get one in three South Australians voting Labor as their first choice, it is extremely difficult to win government, state or federal, with such a low primary vote.'

In conclusion, I disagree with the comments made in the *Australian* newspaper yesterday that the Leader of the Opposition is unpopular. The Leader of the Opposition is very popular, especially with Liberal voters in South Australia. We hope that he will continue to reign long and gloriously over the disaster opposite, and I personally hope that he continues to help the Liberal candidate in Unley as he has been doing, because, if he takes his monkey off the back of his colleagues and does what he might, I will still be here after the next election, sitting right where I am, but I doubt that he will be sitting where he is. The only thing that keeps the member opposite in his job is the member for Spence. Therefore, but for the grace of the member for Spence, he goes west as well.

LE MANS RACE

Mr FOLEY (Hart): Why did the Premier earlier today tell the House that his meeting with Mr Don Panoz was 'a semi-casual meeting' when, in fact, it was a critical meeting to decide the future of the car race? In the proceedings put forward in the Supreme Court of South Australia by Panoz Motorsport, section 62 states:

On 2 January 2001, at a meeting at the offices of the third defendant attended by the Acting Premier, the honourable Rob Kerin, the Minister for Tourism, Joan Hall, Mr [Bill] Spurr, representatives from the Crown Solicitor's Office and Mr Panoz and Mr Dean Rainsford on behalf of the plaintiff, the representatives from the Crown Solicitor's Office, on behalf of the first defendant, delivered to the plaintiff's representatives a Draft Supplementary Race Staging Deed and a Draft Deed of Amendment document to be executed to evidence the extension of the [race staging deed] RSD.

Hardly a casual meeting!

Members interjecting:

The SPEAKER: Order! The Premier.

An honourable member interjecting:

The Hon. R.G. KERIN (Premier): That's right.

Mr Foley: Hardly a casual meeting!

The SPEAKER: Order!

Mr Foley: You were engaging in misleading and deceptive behaviour.

Members interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. R.G. KERIN: I ask the member to withdraw that last statement, sir.

Mr FOLEY: I will not withdraw the statement, sir, that this Premier and the government were involved in misleading and deceptive behaviour.

The SPEAKER: Order!

The Hon. DEAN BROWN: I rise on a point of order, Mr Speaker. To make an accusation across the House that a member has been misleading requires a substantive motion. This is not a substantive motion. Therefore, I take a point of order and ask that the accusation be withdrawn.

Members interjecting:

The SPEAKER: Order! The chair is of the view that if the member did use the word 'misleading', or the words 'to mislead' or 'to mislead the House', he should withdraw.

The Hon. M.D. Rann: Misleading Panoz, not the House.

The SPEAKER: If he made the statement that it was misleading, he should withdraw. I give him the opportunity to do so.

Mr FOLEY: Sir, if I can just clarify that. My allegation was that the Premier was involved in misleading and deceptive behaviour with the Panoz motor group.

The SPEAKER: I ask the member to withdraw so that we can move on, because I believe that he should withdraw.

Mr FOLEY: I will withdraw, sir.

The SPEAKER: Thank you. The Premier.

The Hon. R.G. KERIN: Thank you, Mr Speaker. Talk about—

Members interjecting:

The SPEAKER: Order!

Mr Conlon interjecting:

The SPEAKER: Order!

The Hon. R.G. KERIN: This is absolutely prima donna stuff. The issue was—

Members interjecting:

The Hon. R.G. KERIN: Yes, papers were—

Members interjecting:

The Hon. R.G. KERIN: Can I have a go?

The SPEAKER: Order! I am sorry to interrupt. The Premier will resume his seat. I warn the member for Hart again. He has already been warned once, and he is now on the second time. The chair's patience has worn very thin by these constant interjections. I am aware of the sensitivity of the day bearing in mind what happened on Saturday last, but the chair will no longer tolerate these constant interjections across the chamber. The Premier.

The Hon. R.G. KERIN: Thank you, Mr Speaker.

An honourable member interjecting:

The Hon. R.G. KERIN: No, I'm not sensitive at all. The member for Hart is trying to revisit history yet again. He does it constantly. He does it all the time.

Members interjecting:

The Hon. R.G. KERIN: Yes, it was a semi-casual meeting, and the issue was—

Members interjecting:

The Hon. R.G. KERIN: I would ask the member for Hart—

Members interjecting:

The SPEAKER: Order! I warn the member for Elder for the second time.

Ms Hurley interjecting:

The SPEAKER: And I warn the deputy leader.

The Hon. G.M. Gunn interjecting:

The SPEAKER: And I warn the member for Stuart.

The Hon. R.G. KERIN: Yet again, the member for Hart is trying to rewrite history. Mr Panoz was in Adelaide for a short time. He had been in Adelaide for some time before and he needed to go back. He wanted to have a chat about things that had happened. I had no carriage of the race. He asked me when I was talking to him socially on the day before to come along to a meeting on the second. That was okay. There was a discussion about how soon all the issues of the race could be dealt with and that was done in a sense of camaraderie around the table.

I take offence to the member for Hart's accusation about 'misleading and deceptive'. He and the Leader of the Opposition continually talk to us about behaviour, standards of conduct and whatever else. The member for Hart stands there today and paints a picture which is not correct; he makes accusations across the House about being misleading and deceptive which cannot be backed up. Yes, there were papers, but my role in that meeting was to sit there and talk to Dean Rainsford and Don Panoz in a way which is appropriate involving two people who have just been here to stage a race. The member for Hart is just trying to rewrite history.

EDUCATION, FEDERAL POLICIES

Mr HAMILTON-SMITH (Waite): Could the Minister for Education and Children's Services advise the House how South Australian schools will benefit as a consequence of the newly elected federal government's education policies?

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I thank the member for Waite for his question because there is absolutely no doubt that South Australian schools will benefit from the newly elected coalition's education policies. Let me tell you why they are so good. First, the coalition's policies are based in fact, not fiction. Secondly, they are fair, not fanciful. Thirdly, they are about the future; they do not go back to the 1970s. Lastly, and most importantly, the Australian public like them a lot more than they like Labor's policies.

The question now arises as to what the opposition will do for policies. There are no Blair action zones, no Beazley noodle nation. The learning gateway has been absolutely slammed shut. The jobs pathway has led to a complete dead end. What are they going to do about their own policies? Where are they going to come from? Maybe they will steal a lot more from Tony Blair or maybe they will visit Beazley's bargain basement yet again. They might bite off a bit from Beatty, from Beazley, from Bracks or from Bacon. This is Labor's B team; there they are—all the Bs. Apparently, to have an education policy, your surname needs to start with B. So, over there, who is going to be in the local B team? Will it be the member from Whyalla, or will it be the member for Florey who gets a sudden rise to the front bench? Will they be the ones? If they need a bit of help, I am happy to give them some policies. The only problem is that, knowing them as I do, they will probably claim that there was a leak.

The Hon. Dean Brown interjecting:

The Hon. M.R. BUCKBY: A photocopier! Well, that is an idea. The member for Finniss says that I could offer them a photocopier. That is more than they have at the moment. The self-proclaimed education would-be premier backed Beazley and lost. The noodles are not only limp, they have gone cold.

LE MANS RACE

Mr FOLEY (Hart): Did the Premier and his officers deliver to Mr Panoz and Mr Rainsford a draft supplementary race staging deed and a draft deed of amendment document to be executed to evidence the extension of the race staging deed at his so-called 'semi-casual meeting' on 2 January 2001? Yes or no?

The Hon. R.G. KERIN (Premier): Documents were there. However, I am not too sure, because I was there in a different capacity.

Members interjecting:

The Hon. R.G. KERIN: Would you listen for a tick?

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The Hon. R.G. KERIN: No, this is—

Members interjecting:

The SPEAKER: Order! The member for Bragg is not assisting; nor is the member for Wright.

The Hon. R.G. KERIN: I am not too sure what claims were made there, and we will obviously reject a lot of those claims, anyway. The member for Hart is trying to ramp up something which totally misrepresents my role on that day. My role was not to do with talking about the legalities of this but to be there as a matter of courtesy to Don Panoz who was still with us in Adelaide. Member for Hart, get real and keep honest about this; you are trying to paint a picture of something that just did not exist.

BUSHBANK

The Hon. D.C. WOTTON (Heysen): Will the Minister for Environment and Heritage provide the House with further information regarding the latest commonwealth/state nature conservation initiative, Bushbank?

The Hon. I.F. EVANS (Minister for Environment and Heritage): Last Thursday night, the members for Heysen and Kaurna, and I had the pleasure of attending the 20th anniversary dinner of the Nature Foundation, and it was a good event. It certainly was an event worth celebrating—20 years of service by that organisation—as it has been an outstanding success with regard to South Australia. Of course, the member for Heysen was one of the key people in establishing what was then the National Parks Foundation. It was certainly a pleasure to be there and to hear that over the past 20 years the foundation has raised along the lines of $1.5 million and contributed to well over 20 parks throughout the state.

During the night, the amount of money and work that had gone into its threatened species programs, as well as its off-park initiatives, were also mentioned. That is one of the reasons why it changed its name from the National Park Foundation to the Nature Foundation: to give more focus to the off-park area of the conservation and environment movement.

As I have mentioned in previous answers to the House, South Australia now has over 20 per cent of the state under its national parks reserve system. So, one hectare in every five is now under the reserve system in one form or other, and there are around 300 reserves across the state.

The member for Heysen asked about developing off-park conservation initiatives. This state—like other states—has developed the heritage agreement system, which has been an outstanding success in South Australia, involving about 1 200 agreements covering some 550 000 hectares of land outside the reserve system. Not only do we have 20 per cent of the state within the reserve system but also we have 550 000 hectares under heritage agreement throughout the state.

The Bushbank initiative to which the member referred is the latest initiative between the state and federal governments and, indeed, the Nature Foundation. We are setting up what is commonly known as a revolving fund so that the Nature Foundation can purchase key lands that have important biodiversity values, put a conservation covenant over a section of that land and then on-sell the balance of the land that has no environmental or conservation value.

Basically, this scheme has been developed in Victoria, and it is slowly progressing to and is being introduced around other states. In Victoria, it has been outstandingly successful, with about 25 properties being purchased. Indeed, about 15 per cent of those have been given to the trust, so it has been achieved at no cost. So, there has been considerable conservation and environmental gain out of that.

I am pleased to say that the state and federal governments are putting in $500 000 each. That also provides the Nature Foundation with another promotional arm to promote itself as one of the key conservation groups within the state. It also gives us another tool in the kitbag to provide off-park conservation measures so that the appropriate biodiversity areas of the state are properly protected.

CLIPSAL V8 CAR RACE

Mr FOLEY (Hart): My question is again directed to the Premier.

An honourable member interjecting:

Mr FOLEY: Rob Kerin at present. I know you wanted Dean but it's Rob. Will the Premier give an undertaking to immediately investigate the accuracy of official government compiled attendance figures for the 1999 Sensational Adelaide Clipsal V8 car event held in April of that year—figures which were released to the *Advertiser,* which were placed on the 500 V8 web site and which showed that the race had attracted 162 000 ticket holders over the three days?

Members interjecting:

Mr FOLEY: It goes to honesty in government.

Members interjecting:

The SPEAKER: Order!

Mr FOLEY: It goes to the honesty of this government and of your Premier.

Members interjecting:

The SPEAKER: Order! I expect members on my right also to observe directions from the chair.

The Hon. R.G. Kerin interjecting:

The SPEAKER: Order! I caution the Premier.

Mr FOLEY: It's okay, Rob.

The SPEAKER: Order!

Mr FOLEY: Thank you, sir. If the Premier cannot handle these questions, members opposite put him there.

Members interjecting:

The SPEAKER: Order!

The Hon. G.M. Gunn interjecting:

The SPEAKER: Order, the member for Stuart! The member for Hart.

Mr FOLEY: Thank you, sir. I will explain this question to the reluctant Premier. Panoz Motorsport Australia, in its claim filed for damages for losses in excess of $18 million in the Supreme Court, has stated that actual attendance figures for the 1999 Sensational Adelaide Clipsal V8 car race totalled only 103 000 people over three days, that is, nearly 60 000 fewer than the official figures released by the Premier and his government.

The Hon. R.G. KERIN (Premier): I think it has become obvious what the member for Hart is trying to do. The member for Hart, who could not give a continental about the standards in this House, who could not care less about the standards of members of parliament, has now accused me several times of being dishonest. He tries to tie me to the number of people counted at the 1999 car race.

Mr Foley interjecting:

The SPEAKER: Order! The Premier will resume his seat. The member for Hart is warned for the last time. One more interjection and he will be in trouble.

The Hon. R.G. KERIN: The member for Hart is trying to cause a distraction. He has called me dishonest several times about things which have not even been my responsibility. He is playing a game in here today, and I reckon it is a dangerous game. I think it is a game that goes very much to the core—

Mr Conlon interjecting:

The SPEAKER: Order! I also warn the member for Elder for the third time with the same conditions.

The Hon. R.G. KERIN: —of the expectations of the people of South Australia in relation to the truthfulness of members of parliament. He has made several claims today which are totally unsubstantiated and—

An honourable member interjecting:

The Hon. R.G. KERIN: That's right; it is all for theatre. There is no substance to what he is saying. As far as where he is headed today is concerned, I believe that it is a dangerous thing to do, because he is taking things out of the court notice that has been served, canvassing them in this place, holding up himself as judge and jury and making judgments based on one side of the story in a claim that has been served. He has made a judgment that everyone—

Mr Wright interjecting:

The SPEAKER: Order! I warn the member for Lee.

The Hon. R.G. KERIN: For the member for Hart to make a judgment asserting honesty or dishonesty, based on an extrapolation, is an abdication of his duty as a member of parliament. I think the honourable member is getting onto dangerous ground. Bearing in mind what he is doing today and what he has done in the past, I suggest that he ought to have a damned good look at himself. I do not know how he can be put forward by a significant number of people as an

alternative leader of the Labor Party as we head towards the next election.

Members interjecting:

The SPEAKER: Order! The behaviour in this place is a disgrace. I ask members to come to order.

The Hon. G.A. Ingerson interjecting:

The SPEAKER: Order! I warn the member for Bragg for the second time.

DRUGS

Mr VENNING (Schubert): Can the Minister for Police, Correctional Services and Emergency Services outline to the House what new initiatives the government proposes to reduce the quantity of drugs on our streets?

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I thank the honourable member for his question. We well know that he is on the record on several occasions expressing concerns about illicit drugs on our streets. Sadly, it involves not just one part of the state but, like all states and countries today, it is spread across the whole spectrum. As members in this House would know, the government will leave no stone unturned—I repeat that—when it comes to doing whatever we can within our capacity to combat what I believe is one of the two greatest threats facing society internationally, and that is the issue of illicit drugs.

As we roll out government initiatives which will help to save young people and which will keep communities and families together and restore the social fabric which has been damaged by policies that went the wrong way in the past, I hope that the member for Mitchell will listen to us and support us and put out true and accurate newsletters to his constituents, telling them what we are doing when it comes to a holistic government approach to the drug strategy. I hope that he also tells them about the increased police numbers in the Sturt LSA, which looks after the member for Mitchell's electorate—the extra 33 extra police officers, I think it is, from memory (I will get it right for his newsletter), who will come into the Sturt LSA over a two year period and who will occupy the brand new Sturt Police Station, which was built by a Liberal government and paid for in cash (not put on the Bankcard, as the Labor Party used to do when it was in government in this state, damaging it).

I hope also that the member also talks about Operation Mantle and the six dedicated police officers who are going through the streets for the member for Mitchell day and night and who are working hard to combat those drug traffickers. That is what I would like to see him talking to his constituents about. I know that the candidate for the Liberal Party in Mitchell is doing that and, by crikey, he is doing a great job.

Mr KOUTSANTONIS: Sir, I rise on a point of order. What responsibility to the House does the Minister for Police have for the member for Mitchell's newsletter?

The SPEAKER: Order! I ask the minister to come back to the question.

The Hon. R.L. BROKENSHIRE: One of the other initiatives at which the government is looking (and I encourage members in the House also to consider making a submission) is the issue of hydroponic equipment in shops and the extreme damage from both a criminal point of view and in relation to health issues around hydroponic cannabis use and sale. This week, members will see advertisements across a wide spectrum of newspapers and media outlets encouraging the South Australian community and also organisations such as HEMP SA and the Hydroponics Retailers Association—

The SPEAKER: Order! I just caution the minister: there is a bill coming up this afternoon.

The Hon. R.L. BROKENSHIRE: This is not to do with that, sir.

The SPEAKER: I just caution the minister not to get onto the contents of the bill.

The Hon. R.L. BROKENSHIRE: Mr Speaker, I will not talk about the bill. I will talk about the review into whether or not hydroponic cannabis shops should be licensed. That is what this is about.

The SPEAKER: Order! I would be cautious there that the bill does not pick up that subject.

The Hon. R.L. BROKENSHIRE: We will ask members of the South Australian community to make submissions between now and 21 December about what they think are issues around hydroponic cannabis shops—whether they should be licensed; whether there should be any regulation; and whether there should be a register in those shops so that the people who are buying hydroponic equipment can be tracked. If people are growing lettuces, cucumbers and the like, clearly, it is not an issue. But if people are buying hydroponic equipment because they want to set up a network of cannabis production in this state, that is an issue about which the government and the police are very concerned, and that is why these submissions are being called for between now and 21 September.

FESTIVAL OF ARTS

Ms HURLEY (Deputy Leader of the Opposition): My question is to the Premier. Has he been informed whether the Adelaide Festival will be paying any outstanding entitlements or termination payments to the Festival's Art Director, Peter Sellars, following yesterday's announcement that he has resigned from his position and, if so, what is the amount of any future payout to Mr Sellars?

Members interjecting:

The SPEAKER: Order! The member for Bragg is warned for the third time, with the same conditions as apply on my left.

The Hon. R.G. KERIN (Premier): That is actually a matter for the board. I have asked for that information. No doubt it has also been asked for in the other house today. I will take the question on notice and bring back the answer.

STONE INDUSTRY

Mrs PENFOLD (Flinders): Can the Minister for Minerals and Energy inform the House of the recent successes of the South Australian Stone Industry Association? As the government provided funding to help this association, my constituents wish to know how well this funding is being used?

The Hon. W.A. MATTHEW (Minister for Minerals and Energy): I thank the member for Flinders for her question. Of course, members on this side of the House are aware that the member for Flinders has within her electorate some of the best examples of South Australian granite and also jade, and the member for Flinders is actively championing the use of those materials on behalf of the local industries in her electorate. For that reason she has been a strong supporter of the government's stance in encouraging the formation of a Stone Industry Association in South Australia.

Earlier this year the government encouraged the formation of a Stone Industry Association by providing funding over two years of $150 000 to assist with the establishment of the association, its establishment staffing, office accommodation and equipment. We have also provided a further $100 000 for research into dimension stone within our state and opportunities for industry from our stone deposits.

The creation of the association was intended to assist the expansion and promotion of a stone industry in our state, because we have recognised that stone in South Australia has been much under valued, particularly by the previous Labor government, which failed to acknowledge in any way whatsoever the value of the industry. By forming the association we have been able to establish a number of successful innovations from this year, and they include the Home Show Gardens Alive Show, where between 25 and 28 October this year we saw exhibited live displays and demonstrations. That particular Home Show was a huge success to the extent that the sandstone dry wall demonstration won both the overall Home Show and landscape awards. I know that the Stone Industry Association is particularly proud of that achievement.

The association also received an invitation to provide an award of excellence in the use of stone from the Royal Australian Architecture Awards in South Australia, and I am rather pleased that they have had that opportunity. We have also seen the association encourage South Australian companies to be exhibitors in what was a very successful exhibition at the world's largest stone show at Verona in Italy in September of this year, and the association has reported back to government that, in addition to the inquiries for our marble and our granite that occurred in last year's fair, and that of the previous year, this year they have also been able to report a significant number of inquiries for Mount Gambier limestone, and also there are some very good opportunities for random rubble quartzite sandstone exports. That is a significant move in the industry because it means that South Australia has gone beyond just two years ago establishing internationally a reputation for good quality granite, for good quality marble, to now establishing a reputation for some unique stone at Mount Gambier and also now some unique sandstones. That all fares well for the future as the industry expands and seeks new opportunities and new horizons.

The Stone Industry Association has also had a strong involvement in the preliminary work with the North Terrace precinct development. The Premier has already announced the exciting opportunities for our state and city with this development but, importantly, the new development provides exciting opportunities for the stone industry in South Australia. A series of meetings have already occurred between government, the project's architects and the Stone Industry Association. An initial meeting was held at my office of Minerals and Energy Resources in order for my officers to gain an appreciation of the requirements of the architects and ways in which they felt they may be able to use South Australian stone.

That was followed by a further meeting at the government's core library complex at Glenside where the architects had a first-hand opportunity to examine samples of stone from around the state, including the electorate of the member for Flinders, and to determine how they might be able to incorporate them into the development.

As a result of these meetings, the architects have already signalled an interest in using a variety of stones for the development, including Adelaide black granite exfoliated with a flamed finish for the southern side of the development, Balmoral green granite exfoliated with a flamed finish for the northern side, the use of Kanmantoo bluestone with a sandblast finish for flagstone pavers to the State Library forecourt.

The architects have also included a desire to use exfoliated Balmoral green with Adelaide black on the War Memorial Plaza. The potential to utilise many of the state's granites in variable colours for outdoor seating has also been encouraged. Granite for seating purposes may come from any one of the currently operated quarries, and there is no anticipated problem with availability or the provision of stone at reasonable cost.

The preference for the use of granite was encouraged overwhelmingly due to its aesthetic appeal and durability. As the member for Flinders knows, she has many granite opportunities within her electorate, and I fully expect to see granite from her electorate used as part of the North Terrace development. That provides not only an exciting opportunity for Adelaide, but for her electorate and other areas of the state, as stone companies have the opportunity to feature their product, and stone workers have the opportunity to feature their expertise in the city centre of Adelaide. What a fabulous potential result but also an advertising opportunity for those involved in the stone industry.

I also wish to take this opportunity to place on the record my congratulations to the City of Adelaide. Not only has it been involved with the government in the assessment of the opportunities on North Terrace, but also it has been using Mintaro slate along King William Street to progressively replace the old concrete flagstones. If members have not yet taken a stroll along the eastern side of King William Street, from North Terrace southward, I would encourage them to do so. There has been considerable improvement to King William Street with the use of slate from South Australia's Mintaro quarry. That is a good example of what can be done to streetscaping through the use of natural stones.

If in the future the Rundle Mall were to be paved with stonework in the same way, one thing that the council could be assured of is that the stone will not break up in the same way that the clay pavers have done. If you look around the world where other countries have used stone, you will find that in many cases that stone has been there for well over 100 years—some for many hundreds of years—and there is no doubt that the stonework along North Terrace will also be there for many hundreds of years. I look forward to reporting to the House on the continuing activities of the stone industry in South Australia.

FESTIVAL OF ARTS

Ms HURLEY (Deputy Leader of the Opposition): My question is directed to the Premier. What discussions has the Premier had with the Minister for the Arts with regard to saving the 2002 Festival of Arts? Does he support the minister's handling of the fiasco, and will he now rule out any further bailouts of the festival?

Mr Venning: Don't you read the paper?

Ms HURLEY: As members would be aware—

Mr Venning: Don't you read the paper?

The SPEAKER: Order!

Ms HURLEY: —including the member for Schubert, who reads the paper, three months ago the festival was shortened from 17 days down to 10. Last month, there was a further $2 million bailout of the festival bringing the total

bailout to over $3.1 million. We then saw the Hitler commercial debacle, and yesterday the Artistic Director, Peter Sellars, resigned. Of the $100 000 in ticket sales recorded so far for next year's Festival of Arts, 85 per cent are for the opera *El Nino*, a work which is now unlikely to come to the festival following Sellars' resignation. The Major Events web page (administered by the Premier's Tourism Commission) still shows the Adelaide Festival of Arts as running from 1 to 17 March, and the Premier has been quoted as refusing to rule out any further bailouts of the Festival.

An honourable member: Sack the minister.

The Hon. R.G. KERIN (Premier): I thank the member for Hart for more advice. He has been giving me constant advice lately on a whole range of issues. He is very kind in that way.

An honourable member interjecting:

The Hon. R.G. KERIN: Not on yellow stick: normally through press releases, but I appreciate it, anyway. The issues that the member has raised—

Members interjecting:

The Hon. R.G. KERIN: I was thanking him. Good heavens, am I not allowed to thank someone now? The issues raised by the honourable member include the Hitler advertisement. It is useful to note that that matter was addressed before that advertisement ran. It should not have happened to start with, but it was addressed before the advertisement ran. The program is being addressed. The appointment of Sue Nattrass yesterday to take over as Artistic Director has received some very positive reaction around the place—she has a lot of experience.

So, the board has addressed those two issues over the last couple of weeks, and that has been appreciated. The board has worked proactively, and I urge all members of this House now to get behind the Festival, which has been very important for this state over a long period of time. It is important that next year it is as successful as it has been in the past. I look forward to everyone's support.

FESTIVAL OF ARTS

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I table a ministerial statement delivered earlier today in another place by the Minister for Transport, Urban Planning, the Arts and the Status of Women.

GRIEVANCE DEBATE

Mr FOLEY (Hart): Today, the parliament has been stunned to hear that the new caretaker Premier, Rob Kerin, has been named in an $18 million lawsuit which claims deceptive and misleading conduct by this government. The cleanskin Premier is now very much a part of this dishonest government that has been named in the Supreme Court for misleading and deceptive behaviour. This is a lawsuit for damages for losses in excess of $18 million. New Premier Rob Kerin took part in meetings that have led to allegations of misleading and deceptive behaviour by this government. No more Mr Nice Guy Rob Kerin: he is down and in it with this government.

Former Premier John Olsen has again been named in this Supreme Court case for an allegation of misleading and dishonest behaviour, as has the former tourism minister. Damages claimed against the state and the taxpayer amount to $18 million. Premier Rob Kerin attended one of the most important meetings about this event and, by implication, he is now involved and is part of these allegations of misleading and deceptive behaviour by this government. What we find today is that allegations have been made that the government told untruths and misled the public.

Mr VENNING: I rise on a point of order, Mr Speaker. The member is addressing the cameras and not you.

The SPEAKER: Order! The member for Hart.

Mr FOLEY: Today, we have heard allegations that this government (under former Premier John Olsen and former Deputy Premier Rob Kerin) gave misleading and false attendance figures to the *Advertiser* and the public for the 1999 Clipsal Car Race. It is claimed in these documents that 103 000 is the true figure, but the government claims that it is 162 000. Who is telling the truth? More frightening for this state is that, today, taxpayers have an $18 million plus lawsuit hanging over their heads because of the actions of caretaker Premier Rob Kerin and former Premier John Olsen.

Under questioning today, the new Premier buckled. He could not cope; he crumbled under the pressure of this parliament. What did we learn? The new Premier referred to a meeting that he attended—a critical, crucial meeting in relation to this $18 million lawsuit—which he described as a semi-casual meeting: a few blokes getting together for a chat. We learnt that that meeting was attended by Crown Law officers, the head of the Tourism Commission, Mr Don Panoz and Mr Dean Rainsford.

If you look at this statement, the acting Premier at the time (now Premier Rob Kerin) at this semi-casual meeting handed over a draft race deed which locked our state into future races. One week later the final document was submitted to Mr Panoz. This was not a semi-casual meeting; this was a critical meeting in which this state locked away the Le Mans car races. This new caretaker Premier (the then acting Premier), Rob Kerin, unfortunately, because of his actions and his government's misleading and deceptive behaviour, has potentially lost taxpayers in excess of $18 million. No more Mr Nice Guy Rob Kerin, no more Mr Clean Skin, you are part of this dishonest government. You sat at the cabinet table, you were the Deputy Premier to a Premier who has been found by the Clayton inquiry to have been misleading and dishonest, and it is alleged today that he has also been guilty of being misleading and dishonest and costing taxpayers potentially in excess of $18 million. Sitting right next to him was caretaker Premier Rob Kerin. Well, Mr Rob Kerin, today it has been proven that you are as much a part of this dishonesty as John Olsen and this government.

Time expired.

Mr VENNING (Schubert): I think the speech we have just heard is one of the most disgusting that I have ever heard in the 11 years that I have been a member of this place. I think it is a disgrace that the member uses parliamentary privilege to heap discredit on a very honest and straight member of our community, the Premier of South Australia. He is trying to imply that the Premier is not honest. According to all the rules of decency and commonsense, I think the member should reconsider his position.

I want to speak about a good news story: the biggest swing last Saturday that an incumbent government has seen since 1966 (35 years ago) and the lowest Labor Party primary vote since 1931. People look for and want honest and strong

leadership. This is a real tribute to one of Australia's best Prime Ministers, John Winston Howard. Individual performances of Liberal MPs went against the trends. Trish Draper in Makin performed a remarkable feat to turn one of the most marginal seats in Australia into what is now a safe Liberal seat.

Ms Rankine interjecting:

Mr VENNING: The member for Wright should be very concerned—it is certainly a great trend. We also saw Mr Barry Wakelin turn the electorate of Grey into a true-blue Liberal seat. It has gone from being held by a Labor member (Mr Lloyd O'Neil) two elections ago to now being a true-blue Liberal seat, and I believe that we will win Adelaide, too, after the numbers have been crunched.

Mr Koutsantonis interjecting:

Mr VENNING: The member for Peake knows that, too, because I saw him behind the pillar. It is evident that you have to pick the candidate to match the seat. You have to use local people in electoral colleges. However, Labor does not do that; it is too caught up with its own factionalism. It expects that a candidate that is thrust on an electorate will win. We all know that you cannot do that—and last Saturday proved that. Voters want well-known local people to represent them, not some blow-in who does not know a thing about the electorate. Look at Mayo, for example. The Democrats ran John McLaren, a high-profile party person who was the hope of the side. He was going to beat Downer hands down, but Alexander Downer slaughtered him.

People do not like political opportunists. Cheryl Kernot is a prime example of this. She thought that she was going to be Australia's first female prime minister. What a joke! Where is she now? Out on her you know what! The Labor machine killed her off. What about Jane Lomax-Smith? Will the Labor machine here do the same as they did to Cheryl? They lure you on board and then assassinate you. You had better be looking over your shoulder for Pat, Kevin and Michael, the Labor factional henchmen. Jane Lomax-Smith, do you have Cheryl's phone number?

The SPEAKER: Order! The member for Schubert will resume his seat. There is a point of order.

Mr KOUTSANTONIS: I believe that the member should be referring to members of this House by the names of their electorates and not by their first or Christian names.

The SPEAKER: I uphold the point of order, but I also remind all members that they have a responsibility in that regard, including the previous speaker.

Mr VENNING: It is obvious that the public is returning to the two-party system. The Independents and the minor parties have seen a shift in their support. The Democrats lost one Senate seat in New South Wales and even the federal leader will rely on preferences to get herself over the line. The Democrats are in disarray and fighting amongst themselves. Meg Lees wants the leadership back; Natasha is in big trouble and ran a very poor campaign. This goes to show that Natasha is completely out of touch with mainstream Australia. Just look at her stance on asylum seekers and the subsequent vote and support that she got on that: it was very poor indeed.

Good governments do not lose and oppositions do not win. Labor lost on both sides: the right-wing voters came to the Libs and the left wing went to the Greens. Labor Party supporters are divided. Surely, Labor will have to address the influences of their divisive faction fights and backroom deals. Senator Chris Schacht—

Members interjecting:

Mr VENNING: I remind the members of the House what Mike Rann said on 5DN on 11 November—

The SPEAKER: Order!

Mr KOUTSANTONIS: Point of order, sir.

The SPEAKER: I know your point of order. I remind the member for Schubert that he will use titles of electorates rather than members' Christian and surnames.

Mr VENNING: Senator Chris Schacht—I remind members of what Mike Rann on 5DN—

Mr KOUTSANTONIS: Point of order, sir. Just after you have warned the member about using Christian names, the first thing he did again was refer to the Leader of the Opposition by his Christian name.

The SPEAKER: The ruling applies to members in our own chamber. Senator Schacht is from another chamber entirely. The honourable member's time has now expired.

Mr MEIER: On a point of order, sir, our standing orders allow you to be able to give extra time if there have been an undue number of points of order during the speech. There were three and I would ask you to give the member further time.

The SPEAKER: The standing order states that during grievances I can order the stopping of the clock but once we have passed the zero there is no point in stopping the clock; the time has elapsed.

Mr HILL (Kaurna): I wish to speak about a particular constituency matter but I will refer briefly to a point that was made by the member for Schubert. I think it is an interesting point because both he and the Prime Minister, and Liberals all over the country, are taking great comfort from the fact that they allegedly got a swing greater than any swing to a government since 1966. I say one word to the member for Schubert—hubris! What happens to people who take comfort from these so-called great results is that they end up copping it. I will read a quote from an article in today's *Australian*, 13 November, on page 3 under the heading 'Howard's swing claim left hanging', by Benjamin Haslem. It states:

> John Howard's claim that the Coalition secured the biggest swing of any government since 1966 no longer stands after fresh figures released by the Australian Electoral Commission yesterday showed a swing to the Coalition of 1.35 per cent. Paul Keating's Labor government can still boast the biggest two-party preferred swing in the past 35 years; it improved its vote by 1.54 per cent at the 1993 election.

Whether or not this is disputed is largely irrelevant. All I say to the member for Schubert is this: just look at what happened to Mr Keating when he believed that the swing to him in 1993 was an overwhelming endorsement of him and his policies. Look at what happened to him three years later.

In the remaining time, I want to refer to an evil practice of exploitation that is occurring in our community: exploitation of young girls. I have been contacted by a father in my electorate who has two young girls who have been contacted by a company called Studio 2000 Photographers which has, I believe, attempted to exploit them. Apparently, this company has in public places free competition forms that young girls fill in. They are sent off to the company and then the girls get a letter inviting them to participate in some photography sessions. I will read the father's letter to me:

> There are a number of studios that target young girls, giving away free makeover glamour photography sessions. Once the photographs have been taken, the parents are then contacted to view the photographs with the young girls.

In his case, one of his girls is 14 years of age. The letter continues:

Along with the invitation comes a price list with no obligation to purchase—no legal obligation, but the bond between parents and daughters equates to an emotional obligation. The minimal purchase is a photo of approximately 4 inches by 2 inches for which the company charges $85.

He also told me that a 30 inches by 20 inches glamour photo costs between $700 and $800. The young girls are apparently contacted by this studio because they fill out a contest form, as I said, at a shopping centre, filling in contact details. From this, a mailing list is drawn up and prospective clients are approached. Furthermore, after the photo shoot, a further letter is sent complimenting the girls on their successful photo session, suggesting that they have a future in the modelling industry and that for a mere $5 000, a video of their talent will be made if required.

I will now read a letter that was sent to one of the daughters of this gentleman. I will not name either him or his daughter, but this is how the letter goes (this is after she has been through the photo shoot with the make-up and the whole bit):

Dear Miss X,

How would you like the opportunity to be our next TV star? We are looking for approximately 25 people from the 750 we photograph per month to become involved and upon reviewing your proofs we've judged you as being extremely professionally photogenic. Your images look absolutely fantastic! We have been able to prepare a very special package for you with super additional discounts to encourage you to participate. You'll receive a fabulous package at an exceptionally reduced rate and a copy of our $5 000 video production for your personal portfolio.

There are some conditions to qualify for this opportunity, as your images need to be digitally computer re-touched at our facility in Sydney. It is your option to become involved in this offer; however, when you attend your portrait selection appointment, your consultant will explain more about this one off opportunity to you.

It's your decision either way and whatever you decide we would like to congratulate you on what we consider to be a fantastic shoot.

This gentleman has two daughters, both of whom went into this competition, and they both received the same letter. Clearly, this is a front for an organisation which is taking money away from gullible and impressionable young girls who then put pressure on their fathers and mothers. The gentleman concerned approached the consumer affairs department, which said that there was nothing illegal about it and that nothing could be done. I believe that something ought to be done.

Time expired.

The Hon. J.W. OLSEN (Kavel): In today's contribution, I want to refer to John Howard's outstanding win last Saturday and congratulate him on achieving such a result. It demonstrates that a policy agenda implemented can and will win over a vacuum in policy. The opposition parties simply see themselves as making a small target, sitting on the sidelines and just falling over the line. That is the politics of the 1980s, not the politics of the new century. It seems that the Labor Party has not caught up with that fact yet. This applies even more so to those who simply embark on attempted character assassinations under parliamentary privilege, which is what the ALP stands for, in effect, in South Australia.

I make this point: the electorate at large will see you for what you are. The electorate at large just voted overwhelmingly for John Howard and a policy of reform for Australia. Thankfully, we now have interest rates at their lowest level for many years.

The Deputy Leader interjected. On the matter of character assassination, let me put in context the comments of members opposite. Mr Rofe QC (and I hope members have read all his determination; if not, I invite them to read the whole determination) stated, in part:

With due respect to Mr Clayton QC, I do not believe with respect to Mr Olsen there is any prospect of proving he acted dishonestly.

He goes further:

The question for me is not whether I would have come to the same conclusions, but rather whether I think there is a reasonable prospect of proving that there are other rational hypotheses open on the facts. I do not.

In other words, he said that the matter could be interpreted in a number of ways, and he does not believe—as did Mr Clayton—that there was only but one interpretation. Having said that—

An honourable member interjecting:

The Hon. J.W. OLSEN: Mr Rofe QC has looked at all the matters put before him and the questions I answered in the initial inquiry, and I think Mr Rofe QC puts it in its proper perspective. The ALP has tactically and strategically dealt itself out of the next state election in South Australia. I have no doubt that come next election there will be a third-term Liberal government in our state. As Mr Howard has put in place economic reform and brought down interest rates, so have we in South Australia over the last seven years embarked on the most significant economic reform in recent decades. In the fullness of time, it is reform that will be seen to have changed South Australia's fortunes. It is why the public is turning to the Liberal party, because the average pay packet in South Australia has increased greater than the national average—a real disposable increase in the pay packet for the average South Australian.

Our economic reform has created a future, and it has brought in investment to our state, and it has made a real difference to the fortunes of South Australia—whether it is BAE, BHP, Electrolux, Raytheon or the range of companies that have now located at Murray Bridge; whether it is the new investment in IT and water industries through outsourcing; whether it is the ETSA privatisation which has resulted in debt reduction and a repair of the finances of South Australia; whether it is our unemployment figures that are now only .1 per cent variant from the national average; or whether it is the alternative gas supply from Moomba or the Ports Corp privatisation.

Time expired.

Mr HANNA (Mitchell): On 10 November 2001, John Howard saw the re-election of the federal Liberal govern--ment. This has been the biggest swindle and con of the Australian people since 1975, and I will explain why it was a swindle. I can provide three reasons. First, the people were asked to vote for a refugee policy which said, 'You will be excluded.' It was a policy which said that there will be no humanitarian approach to refugees who come from Indonesia or elsewhere in Asia. That is what people were encouraged to vote for. But what did they get? They got the GST, no improvement to health care and a struggling, desperate existence for pensioners and anybody else on welfare benefits. They got an education policy such that money would be taken out of the public school sector and given to the most elite schools in the country.

In essence, they saw a transfer of wealth and income from the poorest to the wealthiest people in the country. We know that, because we Labor members see them every day—we see the victims of those federal policies. The rich get richer, and the poor get poorer. That is what John Howard stands for.

That is what the federal Liberal government has stood for for six years, and it is what it will deliver for the next three years.

The only thing I regret about that is that John Howard will now claim a mandate for those policies. I have to admit that he said in the campaign that he would be offering more of the same. On all these economic and quality of life issues, he said that he would be offering more of the same, and the people voted for it. That is a sad day for the Australian people. However, they were not asked to vote for that. They were encouraged to vote on one policy alone—to exclude people coming by boats to our northern shores.

It was a swindle for another reason, and I will be specific here. John Howard knows very well that there is a refugee quota of 12 000 per year out of a total immigration quota of 80 000 a year. That has been bipartisan policy for many years. It is federal Liberal government policy. John Howard knew that and was quite happy to accept 12 000 refugees a year. The only thing we are debating is whether they are assessed in an overseas United Nations camp, a camp in Australia or a camp on a Pacific island for which we will pay millions of dollars. In other words, the Australian people were told that, if they voted for an inhumane policy, there would be fewer refugees in Australia. They were told by the irresponsible and racist Prime Minister that there might be terrorists on the boats. In reality, the same number of refugees will come into Australia. That is why it is a con and a swindle.

I will tell members one more reason why it is a swindle—and this is perhaps the most dangerous reason of all—because the relationship with Indonesia has been really fractured by this federal Liberal government. It has become progressively worse over the last few years. East Timor was a turning point, and this federal election campaign has twisted the knife into Indonesia one more time. We have seen international newspapers quite correctly observe that Mr Howard has won his third term on the basis of surfing on 'xenophobia'. I say to members opposite that if they do not know what it is they probably have it. The Australian public was asked to vote on the basis of stopping these desperate, poor people coming to Australia's shores.

However, the way that Howard has gone about his international relations, in particular the relationship with Indonesia, has created a desperate danger for Australia. If the Indonesian authorities—particularly the Indonesian military authorities—sought to enact their revenge on Australia for the federal Liberal government's treatment of the Indonesians, in the time it takes to click their fingers they could turn on the tap, and not 4 000 but 40 000 people—or as many as they wish—will come to Australia each year. They would love to get plenty of people out of those Indonesian islands, because they are considered troublemakers by the Javanese military people who run the country. So it was a swindle. Mr Howard had to appeal to the worst, ugliest aspect of many Australians—racism which may have always been there but which generally has not been a determinant of federal elections.

Time expired.

Mr McEWEN (Gordon): The Liberal Party could do better than to leave its political commentary in the hands of the member Schubert. He hardly did it justice in his tirade to which we had to listen just a minute ago. I need to correct the record on one point: he suggested that the Independents did badly. I remind him that, to my mind, going from one to three is not doing badly. It is great to see Tony Windsor join Peter Andren as an Independent in the federal government. I am not so sure about Bob Katter, but he has counted himself as an Independent. For Tony Windsor to take on Stewart St Clair and all the resources of the national Liberal Party and win so convincingly, is a credit to that community and to Tony Windsor. I tell the member for Schubert that, if he wants to quote history, he needs to quote it accurately.

Today I want to stand and compliment all those responsible for the Morialta Conservation Park and its upgrade. That is a great treasure and a spectacular resource, and it is so close to the CBD. Few cities around the world would have what we have so close to the CBD. Those people who have designed, funded and put to effect the facelift to the entrance of Morialta Conservation Park have done us all a great credit. The way they have done that is wonderful. I suggest that the minister take the opportunity to see it first-hand on two fronts: first, it would be good for him to see what his department does; and, secondly, it would be good for his waistline. It is wonderful to see that scenic and unspoiled resource now presented in such a way. It is a credit to us on the international front.

The other thing I want to do is foreshadow an event that we will be celebrating in a few years, and to start preparing this state for an opportunity that will put us on the international map; an opportunity that ought to be not only a great tourism opportunity but also an opportunity for a feature film and a script for a great movie. I allude to one of the most serious and tragic disasters that ever occurred on our coastline.

In August 1859, the 360 ton iron steamer *Admella* went aground. The *Admella* was built in Glasgow in 1857 for the Australian intercolonial trade. She left Port Adelaide on 5 August that year, her holds crammed with flour for the Victorian goldfields, copper from Kapunda and race horses being taken to Melbourne in preparation for the spring carnival. Along with that cargo, there were 113 people on board, under the command of Captain McEwan—no relative, I might add—whose 30 years' experience had given him a reputation as being one of the best sailors on the Australian coast. The vessel went aground at Carpenter's Rocks.

For the next seven days, a terrible tragedy played out—a tragedy that in the end cost some 94 people their lives. Only 19 people made it ashore—18 men and one woman. But for many days the observers standing on the shore watched people eventually being washed into the sea and drowned, after clinging to the mast and holds of the ship that had broken into three parts for up to four or five days. Many things occurred onshore. Obviously, the knowledge of the wreck had to be brought to the attention of those who could do something. Adam Lindsay Gordon wrote a poem about the ride into Mount Gambier to bring news of the wreck.

The great story is about help coming from Robe, Portland and Port Fairy. As much as it was a tragedy, in many ways there was enormous heroism as well. It was a story that I think can be retold to say so much about the spirit of early Australians; the spirit of the state; the spirit of not only the people who were great seamen but also the colonial settlers from the region. We need to start preparing to celebrate that event. It is never too soon to start preparing for something which ought to be big on the world stage. As I said, it ought to be big not only in terms of the opportunity to make a movie—and the script has already been written—but also in terms of the opportunity to celebrate a lot of tourism events.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ON-LINE SERVICES) AMENDMENT BILL

Second reading.

The Hon. M.K. BRINDAL (Minister for Water Resources): I move:

That this bill be now read a second time.

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

Leave granted.

This bill would insert into the Act the model on-line content provisions devised at national level to complement the 1999 amendments to the Commonwealth *Broadcasting Services Act 1992*, dealing with on-line services. It is expected that other jurisdictions may enact these provisions in due course. Victoria, the Northern Territory and Western Australia have previously enacted provisions of their own dealing with unlawful internet content.

The aim of these provisions is to deter or punish the making available on the internet of material which is objectionable, and the making available to children of material which is unsuitable for children. What is objectionable or unsuitable is determined by reference to the national classification Code and the guidelines for the classification of films and of computer games. Thus, 'objectionable matter' is internet content consisting of a film or computer game which is or would be classified X or RC. This could include, for example, sexually explicit material, child pornography, or material instructing in crime or inciting criminal acts. Similarly, 'matter unsuitable for minors' is material which does not fall into the X or RC category but is nevertheless appropriate to be legally restricted to adults and is or would be classified R. In the case of the former, the material must not be made available or supplied at all. In the case of the latter, the material may be made available or supplied only if protected by an approved restricted access system, that is, a system which restricts who may access the material, for example by means of a password or personal identification number.

These provisions aim to catch the content provider, but not the internet service provider, which merely provides the carriage service through which the material is accessed, nor the content host who provides the means by which the content is made available. These entities will not usually have the relevant mental element of knowledge or recklessness in relation to content carried by their services. Instead, these are regulated by means of the Commonwealth *Broadcasting Services Act*. Under that Act, anyone may report offensive material found on the internet to the Australian Broadcasting Authority, which can arrange for the site to be classified. If the site content proves to be illegal, and the site is hosted in Australia, the Authority can require the ISP to remove access to the site. The two sets of provisions are therefore intended to be complementary.

It should be noted that the provisions do not catch material which is not stored and not generally available. Hence, they do not apply to ordinary e-mail which is only made available to its designated recipient, or to real time internet relay chat, which is ephemeral and is limited to the participants in the group at the time. However, if the content of the email or chat were stored and later uploaded so as to be generally available, then it would be caught.

This bill was originally part of a larger bill which made a range of amendments related to the enforcement of the classification laws. However, the larger bill was divided in another place, with these provisions being referred to a Select Committee. The balance of the larger bill became the No. 1 bill, which has since passed the Parliament and come into operation.

The Select Committee advertised nationally and received submissions from 16 individuals and organisations, including representatives of the internet industry, legal practitioners, private individuals and organisations concerned for one reason or another with internet content. The Committee took evidence from four organisations, one being a peak body representing various internet industry organisations, and has published its Report, analysing the various issues raised in submissions and in evidence. The Report recommended, by majority, that the bill pass with amendments. Those amendments were inserted in another place.

The Government believes that many South Australians are concerned about the availability of objectionable material on the internet. While no South Australian law can, on its own, provide a complete solution to the problem of offensive or illegal internet content, much of which is made available from outside South Australia, it is nonetheless appropriate that South Australia do what it can to address the problem of offensive content which originates here. This bill forms part of a complementary national scheme designed to address such content, and I commend it to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Insertion of Part

This clause inserts a new Part in the principal Act as follows:

PART 7A

ON-LINE SERVICES

75A. Interpretation

This clause defines certain terms used in the Part (consistently with the Commonwealth Broadcasting Act).

75B. Application of Part

The Part applies to on-line services other than those prescribed by regulation. The provision makes it clear that a person is not guilty of an offence under this Part by reason only of the person owning, or having the control and management of the operation of, an on-line service (which is defined to include a bulletin board) or facilitating access to or from an on-line service by means of transmission, down-loading, intermediate storage, access software or similar capabilities.

75C. Making available or supplying objectionable matter on on-line service

A person must not, by means of an on-line service, knowingly or recklessly make available or supply to another person objectionable matter. The maximum penalty is a fine of $10 000.

75D. Making available or supplying matter unsuitable for minors on on-line service

A person must not, by means of an on-line service, knowingly or recklessly make available or supply to another person any matter unsuitable for minors. The maximum penalty is a fine of $10 000.

It is, however, a defence for the defendant to prove that an approved restricted access system operated, at the time of the offence, in relation to access by means of the on-line service to the matter or that the defendant intended, and had taken reasonable steps to ensure, that such a system would so operate and any failure of the system to so operate did not result from an act or omission of the defendant.

75E. Recklessness

This clause defines the concept of recklessness for the purposes of the Part.

Ms HURLEY secured the adjournment of the debate.

AQUACULTURE BILL

Adjourned debate on second reading.

(Continued from 1 November. Page 2663.)

Ms HURLEY (Deputy Leader of the Opposition): Aquaculture is now a very important industry in South Australia. The minister in his second reading speech pointed out that its estimated value in 1999-2000 was $260 million directly employing over 1 100 people. In addition, it generated $193 million and employed a further 1 400 people in associated industries. The estimated value of the industry in the year 2002-03 is in excess of $330 million. The advantage, of course, of the aquaculture industry is that it is providing employment in the regional areas of South Australia and injecting a lot of wealth and activity into those regional communities.

The government has constantly talked about aquaculture and its potential, yet has moved remarkably slowly on facilitating the growth of aquaculture in South Australia. I was on the Environment, Resources and Development Committee just after being elected in 1994, and I remember then discussing a one-stop shop for aquaculture approvals and

ways to facilitate aquaculture development in this state. Here we are eight years later only now seeing an aquaculture bill which will help to do that. There has been some rejigging and rearrangement within the bureaucracy to try to improve aquaculture approvals, but that has had very limited success. It is certainly to be hoped that this bill will speed up that situation in future.

It is a very late development, and one can only hope that this bill does what it says it will do, that is, cause aquaculture to be able to develop within the next couple of years; otherwise, the lack of action by the government during the past eight years may hold back an industry that is full of potential. I think the problems with the government's handling of aquaculture were brought to public prominence in 1999, around December, when there was a court case brought by the Environmental Defender's Office about tuna farming in Louth Bay near Port Lincoln.

That action in the Environment, Resources and Development Court was won by the Environmental Defender's Office. It highlighted that the government had no proper policies and procedures in place and that what policies and procedures were in place had been flouted in this instance. It highlighted the need not only to develop a proper set of transparent principles, operations and monitoring that would ensure the aquaculture industry was developed properly as an industry but also to ensure that it was properly monitored, that no lasting harm was done to our environment and that all operators would be treated fairly. So, since 1999 and that court decision, it has taken two years for us to see this bill. This comes at the end of the government's second term, really at one minute to midnight—in fact, at one minute past midnight in some respects, because if the government had not been able to use the loophole in the constitution we would have gone to an election by now.

The government has been very tardy about developing this Aquaculture Bill. The first pass it made at the bill last year was in fact widely condemned by both the industry and conservationists. There has been a significant advance in the draft bill that we have before us. Although the bill is not perfect, it has been through an extensive consultation period, and in a number of key areas it is certainly a great improvement on the practice as it stands today.

First, the Environment Protection Authority is quite well recognised in the bill, and its involvement in licensing and monitoring of aquaculture is ensured by the bill, and that is a big advance. Secondly, there is far more transparency in the way in which aquaculture zones are developed and monitored, and also the way in which applications may be made for those aquaculture licences.

In view of those significant advances and the fact that we really are in the same policy and procedural vacuum for aquaculture that we were in 1999 when we had so many problems, I would signal that the opposition will support this bill and do whatever it can to assist the government within reason to get it through parliament at this time, because we would not like to see the current situation go on for much longer.

There are several areas in the bill where the opposition would like to see possible improvements, and we will certainly be asking a number of questions during the committee stage about that. They are in the key areas of transparency, rights of appeal and ensuring environmental sustainability—which must obviously be one of the key goals of any aquaculture procedure, along with encouraging the aquaculture industry.

I will leave the highlighting of those specific instances until the committee stage when we go through the bill clause by clause and ask questions about that detail. Hopefully, we will get reasonable answers. If not, we have the other place in which to move amendments.

I reiterate that we are at the very end of the parliamentary sitting period, and I would not like to see this bill fail at this stage, because there is pressing need to get these zones in place, to get proper procedures in place, and to get environmental standards and monitoring up to scratch for this very important industry. Otherwise, we will lose the very clean industry image that South Australia has, despite the problems that have been experienced in the industry with the tuna farming at Louth Bay and the problems experienced with pilchards.

There are some aspects of fisheries and aquaculture that will not be fixed by this bill. They will only be fixed by proper compliance and by ensuring that independent scientific advice is obtained about the fishing and aquaculture industry generally. Environmental sustainability must be pushed as the correct way to go within the fishing industry in general and in the aquaculture industry in particular.

I do not think that that leadership has come from the government in the past and I really do not see, despite this bill, that the government will be sufficiently proactive in this area in the future. However, I recognise that it is very difficult to enshrine that sort of practice in legislation, and one could end up getting bogged down in a great deal of detail, which I think is unnecessary in legislation. I look forward to the committee stage of the bill, and I look forward to some advance, at least, in aquacultural practice in this state.

Mr MEIER (Goyder): I am very pleased to support this bill. One of the big success stories that has occurred in South Australia over the past 10 years—particularly in the past eight years—has been the aquaculture industry. To see how it has progressed from strength to strength is quite remarkable. When I was the shadow minister for fisheries in 1989-90, aquaculture certainly was under way at that time. I remember visiting oyster leases on the West Coast, and things looked promising. At that stage, South Australia imported almost all its oysters. Now, I believe that we provide more than sufficient for ourselves.

There is no doubt that extra regulation is needed. Some projects have been held up because of uncertainty about the requirements. I have always been one who believes in commonsense applying wherever possible but I recognise that, in an industry as big as the aquaculture industry now is, we have to have more formal regulations, and this bill is certainly going down that track. It has been noted that in 1999-2000 the value of aquaculture was estimated at $260 million, directly employing over 1 100 people. In addition, it generated $193 million and employed a further 1 400 people in associated industries. The estimated value of the industry in 2002-03 will be in excess of $330 million. That is a huge industry, and one which is very welcome.

Certainly, as the minister identified in his second reading explanation, there are many issues to be considered in the committee stage. I note in particular that the objects of the bill are, first, to promote the ecologically sustainable development of marine and land-based aquaculture; secondly, to maximise the benefits to the community from the state's aquaculture resources; and, thirdly, to ensure the efficient and effective regulation of the aquaculture industry. I further note that the bill provides for the making of aquaculture policies

by the minister. These policies will be key planning and management tools for the aquaculture industries, and policies may identify specific aquaculture zones and exclusion zones in marine areas and may prescribe conditions and offences under the bill.

I have some concern in that respect, because ministers can come and go, and I would hope that we do not have ministers in the position where they perhaps are not in favour of aquaculture to the same extent as their predecessor. Whilst I have 100 per cent confidence in the current minister, I will be interested to hear some comments in relation to that provision.

I also have concerns about my electorate. Most people would appreciate that Yorke Peninsula is a key part of my electorate: it is surrounded by water and it is ideally situated for aquaculture. But, if one looks at the proposed zones, one sees that there is a big question mark as to whether aquaculture will be allowed with respect to the whole western side of my electorate—in other words, the Spencer Gulf side of Yorke Peninsula. A major group visited a few months ago to look at the prospect of aquaculture in that area with respect to scallops. They were most impressed with the area that they inspected but, after speaking with representatives of the Yorke Regional Development Board, I know that we have some concerns as to whether that zone will definitely be allowed for aquaculture. I would ask the minister here and now to, hopefully, clarify that situation. The answer might be, 'The policies will be looked at and we will determine in due course just what is available for aquaculture and what is not.'

Certainly, Yorke Peninsula is one of the greatest places in South Australia, but we need employment, and aquaculture is one way in which to create such employment. At present, we have a lot of people employed in the oyster industry. We have people looking at the scallop industry, abalone also has been looked at, and we have the cultivation of Murray cod. I think it is rather ironic that we do not only have to look to the Murray any more: we can grow Murray cod on Yorke Peninsula. Of course, they are not sea water fish, they are fresh water fish, and the cultivation is carried out on land, but it shows how our area is expanding—and many other areas also are being experimented with. I am pleased to see this legislation before us. I wish it a speedy passage through the House, and I trust that my specific concerns about restricting areas where aquaculture can occur are such that I do not have to worry about that matter.

Mr CONLON (Elder): I also support the bill. I do not think that it is a perfect bill but it is an improvement on the situation as it stands at present. I have no doubt that this issue was fully canvassed by the deputy leader on this side, and I will not go into it: I will just mention some concerns that I have with the bill. Many people here would know that I have a keen interest in fishing and aquaculture. In fact, my keen interest seems to disturb some people here. I know that the member for Unley often gets upset about the fact that I have an interest in aquaculture and talk to people to whom he thinks I should not talk. It seems that he is a bit worried that he has fewer friends than he used to have—and when you have to go to Echuca for sub-branch members you do not want to lose friends, do you!

I have a couple of concerns about the bill. First, I think that we really do not do enough to reward best practice in environmental areas in the fishing industry, and I do not think that there is sufficient in the bill, in terms of either licensing or approvals, to recognise the need for world best practice in environmental standards. It is crucially important in an industry where we have an advantage in terms of the cleanness of our waters and the great state of our environment on the West Coast, in particular, which I believe is one of the most beautiful places on earth. I think that we need to turn our minds to the fact that some people who practise in the industry have, of their own volition, at great cost, met international standards on environmental practices, and I think the legislation should not only encourage it but should also reward it where that occurs.

My second concern (and I was pleased that the member for Goyder spoke on this) relates to one aspect of the way in which approvals for aquaculture and leases are granted. While environmental concerns are met, not all the concerns that should be considered are actually considered—and a classic example is, in fact, in the member for Goyder's electorate. I am a little disappointed that he failed to address this issue but I will address it for him. In the past (and, it seems, in the future), sometimes when leases are granted they may well be granted on good commercial grounds and the environmental standards may be adequate, but the nature of zoning does not give sufficient regard to some other concerns, such as tourism.

I have said this both outside and inside this place before: I was amazed to find that an oyster lease was granted on the spit at Port Vincent. Anyone who knows Port Vincent (it is in the member for Goyder's electorate, but it does not seem to concern him all that much) would know that the long spit at Port Vincent is exactly in front of the hotel, the Port Vincent Progress Institute, the car park, and the very centre of Port Vincent, which is a thriving, small South Australian town which relies greatly on visitors. I am amazed that, with all that water, a lease should be approved on the spit right out the front of the town. I think that, whatever advantage it offers in commercial fishing, it offers tremendous disadvantages with respect to the impact on tourism and the general enjoyment of people visiting Port Vincent, and I think that more regard has to be given to those sorts of issues.

I know there is an attraction in getting your lease as close as possible to infrastructure, but we have to have regard to all considerations. I am not saying that those considerations should be paramount; I am just saying that at present they do not appear to be taken into consideration at all. I am here today to stand up for the people of Port Vincent, even if their local member will not. I look forward to sending a copy to this address today over to the Ventnor Hotel for their consideration, and I might send a copy of the member for Goyder's, too, so they can consider who actually has their interests at heart.

Having said that, we support the bill. It is not perfect, as I say, but it is an improvement. It is something, I hasten to point out, that is long overdue. The industry needs certainty. I am a great supporter of the industry. It needs certainty, and the environment needs protection. We need to do these things in an orderly and planned fashion. This is a great improvement. It is a shame it has taken this long.

Mr WILLIAMS (MacKillop): I rise to support the bill. I am delighted that the Labor Party has indicated its support and, hopefully, the bill will have a speedy passage through the House. As previous speakers have pointed out, this is a very important industry in South Australia and its value to the economy of South Australia is growing rapidly year by year. I want to take a few minutes of the time of the House to talk about the burgeoning aquaculture industry in my electorate.

When people in South Australia talk about the aquaculture industry most people think either about the tuna farms on the West Coast or the oyster leases on the West Coast, but I just want to point out that there are some burgeoning aquaculture industries in my electorate in the South-East of the state, both marine based and land based.

I refer, first, to the Atlantic salmon industry, which was started by the Peel family at Cape Jaffa a few years ago. That has been proving quite successful and there are other entrants into that particular activity in the region. There are now salmon growing cages both at Cape Jaffa and some now in Rivoli Bay, farther south, and my understanding, talking to the people involved, is that they have been very successful. I welcome this bill, because people going into this industry have indeed had a great deal of trouble with the bureaucracy, with the red tape at the start up point. I am not having a go at the bureaucrats involved, but it is just that everybody is coming from a point where there have been no criteria, there has not been a set of rules, and that is what this industry really needs to get it going.

I have had the unfortunate pleasure, I guess, of helping a couple of aquaculture proponents through the maze of the red tape over the last couple of years. That is exactly what it has been and that is why I welcome this. The bill gives head powers so that policies can be set, so that people who wish to enter the aquaculture industry know exactly where the bar is set and know exactly what they have to do to get over that bar, and not spending months, if not years, going around in circles trying to please everybody. Trying to cut through the red tape with their eyes closed is, I guess, a way of describing the way they have had to do it previously.

Not only do we have the marine based Atlantic salmon industry in the South-East but now at least one proponent is well under way towards establishing an abalone farm, which, of course, is land based, but it will be drawing huge quantities of water from the ocean, circulating it through the abalone growing tanks and then pumping it back into the ocean. I understand that the project, which is almost at the construction stage now, has gone through and has virtually all the approvals in place. Because that is almost ready to go there is at least one—if not another three or four—abalone project in my electorate on the drawing board and only a couple of steps behind that particular one. I welcome that. Abalone fishing in the ocean has, of course, been a big part of the South Australian marine fishery for some years and has been a very valuable contributor to the state's economy. I think land based abalone farms have a great future, and I am sure the member for Flinders will probably talk more about this because I know she has a strong interest in the abalone sector of aquaculture.

Also in my electorate for some years now, particularly in the Upper South-East, there has been quite a considerable yabby industry. I guess it could be mainly described as a cottage industry at this stage. There are no large individual yabby farms, but part of the industry has been built on the by-product of clay spreading, where farmers have been opening up pits to take clay out of the soil to spread on the non wetting sands of the Upper South-East to increase the productivity of their farmland and they are left with these clay holes in their paddocks which then naturally fill up with water. They have taken the opportunity to put yabbies in those and are farming those, and in some instances that has been quite successful.

I have also got at least one farmer who has been growing rainbow trout. That is a similar situation. He has been digging trenches and holes on an area and pumping water through those, using various systems to filter that water, through reed bed filtration systems and through mechanical filtration systems. In this industry a huge amount of research has been done by those people on the ground. All the operations that I refer to I think could best be described as research and development operations, where the people have gone in in a small way and learnt the trade. They learn from their mistakes as they go along and expand. They have all gone through that process.

I could talk about Robarra at Robe where barramundi is being grown in tanks. That is an interesting operation, where they are utilising water from the confined aquifer there, which comes to the surface at about 30°C and is then run through their tanks, maintaining the temperature in their tanks at about 28°C. They are growing a tropical fish, barramundi, in the South-East of South Australia. People may wonder how on earth they do that, but that has been very successful and Robarra fish are marketed very widely and are very popular throughout Australia.

At Meningie on the Narrung Peninsula there is an operation where a couple of landholders sold most of their property and put the proceeds of the sale of their land into setting up an aquaculture operation where they are utilising saline groundwater, pumping that out of the ground and putting it through growing tanks. Last time I was there they were growing—

Mr Lewis interjecting:

Mr WILLIAMS: I am indeed. Last time I was there they were growing black bream in tanks and, again, going through the same sort of learning process as they were going along. One interesting story there is that they told me they had imported rotary filters from a manufacturer who was building these things specifically for this type of operation in Queensland. Over a period of time the filters were breaking down and not doing the job that they were supposed to, and they had a manufacturer in Murray Bridge build a similar type of filter but instead of building it out of plastic he built it out of stainless steel, and I understand that has been very successful. So that is the sort of development that is going on in the industry.

I guess the only question I have about this bill concerns the definition of aquaculture, which is defined at the beginning of the bill as:

> 'aquaculture' means farming of aquatic organisms for the purpose of trade or business or research, but does not include an activity declared by regulation not to be aquaculture;

It will be interesting to see what activities will be declared to be not aquaculture by the regulations, because there are quite a few that come to my mind where I would question whether the operation would in fact need licensing. For the benefit of members of the house I will bring to their attention one operation in that a neighbour of mine had going a few years ago, where they were growing a popular tank fish, aquarium fish, in the stock water tanks on their farm. They were breeding them in the stock water tanks and every so often they would go out and harvest them and sell them to the pet shops, I guess, or the people who were selling aquarium type fish.

That is growing an aquatic organism for trade but it would amaze me if there was any necessity for that person to have a licence, because the water that they are using goes into the stock water troughs. It does not go back into the environment. There is no connection between the water tanks and the environment. There is absolutely no danger to the environ-

ment so I do not know why that particular operation would need to be licensed. There are several similar sorts of operations which come to mind. I was talking about the yabbies in the holes that are created from clay spreading. On my own farm I have a hole which was dug to extract clay for use in setting up a laser levelled irrigation system. I have not put any yabbies in there, but it is in country that naturally has yabbies in it, and I suspect that there are some in the hole. One day, when I have some time, I will throw a yabby net in there and try it out. I just wonder when I may be required to have a licence to do that.

Mr Lewis: Are you not allowed to sell them?

Mr WILLIAMS: Under the act, if it is a commercial operation, I would need to be licensed. I find that quite bizarre, particularly when these yabbies are naturally occurring on my farm anyhow in natural waterholes. I am very interested in what the regulations say with respect to that.

That is all I want to add to the debate this afternoon. I sincerely hope that the bill has a speedy passage. I am not sure that I agree with the comments of members on the other side of the House, their throw-away lines about the long gestation that this bill has taken. The one thing that has happened with this bill is that there has been extensive consultation. First, a discussion paper was put out, and there was consultation around that; also, a draft bill was put out earlier in the year and there was a consultation period over that. So, hopefully, the minister has got the bill pretty well right now. I know that it will not only encourage development of the aquaculture industry but that it will certainly also make it much more streamlined in this state, and that can only be good for South Australia.

Ms WHITE (Taylor): I wish to speak only briefly in support of the bill and the comments of my good friend and colleague the deputy leader, who represented Labor's position on this measure in a comprehensive and concise way, as she did to us in shadow cabinet and the caucus. The stated purpose of the bill is to improve the regulations surrounding the aquaculture industry.

Members have talked about the importance of the industry to the state. It has been clear for quite a while that the framework within the Fisheries Act has been insufficient for the development of this industry, so I am pleased that this bill has come before us, even though there are probably improvements that Labor would seek if elected to government to allow for further development of the industry.

I am pleased to see the concept of the aquacultural zones put in place. I think this is important. The previous speaker mentioned the consultation that took place during the development of the bill (the discussion paper in August last year and the draft bill earlier this year), which is always important. There was some consternation about the proposals put forward by the government at that time. Interestingly, that dissatisfaction came from both ends of the spectrum in comments relayed to me and other members on this side of the House.

A lot of the dissatisfaction of the industry has been about the fact that mechanisms for development of the industry have not been put in place and it has been left to, in a sense, lag behind; that change has not occurred fast enough to enable the industry to develop in the aquacultural sector. I have also received complaints from environmental concerns at the other end of the spectrum to do with the powers of the EPA and the adequacy of environmental controls. So, there is a lot of interest in the community about the aquacultural industry and how it is regulated and controlled by government.

It is important that the industry be recognised for not only its economic importance in terms of employment but also its potential contribution to the state economy. I commend the deputy leader also for the role that she played in making sure that the bill that came before this place was better than that which the government first intended to introduce. In all, I think an integrated licensing and tenure arrangement is what is needed to promote development of the industry. I particularly think that the concept of an aquaculture tenure allocation board is a step forward.

Many complaints have been made about transparency and whether the way in which licences have been calculated in the past has been fair. So, I think it is about time and I welcome the move to set in place a mechanism which will see an improvement on what exists now. Although this is not perhaps the final step in terms of government interaction with the industry, it is certainly an improvement on what exists at present. I support the bill.

Mr VENNING (Schubert): I support this bill. I also support the comments of my colleagues and members of the opposition, although I do not completely agree with members opposite that this bill is less than perfect. No doubt we will revisit this subject in years to come, because this industry has a great future in South Australia and, as things change, we will need to look again at this legislation.

I am pleased that the bill reflects a number of the recommendations made by the ERD Committee (which, of course, I chair) in its report on aquaculture. I refer, in particular, to the committee's reports on tuna feedlots at Louth Bay (tabled in this House in March 2000) and fish stocks of inland waters (tabled in March 1999). In its report on tuna feedlots at Louth Bay, the committee recommends:

> . . . a more strategic approach to the formulation of policy to manage aquaculture development, and encourages the Marine Managers Forum and Working Group to work with all tiers of government in implementing the Marine and Estuarine Strategy for South Australia.

I am pleased to note that, for the most part, this recommendation has been taken up in division 2, sections 63 to 70, which go a long way towards meeting the objectives suggested in our report. The committee's second recommendation was that there should be 'the enactment of specific legislation to control sea-based aquaculture'. The bill before us is precisely what the committee urged the government to produce. I am pleased that the government has taken seriously the recommendations of the committee. Another of the recommendations in the report is:

> That sea-based aquaculture should be included in schedule 1 of the Environment Protection Act to enable the Environment Protection Authority to impose and monitor licence conditions.

I note that part 7, sections 49 to 58, relate to the granting of leases and provide for the imposition of conditions that need to be met to retain them. However, it is the following section which has attracted my attention in relation to this recommendation of the committee. It provides for certain matters to be referred to the Environment Protection Agency for its consideration and comment.

Clause 79 of the bill also reflects a recommendation of the committee's report which stated:

. . . more research be undertaken to establish adequate environmental baseline data for aquaculture zones, and also to measure the long-term environmental impact of sea-based aquaculture.

Clause 79 provides for the establishment of an aquaculture resource management fund to be used for any purpose relating to the management of aquaculture resources. The committee also recommended:

. . . the introduction of emergency provisions in the Development Act to ensure a transparent and approved process can be used if emergencies such as the Boston Bay tuna deaths arise.

This is another recommendation picked up by the government in clauses 40 to 44 of this bill. The aquaculture industry in South Australia has come a long way since our Liberal government came into power in 1993. The aquaculture industry has been manna from heaven for South Australia, particularly regional South Australia. To many, aquaculture was a fairytale industry, built on 'pie in the sky' principles, but time has proven it to be much different from that. Eight years later, we have a very successful industry with millions of dollars of overseas export earnings and, most importantly of all, jobs for rural South Australians.

It has not been easy for government to set up a regulatory process—this has taken some time—because most of it was without precedence. Fish farming in the sea and on land has tested the planning processes. It is a great concept but there are, and can be, downsides, and we need to protect and encourage this new success story.

Our committee saw aquaculture all over South Australia: tuna feedlotting out of Port Lincoln; oysters all over the state, especially at Cowell and Coffin Bay, and even deep sea oysters which were being trialled off Kangaroo Island; abalone at Louth Bay (on land); barramundi in the South-East at Robarra, as the member for MacKillop has just said; also marron and yabbies all over South Australia, particularly on Kangaroo Island and in the South-East; and salmon in the South-East at Cape Jaffa which the member for Mackillop very capably told us about.

It is great to see our schools getting involved in aquaculture as well. Just last week, students from Nuriootpa High School, which is the largest high school in my electorate and the second largest rural high school in South Australia, came into Parliament House and made a presentation to 10 members of our government. It was an excellent presentation and included the school's extra curricular activity in aquaculture, the school winery (with its world-class wines, of course) and the racehorse industry undertaking; in fact, the school owns a racehorse and I believe it did very well last week in Melbourne. We also heard about the other agricultural industries involving extra curricular activities in the school.

It certainly opens one's eyes to see how successful this school has been. We had a wonderful barramundi dinner last Wednesday week, beautifully cooked by the new chef in Parliament House with wine grown by the school, and it was a most enjoyable evening. To realise that this was all done by students at the school is just fantastic and I want to pay great tribute to Mr Kevin Hoskins, the master in charge of these activities. The world is your oyster when you realise that the late Colin Hayes saw the merit of giving a horse to this school—Barossa Class (also the name of one of their wines)—and this is indeed a great success story.

I also note that the school at Cowell in the member for Flinders' electorate started in the early days teaching in aquaculture. I presume that it still is and, no doubt, the member for Flinders will tell us about that. Aquaculture is a blessing, providing jobs for rural South Australians and also a new lease of life for farmers who were almost unviable with the traditional farming methods of grain growing and particularly during the huge wool slump in the last decade. It filled that gap beautifully.

Land based aquaculture is now very prominent. This is something that we did not think would happen. We are seeing land based aquaculture in sheds, in tanks, in rivers, in old quarries and in holes in the ground—even yabbies in farm dams. We are seeing it all over, and what was purely a dream is now a reality—a commercial reality at that.

It is a fantastic industry and I believe that we are now world leaders in this area. I hope that this legislation will bring the much needed guidelines to this growing industry and I will watch progress with interest. As I said earlier, there have been pitfalls and I do welcome the introduction of aquaculture zones, because we need to protect some of our areas. We cannot have aquaculture just anywhere: we need to protect some of our pristine beach areas for pursuits other than aquaculture. It is sometimes a difficult decision to make about how many fish farms can be located in an area. Too much of a good thing can destroy it for everybody. With oysters, there can be too many in one inlet. We saw that in Coffin Bay. They had to be moved out—

Mr Lewis: They overstocked the resource.

Mr VENNING: Yes. That is what I mean—too many fish farms in the one area. We need the natural flushing of such areas to keep them pristine. I never ate oysters until about 1993 or 1994. The first oyster that I ate was one from North Sydney. Eating a Cowell or Coffin Bay oyster after one of these North Sydney ones, you notice a huge difference. If you do not mind eating a North Sydney oyster, a South Australian one will sell you for life. Oysters are now a regular part of my diet.

Members interjecting:

Mr VENNING: I have heard the story about them and I hate to destroy a myth but I think it is more the logistics of my operations as a country member of parliament that involve oysters. I note that the opposition says that it will support this bill even though it is not perfect. I believe that it is as good as we can get it at this time and it is much better than no bill at all. No doubt, once it is implemented, if there are problems we can update and amend when needed. No doubt, we will revisit it. I support the bill and wish the industry all the best, especially for regional South Australia's sake.

Mr HILL (Kaurna): As the opposition's spokesperson has already said, the opposition does support this bill and I join with her in offering my support. There is no doubt that this is a vastly improved bill. The original bill that was promoted almost 12 months ago was, I think, a weak bill and had a number of deficiencies which I and many others were very pleased to point out to the minister's representatives. To give them credit, they have taken up many of the points that were made to them.

Fundamentally, the two things that I believe have improved the bill is the much stronger role that has been given to the Environment Protection Authority in the licensing of aquacultural activities and a much stronger planning provision so that there is a greater ability to plan the placement and the operation of aquacultural enterprises.

The member for Schubert has just mentioned, I think, that aquaculture—fish farming—has been an activity conducted in South Australia for about eight years. Of course, aquaculture as it relates to oysters has been around a lot longer: I

think that goes back to the early 1960s. It is quite remarkable that, at the end of 2001, having had aquaculture in the state for a number of years now, we are finally getting around to regulating it. What that indicates is that this industry has been allowed to grow and expand without any proper planning procedures, without any proper regime to control it, and as a result of that there has been a range of problems. When those on this side and outside this House pointed to those problems, the government's only response was to say, 'This is a great industry for South Australia. Why are you knocking it?' It is unfortunate that when constructive criticism is made of an industry, not in opposition to it but to try to get the problems sorted out, you are accused of being anti-development or anti-South Australia.

The fact that the government has finally brought in this bill is recognition that those who of us who have been criticising the way the industry has grown were in fact right, because this is belated recognition of that. The government is now finally attempting to put some order and appropriate planning into place although, as has been mentioned, there are some concerns with it.

This side of the House is not opposed to aquaculture. We recognise that it has great potential for this state. South Australia is an ideal place to have aquaculture developments, not only along the ocean coasts but also on land, as many members opposite have said. As a member of the select committee looking at the River Murray, I was able to examine a couple of on-land aquacultural activities where ocean fish were being bred in tanks using saline water that was coming out of the ground. As a result, we are able to breed fish, but also to reduce the salinity in that patch of ground. Crops were then able to be grown on that land, so there were benefits both ways.

We are not opposed to aquaculture. We think it is an important industry for South Australia. It has the potential for jobs and exports, and a better and more sustainable way of catching and using fish, because our fish stocks in certain areas are under threat. So, we are not opposed to it. This bill is a belated recognition that the industry needed to be better managed and better controlled, but there are some concerns about this bill. We hope through questioning of the minister that the minister will agree to some improvements.

I will go through some of the issues that we think need to be addressed by the Premier in the committee stage. The first relates to clause 11, 'Nature and Content of Policies.' There is a principle in environmental management which is known as a precautionary principle and which basically says that you should not undertake new activities without really knowing what the consequences are. In the case of aquaculture, that means having a proper biological survey conducted of the proposed zones.

I can accept and recognise that to conduct such a survey could possibly take years, so we are being forced to identify zones without really knowing the scientific basis on which they should be identified. We are doing that because the government has proceeded with encouraging the industry to such a state that it has millions of dollars worth of fingerlings that are looking for a home, so the whole thing is being rushed through without proper consideration. This is a great shame.

The fact is that the government has had years to get this bill together. It could have had that scientific research in train in parallel with this bill. It is a tragedy that that has not happened. We certainly want from the minister some recognition of this principle and a way of ensuring that it is encoded in the future.

There are also concerns about the rights of the general public to question and to have access to a review of decisions made in this area. I would like to see the minister explain why third party appeal rights, for example, are not part of his measure.

Also, concern has been expressed to me that the pilot leases in clauses 27 to 31 do not require approval by the EPA. I am not too sure if this is the case, and I would like the minister to assure us that EPA approval is required before a pilot lease is established. Without that, it would make it very difficult to stop a development which may be inappropriate. If the pilot lease goes ahead, and it is extended for one or two years, it becomes a bit difficult to then get the EPA to have a look at whether or not it is an appropriate development.

There are questions about the length of time that production leases for shellfish, for example, should be provided and also to caged fin fish. As I said, there are questions about what the public has a right to know, or whether the minister's decisions, for example, regarding leases and licences should be on the public record, and whether the EPA's decisions regarding leases and licences should be on the public record.

Mr Lewis interjecting:

Mr HILL: They will be. I am not entirely sure whether a cuttlefish is an exoskeleton.

Mr Lewis interjecting:

Mr HILL: I don't know if it is.

Mr Lewis interjecting:

Mr HILL: It is internal, yes.

Ms Breuer: A cephalopod!

Mr HILL: A cephalopod, says my colleague the member for Giles, who knows all about these things and who has taken me up to see cuttlefish in her electorate on at least one occasion. I would also like to know whether appeals should go to the Environment, Resources and Development Court and not the District Court. That would be sensible, because this is an environmental matter, and it should be considered by a specialist court and not by the general District Court. We hope that the minister can clarify a range of issues in committee. This is a much better bill than the one over which the minister was consulting a year or so ago. It picks up some of my major concerns, particularly in relation to planning and the role of the Environment Protection Agency. It does at least provide a framework for the industry. If we cannot amend it at this stage, hopefully it can be amended in the future.

Mrs PENFOLD (Flinders): The Aquaculture Bill and its regulations are an essential component of a developing industry that is expanding exponentially. This industry has the potential capacity to feed a significant proportion of the world's population. In fact, I predict that the research work that has been undertaken by South Australian businesses and SARDI will have an impact across the world. Aquaculture has come a long way in the past 30 years from its infancy when a licence had to be approved by seven departments and five ministers—it was cumbersome, frustrating and subject to long delays amounting to many years in some instances. The government has consulted widely with community and industry groups to come to the point at which we are today in considering this bill.

Farmers—and that includes farmers of seafood—are the original proponents of ecologically sustainable practices, and this point is seldom acknowledged. In the farming of flora

and fauna, a business fails if it is not ecologically sustainable. However, problems occur in every sphere of life and, therefore, the setting down of rules and regulations is a necessity. The passing of this bill will also assist local government in the administration of its responsibilities. Local government, as well as fishing industry personnel, has experienced frustration in attempting to make decisions that come under its jurisdiction. Laws and regulations for the process will remove that frustration, while delivering a transparent process that hopefully all can accept.

The history of aquaculture in my electorate is exciting. Bluefin tuna is the biggest income earner—almost all of it in export dollars. Last year, 7 200 tonnes of fish brought in $247 million, about 90 per cent of the state's total income from aquaculture production. It is also the largest creator of new jobs on Eyre Peninsula, giving new hope to many of our young people who will now be able to stay in the region. Educators—both public and private—have taken up the challenge, and new courses covering all aspects of the industry are being put in place. In January 2002, we celebrated the 11th anniversary of the start of this industry. The first experiment in the world with tuna farming took place in Port Lincoln. The first experiments were well planned but crude. They involved poling fish on to a foam mat on the deck and then transferring them in a small stretcher into tanks on the boat. The number of fish that could be brought in successfully for each 48 hour trip was about 50. Equally, the fish were small, averaging about 12 kilograms. Today the industry tows in more than 100 tonnes per trip in large pontoons. Fish sizes average around 20 kilograms.

The tuna farming industry is still young. However, rapid improvements have been made over the decade by individual fishers being so innovative. Unfortunately, you can only improve by taking financial risks. This meant that the roller-coaster ride of the industry in the 1990s was little better than the situation in the 1980s. Now in 2001 the industry almost has an eerie stability about it. As Brian Jeffriess, the President of the Australian Tuna Boat Owners Association said, the future lies in continuous improvement to guarantee sustainability of both wild stock and of farming. This requires a lot of patience. Mr Jeffriess believes the next step will be to value add. Better quality water, more sites and lower stocking rates are anticipated. Then will come the processing of whole fish in Australia to loins. As Mr Jeffriess pointed out, these require risk investment. This is rightly the province of private enterprise to shoulder these risks, not government using taxpayer funds.

It is appropriate at this point to recap some of the history of the bluefin tuna industry. For those with an historical bent, the *Port Lincoln Times* has catalogued the fortunes of the industry over the years. The industry really began in its own right in the late 1950s, when the Haldane brothers Bill, Alan and Hugh, were lent £5 000—$10 000—by the South Australian government under Tom Playford to complete the building of their boat *Tacoma*, with the proviso that the brothers moved from Port Fairy in Victoria to South Australia. Those first years were years of hardship. Bill's wife Chris, recalling those times, said that the sisters-in-law took it in turns to play social tennis during the week, because they did not have the 5¢ per person required for admission.

The late Bill Haldane was one of the first to push for control of the industry, because he felt that the pressure on the fish was affecting stocks. Australia, New Zealand and Japan equally agreed on quotas. However, this left many countries still able to take as much fish as they liked without consideration for sustainability. In 1988 to 1989 the global catch of tuna was cut by 70 per cent as a result of a decision by the Commission for the Conservation of Southern Bluefin Tuna, consisting of Japan, Australia and New Zealand. Australia's portion of world catches fell from 14 500 tonnes to 5 265 tonnes, where it remains today.

Another tuna industry pioneer from Port Lincoln, Joe Puglisi, said that many tuna fishers around Australia were looking at going out of the industry when the Japanese and Australians came up with the idea of farming. The idea was to fatten the relatively small tuna caught off Australia to bring them up to a more marketable size, thus lifting the economic returns to fishers. It was decided that Japanese government and industry experts should come to Port Lincoln to try to grow out the southern bluefin tuna. The Japanese viewed the Australian catch as wasteful and wanted to encourage greater efficiency. Catches of 1 million fish under 4 kilograms were not unknown. Tuna can now grow to more than 100 kilograms.

The Japanese injected $2.5 million over three years and sent over experts such as Mr T. Hamano, who has worked on the system of growing northern bluefin tuna from 200 grams fry to 8 kilogram juveniles ready for harvest. This was the system that was first used, even though the mortality rate was about 90 per cent. Bridgestone supplied a fish farm that was set up on the western side of Boston Island with Mr King Chang as farm manager. Port Lincoln out manoeuvred Esperance and Albany in Western Australia to become Australia's tuna capital. In 1991, boats brought back loads of 50 to 100 juvenile live fish under 10 kilograms caught by the poling method. In about 12 months of farming, it was apparent the wild fish were robust and placid, and would grow in a cage. Joe Puglisi, Sam Sarin, Mario Valcic, Anton Blaslov, Tony Santic and Hagen Stehr formed a company, SA Marine Farm, to farm the fish. Dinko Lukin also started farming tuna at about the same time. Mr Puglisi said that the then fisheries minister Lynn Arnold and the then state government placed a huge block in the front of the industry in the form of a moratorium on fish farming. Joe said that Lynn Arnold did not want tuna farms.

SA Marine Farm was able to acquire an existing fin fish lease in Rotten Bay from Adelaide engineering firm Kinhill. The next development that lifted the industry came from Dinko Lukin. Dinko had the idea in the 1980s to farm tuna off Western Australia but he was knocked back by the Western Australian state government, which was unwilling to give him a licence to catch pilchards. Pilchards are currently the food for caged tuna. Dinko's imagination and engineering skills came to the rescue of the infant industry once farming started off Boston Island. He designed a special pontoon that could withstand the rigours of being towed back hundreds of kilometres from the Great Australian Bight to Port Lincoln. The towing is done very slowly; in fact, one has to watch the boats for a time to be certain that they are moving.

A storm in 1996 almost bankrupted the tuna farming fraternity. The April storm stirred up the sea bottom in Boston Bay, killing 70 per cent of farm stocks. The disaster caused a rethink of strategy. Farms were moved to the outer side of Boston Island into deeper water, but the industry's confidence was badly shaken for some time. Fishers expanded in 1998 onwards until all their allocated quota was brought back to Port Lincoln to the farms. In 1999, large scale freezing of tuna again assisted the industry by allowing

companies to market their fish at a time of their choosing, and to present a quality fish to the discerning Japanese market.

Today the tuna operation has gown to the point where about 250 000 fish are farmed for a return now in excess of $250 million a year. Brian Jeffriess said two things made the success story possible: the surprising toughness and adaptability of Southern Blue Fin tuna and the bush skills and innovation shown by the tuna farmers. From being a competitive industry, tuna has become a shared industry where fishers copy each other's innovations and ideas.

Oysters are another success story. About half the state's oysters are produced at Cowell. Franklin Harbor (the bay on which the township of Cowell is situated), like Boston Bay and the waters off Coffin Bay, had a massive supply of naturally occurring oysters. These were fished out in Boston Bay and Kellidie Bay near Coffin Bay where they were dredged at the low tides using horses and carts to pull the dredges. The bags of oysters were taken by road to Port Lincoln where the bags were kept in the sea until shipment to Adelaide to market.

The oysters at Franklin Harbor died out after a massive downpour of rain in the surrounding country brought a torrent of fresh water into the bay. The farming of Pacific mud oysters has brought prosperity, employment and hope for the future. Other fish species being farmed are barramundi, salmon, yellowtail kingfish, other molluscs, yabbies and marron.

Most people think of aquaculture as a sea-based industry but our local yabbies are in such demand that supply cannot keep up. Again, Minniribbie Yabby Farm at Wangary is a pioneer in the industry. Margaret Hurrell, who pioneered the project with her late husband, sells to markets mainly in Sydney.

I am delighted to be part of a progressive government that governs for sustainability, utilisation and equitable allocation of the state's aquaculture assets, and efficient and effective regulation of the aquaculture industry. I support the bill.

Ms BREUER (Giles): I also welcome this bill, particularly because it combines what was under so many different areas. I believe it gives some sense and credibility to the industry and a direction in which to go forward. I certainly welcome it in my part of the state because we are coming into our own in Upper Spencer Gulf with the aquaculture industry. For some years one consortium has been establishing itself, and in recent times another consortium has been set up. Originally, they were farming for snapper, but, interestingly, they are now involved in the kingfish industry, which has really taken off and which is becoming very well known, and they are establishing markets overseas. They are very happy about what is happening.

There are also some prospects of other leases, such as oyster leases, in the upper part of the gulf. While we think of the Port Lincoln area when talking about the aquaculture industry, it extends all the way up and down Eyre Peninsula. It is an industry which gives hope to my area for jobs, and I am very pleased about that because we have been trying very hard to establish industries and now we have a home grown industry, which has great prospects for the future.

Next week I will be attending a graduation ceremony at the Spencer Institute at Port Lincoln. A number of students are completing their Diploma of Aquaculture, which is a two year course established by Spencer Institute in conjunction with Flinders University. This is an excellent course, and I think this is the third or fourth year that students from the course have graduated. It is a two year course which provides good grounding in the industry. It has attracted recognition from all over Australia, so I congratulate Spencer Institute on its efforts in getting this course established and also the lecturers for the excellent work they do with students.

Earlier this year I went to Western Australia to look at the aquaculture industry there. I was pleased to attend Fremantle Institute, which has a big aquaculture school that was established in conjunction with the Western Australian university. It was interesting to visit and to look at the different prospects they have there. A considerable number of students attend Fremantle Institute, and other parts of the state have arms of the institute and the university, including a trout farm in the south and marron and yabby farms.

I think it is interesting to note the role of universities and TAFE in this industry where they combine courses to enable students to achieve a university standard and complete a full TAFE course. It is good to see that combination of roles happening both in South Australia and interstate. Western Australia has a very good and well established training industry, but the problem is that there are no jobs. There is little aquaculture industry in Western Australia, and South Australia is certainly leaving them for dead. We are developing an excellent training industry which is really going ahead. The good thing is that we are able to offer jobs to these people at the end of their course, which is not happening in Western Australia.

I think the bill will iron out a lot of the problems that are presently happening with leases and licences in this industry. I am very pleased that local input and a consultative process will be involved, because some people in the industry have commented to me that often areas are designated and that no local input has been taken into account. Often they believe that not a lot of local knowledge from families who have worked in this area for over 100 years has gone into it. They know their areas, and I am pleased that their input will be considered.

I do have some concerns with the aquaculture industry, but I hope that this bill in some way will address those concerns. I am concerned about other industries' getting established in the aquaculture area. I have talked previously in this place about the shipbreaking industry proposed for Whyalla. While I would welcome jobs that a shipbreaking industry could bring to my city, I am more concerned about the effect of that industry on the aquaculture industry around Whyalla, north of Whyalla, and certainly the whole Spencer Gulf. I think it has potential for disaster, and I do not think enough study has gone into it. Thankfully, the industry does not seem to be progressing. No environmental studies have looked at this industry, but I have concerns and I think the aquaculture industry also would have similar concerns.

Seafood from my part of the state has long been recognised as some of the best in the world. I have fond memories of crayfish at Coffin Bay. About 20 years ago, there was an oyster farm at Coffin Bay, and it was probably the first oyster farm established. I know that people from Whyalla were involved in establishing that oyster farm. They would catch crayfish, cook them on the way in, and drop them off at the oyster farm while they were still warm. That was some of the most spectacular food I have ever eaten. Of course, it is not as easy to get nowadays and it is certainly much more expensive.

When in Western Australia I was interested to look at the marron and yabby industry, which also has huge potential for not only Eyre Peninsula but also north of Eyre Peninsula and

other parts of the state. We need to look at this area, which needs to be developed.

I am happy to support this bill. I expect great things from the aquaculture industry in the future. Certainly, people in Whyalla are very happy to see what is happening there, north of Whyalla and around Port Augusta. I give the bill my full support.

Mr LEWIS (Hammond): I also support the proposition in general, having reservations about parts of it. There was a time, of course, when because there was no industry there was no advocate; and without an advocate no-one was interested (by definition) in promoting awareness of the benefits that such an industry could bring to the South Australian economy and the community at large. Years ago it could have provided much of regional South Australia with a sufficient diversification of its economic base. This would have enabled those regional economies to remain strong, even during times when there was a downturn in prices for what we saw as the staples in farming, that is, cereals, animal products such as wool, wheat, barley, lamb, beef, or whatever else came along besides those products.

Regrettably, no-one bothered, because so many fish were available, both within the coastal waters as well as in the river systems early in the settlement of the province of South Australia (and the rest of Australia, for that matter), that, if one wanted fish or something from the water, one could simply go and take it; it was part of what one did for recreation. It was madness to contemplate farming it, surely. So much so, in fact, that it became easy for people who wanted a few extra dollars, 50 and more years ago, to go and catch the abundance that was available to them in the wild and sell it on the open market—and it was a speculative market in that respect. The fish market in the Adelaide metropolitan area and in Melbourne provided the means by which it was possible to dispose of the product, and this was prior to any licensing whatever and any belief that there was a necessity to manage the species and its rate of exploitation, let alone any understanding of the habitat which that species may have needed to survive.

If you spoke to whiting net fishermen in the 1960s, for instance—or even, for that matter, throughout the 1970s—and told them that it was unsustainable for them to continue certain practices because the impact on the species would ultimately run the risk of fishing it below its sustainable yield, they would have laughed at you—indeed, they did laugh at me. However, that has happened, and we have seriously damaged, during the past 15 or so years, the likelihood of being able to ensure that King George whiting survives in the wild in its full range of the natural habitat because of the over exploitation and the techniques that we use.

The same occurred with respect to Gulf St Vincent prawns. I know those two fisheries in some detail. To their credit, ministers of agriculture and fisheries in the Labor governments of the 1970s understood the truth of these needs when they began to license not only people's rights to take fish but also the species they could take under the terms of those licences. We almost fell into the same pitfalls on a much smaller biomass in our respective fisheries as occurred in the northern hemisphere larger fisheries on the Dogger Bank, and places such as that, with respect to species such as halibut. We could easily have lost them.

It was always my view that it ought to have been possible for us to farm the species. Sheep and cattle originally were taken from the wild and domesticated: fish are no different. Indeed, the amount of detail required to effectively manage what all of us would refer to as a vertebrate fish farm is not as great as the amount of detail and the critical parameters required to effectively and successfully run a quail farm or, for that matter, a poultry farm of conventional meat or egg birds. If one is to maximise profitability by optimising the marginal physical product, the number of variables that one had to look at were in fact no greater and, in many instances, less complex in the case of farming those species of organisms that lived in the water.

I guess I was one of the few people who saw elsewhere in the world the collapse of fisheries occurring during the late 1960s and early 1970s and believed that the way forward then was to farm those species and that, ultimately, the vast majority of the commercial trade in fish flesh or other aquatic organisms would come from commercial production rather than from wild catch. Fishermen (or fishers, as we call them these days, not wanting to offend people who are sensitive about the use of 'man' as a term to describe the whole of the species Homo sapiens) are to aquaculture what hunters are to agriculture. It makes about as much sense to go and hunt deer and sheep in the wild with a bow and arrow to feed yourself as it does to hunt fish in the wild with hooks, lines, and even nets and snares of one kind or another.

A more efficient way of doing it is, clearly, to control the environment in which the organism is husbanded and ensure that the quality of the end product is equal to or better than that which can be obtained from the wild. Quality must be defined as not only the flavour and appearance but also, if not more importantly, freedom from disease—and that disease is more especially disease that might be caused to us, as the ultimate consumer, as well as disease to the organism itself, because it is pointless for us to farm our species in circumstances where they are exposed to such higher levels of some kinds of materials, such as mercury, that it will kill us if we eat them. Yet there were people who did not seem to understand that—as they did not understand much else either.

I am happy to have been associated with the establishment of an aquaculture industry in South Australia. One of the few members in this place who have understood that since I came here was the Hon. Ted Chapman. He initially was very sceptical, and made great fun of me because I used part of the time I had in my first speech in this place to extol the virtues of farming fish rather than trying to chase them down and catch them in the wild; and the more sophisticated equipment one had to catch them in the wild, the greater would be the level to which one depressed the ultimate breeding population. I will not go into things such as the disastrous consequences for species such as orange roughy; I will just leave that for another day. These remarks were made in a disparaging way—although in good humour—by the member for Alexandra (as he was then) and minister for agriculture and fisheries (Ted Chapman). Our immediate past Premier, the member for Kavel, was, and is, another person here who has acknowledged the good sense of that policy and, indeed, in some measure, my part in its development. I have very much appreciated that and thank him for it.

Looking at the history of aquaculture is pretty much the same as looking at the history of the berry industry in South Australia—another industry with which I have had some association. At the time that I became involved and interested in it, production of strawberries in South Australia, for instance, was about 30 tonnes a year. Within three years, that had been increased sevenfold on sevenfold, to the point where it was over 1 000 tonnes. Of course, the reason was that its

flavour did not deteriorate, quality was assured and supply was also guaranteed more easily by using better husbandry practices and packaging technology. That is exactly the same as what is necessary and what is now being used for aquaculture.

The other good thing about aquaculture is that it is a far more efficient way of converting available food for the species into food for human beings, where the conversion ratio is about one to one, if you are managing your farm properly. The best you will get out of meat birds in the chicken industry, for instance, is 1.8 to one. It is nowhere near as good, yet that is considered to be absolutely outstanding. I can remember that, 25 years ago, one was thought to be a good chicken farmer if one could get down to 3.2 kilograms of feed for every kilogram of meat that one was selling.

In spite of that tremendous improvement in efficiency it does not in any way match the efficiency of the aquaculture industry, and the reason why aquaculture is more efficient, of course, is that the dry food is hydrated by the animal after it eats it, whereas that is not taken into consideration in the case of meat birds or other dry land meat protein.

On the things that matter in this legislation about which I have some concern, I refer to the security of tenure arrangements that are first mentioned in the bill in clause 53(3) and then in Division 3, clause 71 onwards. It is important for us to have included those provisions, 71 and 72, in Division 3—Aquaculture Tenure Allocation Board, the ATAB—and we are not going to sell that to Queensland, I assure the House of that! The Aquaculture Tenure Allocation Board will ensure that people and business interests that have tenure on a site will have sufficient length of tenure and security of tenure as to be able to offer that as some security, if not collateral, for the purpose of raising capital to finance their business, and banks need to be told about that.

Back in clause 53(3) that I mentioned at the outset of my remarks on this provision, we see that the term of licences is to be 'granted for a term of 10 years or a lesser period specified in the licence'. I am a bit apprehensive about that, but if that is in open space in the ocean maybe that is not a bad thing, and I think that the provision of those licences ought not to be given on a sort of first come first served basis or on ballot. We saw the botch there was on the amateur crayfish licences, trying to allocate them on the basis of a ballot, or a lottery. No, that should be on the basis of payment being made in open contest, that is, tender or open cry auction with anyone else and everyone else who wants that licence, if there are a restricted number of licences.

It is a view I have expressed in this House about taxi plates and a whole lot of other things, and now it is poker machines. We have capped the number of licences we issue and automatically provided those people who own a licence with a huge capital gain windfall, and it does not belong to them. It came from the public. It is not theirs, in my judgment, in the way in which it has been ascribed to them, and the sooner we wake up to the truth of what I am saying about the manner in which those licences are allocated the better off we will all be, because those people who buy them in open competition with everyone else will get the greatest possible benefit from that single licence that it is possible to obtain. They will be more efficient, they will be more careful in the way they use their right of access to it, and that means that we will all be better off because we will need fewer inspectors to look into what is going on in the number of licences that are issued, how ever many that may be in any given category.

I was surprised to see that licensees have to be 'fit and proper people'. I am not quite sure what that relates to. It is a different matter if you are selling grog and there are restrictions on the age of those people who are allowed to buy it, or are involved in some other form of entertainment or leisure activity in which it is possible for people of criminal inclination to abuse the public trust that they otherwise enjoy, but in fish farming it is totally unrelated. I do not know what it would be that you would use to determine that they were unfit and improper. It certainly could not be that they had been otherwise involved in corrupt criminal practice or selling sly grog or something like that.

Ms Hurley interjecting:

Mr LEWIS: Indeed. I think the Deputy Leader of the Opposition and the Premier both understand what I see there as something of an object of mirth. The other thing that I see missing from the act are provisions that enable fish farmers to control predators. Where no fish existed before and facilities are provided to enable farming to be undertaken now, there ought to be carte blanche provision to simply kill off predators that were not there before, keep them away. We do not prevent farmers from killing foxes and other predators that are taking their lambs or from killing the grasshoppers that would otherwise eat their crops and pasture. For God's sake, why on earth should we therefore distinguish between those kinds of predators and cormorants and pelicans that might otherwise eat the fish? That has to be a given, and I urge the Premier and, indeed, the Deputy Leader of the Opposition to take that on board. It is not in my judgment unwise to do so. Indeed, the converse is true.

I am amused by the definition of an aquatic organism, and I pose the question to the House, quite seriously: is a duck an aquatic organism? It lives in an aquatic environment, and that is the definition that is provided here in clause 3 of the bill:

> 'aquatic organism' means an aquatic organism of any species, and includes the reproductive products and body parts of an aquatic organism.

That presupposes, one assumes, that it is some sort of animal, but there are other aquatic organisms, and if you have to have a licence to grow aquatic organisms, be they algae, or even watercress for that matter. That is what the literal definition of this means, then watercress is a salad crop and how long will it be before you have to have a licence to grow lettuce? That is a worry for me. I can see some nitwits on the loony left fringe in the environment movement wanting to manipulate the way in which these definitions are applied to the law to suit their own ends. I have seen it happen too often to leave that unaddressed. It is a worry.

I applaud the Premier for including parliamentary scrutiny under the Environment, Resources and Development Committee of the policy statements. That is a very useful and sensible thing to include, as well as the provisions of the fund and the manner in which that is to be applied.

In the limited time left available to me, can I say there is another innovation that I would like to see in aquaculture, taken from wild stock initially, and that is the commercial use of the abalone roeii. We do not need blacklip or greenlip. It is an outstanding species, and if we melted down wine bottles and stubbies very simply and cheaply into tile slabs and laid them on the bottom of the shallow waters of the bays around the coast of South Australia we would take tens of thousands of kilograms, worth $10 to $100 a kilogram, of those button abalone, roeii, that are more a delicacy than either of the

others. They have higher glycogen levels and are therefore sweeter and, in my judgment anyway, their texture is more pleasant. I enjoy them very much and I urge the member to consider that.

Time expired.

The Hon. G.A. INGERSON (Bragg): It is not often that I rise to speak straight after the member for Hammond, and it is not often that both of us actually agree, and I would like to put on the record that it was the member for Hammond who first brought to the attention of this House, probably 20 years ago now, that aquaculture was an industry that we ought to be having a look at. I do remember—not quite the ridicule, but the argument that did occur between the then minister, the member for Alexandra, and the member for Mallee, as the member for Hammond then was.

When I was minister and shortly after I stood down, I had the privilege of chairing the rail reform group, a federal group that was put together to distribute some $20 million in the north of our state and on Eyre Peninsula. Part way through that distribution process, it became very clear to me as chairman that we were making hand-outs to a whole lot of industries that might or might not have had a future, but had not looked at the potential future of aquaculture in Port Augusta and on the West Coast area.

I had the privilege at about that time to go to Port Augusta and see the first attempt to grow out of fingerlings with snapper. It was through that meeting and several others that the reform committee was able to distribute some $5 to $7 million—I cannot remember the exact figure—to encourage the growth of fingerlings, particularly in kingfish and snapper, and also to encourage a whole range of smaller farmers who were looking at abalone and at setting up processing plants on the West Coast from Cowell right down to Port Lincoln.

One of the interesting things for me was to see the amount of interest within the Department of Fisheries on a whole range of species types, but the lack of coordination that was occurring between the grow-out area and the sale or management process that would hopefully be developed once this huge tonnage of fish was grown out. That has now developed significantly, but it still has a long way to go. The exciting thing is that, if you go back to the member for Hammond's time, when there was virtually nil growth, today we have an industry which is well in excess of $200 million in economic value to the state and which potentially could double over the next two to three years if properly handled.

One of the things that came out of our small funding area were the two obvious issues of management and caring for the environment. Clearly the management issue was one of 'How do you grow out? How do you get all the technical expertise? How do you make sure that you minimise your disease issues?' Once you have been through those technical issues, how do you grow it to a commercial level and market into the world market? That was the management issue. We tried at the time to see if we could set up a small management group, but that was not possible. I think the market itself will in time sort that out.

The big issue, and the one about which I went to the industry, was the environmental issue. It was my view that the industry itself ought to be controlling these environmental issues. Nobody knew better than the industry what were the sensitive environmental issues along our coasts. Nobody better than the industry knew what were the areas where they could be growing out and utilising the natural resources of the sea. However, at that time there was very little interest from the industry to actually do it themselves.

It is my view that we ought to be continuing to encourage the industry, because it is their growth that we are talking about to be very much involved in this environmental issue of how we solve the drop-outs; how we solve the pollution; how we solve the care of the sea bed; and how we still utilise particular areas, and, at the end of the day, end up with a very viable growing industry.

After many discussions with a range of people in Port Lincoln and on the West Coast (and I will not name them), I think there is an attempt by them to recognise that they ought to be leading this environmental argument if they are really going to have a long-term industry.

My concern over this bill is the role of the EPA. I have been a member of this place for 19 years, and have had some involvement with the EPA. In probably 85 to 90 per cent of instances, it has done a fantastic job. But I am concerned about the 15 per cent issue, which is always the problem area for all industry. It usually comes about because there is a theoretical view that is taken by the department or the EPA versus a practical view.

That is always a difficult issue to manage, but it is the most critical issue of all, because it is that last 15 per cent that makes an industry profitable or not profitable. Within that, of course, there are community views and a whole range of issues that need to be regulated and better worked out. However, I am concerned that the EPA not take a very hard line on this growing industry. Manage it, control it, set some rules, but do not get to the stage where you are over-controlling it and stopping the industry from growing. I hope, as I said earlier, that, with the encouragement of the industry, the two groups will get together and end up with a practical environmental policy that can be administered by the EPA and used by the industry for its growth.

I will finish with one example which staggers me, and that is the grow-out of kingfish. I had the privilege of seeing some fingerlings put into what I would call a huge bowl of water at Port Lincoln. They grew out to about an inch and a half and, within about a month, they were about six inches long, and after about three months I found that they were about two feet long—an incredible grow-out of a fish that I did not believe was possible. It might have been a freak result, but I do not think it was. The grow-out time for that particular fish and the opportunities if that can be maintained in terms of taste and presentation will be astronomical for the industry. Clearly, snapper are a bit more difficult, because they take a lot longer to grow out and they become less commercial the longer it takes. Hopefully, feeding and other processes will be able to be looked at to improve snapper.

This bill is a fantastic improvement on the current legislation. There will be some significant environmental issues which hopefully can be managed. I look forward to this bill being the start of a proactive regulatory system which will enable our aquaculture industry, which we have seen start and burgeon in this state, become one of our most important industries and one of the most significant growth industries in the next 10 years.

The Hon. R.G. KERIN (Premier): I thank members for their contributions today and also for the way in which all members have helped us to work through the issues over a period. I felt from the start that, whatever we did with the Aquaculture Bill, it was important that we got it past the stage of being politically contentious and made sure that we gave

the industry some long-term certainty about where it can go and what we are doing with aquaculture. I thank the deputy leader for her co-operation. There has been a long consultative process and a lot of meetings have been held throughout the state over several stages. The willingness of all members who have had concerns to work through them with staff has been extremely helpful in delivering to the aquaculture industry some certainty. If we did not take somewhat of a bipartisan approach to this issue, uncertainty in the aquaculture industry would dry up investment. As it is a new industry, it is too precious to allow that to happen.

So, I thank all members for their support, and I particularly thank Ian Nightingale, who heads the Aquaculture Unit, Michael Deering and Glen Weir. These people have spent an enormous amount of time meeting with the community and briefing members of parliament and working through the issues. To be able to come up with a bill that has been pretty much accepted across the community is a terrific effort, and I thank them very much.

This is about sustainable development. There is no doubt that the aquaculture industry across South Australia is starting to take hold. It is not just about statistics: we have actually seen some very real outcomes in quite a few areas of the state. Because of the size of the impact on the industry, where it stands out most is on Eyre Peninsula where it has basically turned around the fortunes of Port Lincoln and a lot of towns along the coast such as Cowell, Arno Bay, Smokey Bay, Ceduna and Streaky Bay. A whole range of communities have benefited enormously from this industry and from people within the industry who have been willing to put up their hard earned cash, take risks, work hard and create ventures on Eyre Peninsula as well as in those other areas that I have mentioned.

The member for Flinders has championed the cause to a large extent. Much of this development has occurred in her electorate, and she has shown enormous interest. She must take great heart from seeing the difference that this has made to Eyre Peninsula. Interest in the aquaculture industry has also been shown by the member for Bragg, who chaired the committee on the rail reform fund. He saw that some benefits could really flow from this, and I thank him for his efforts in making sure that the aquaculture industry was given a good hearing by the rail reform fund committee, because I think that did make a difference. It has given us some facilities and businesses which have added to the critical mass and allowed the industry to grow.

I look forward to a great, sustainable future for aquaculture. We must be careful and get our planning and licensing right. If we do that, both in the sea and on the land, the sky is the limit. The resources are there to be used. These resources are not rare, and proper management will see us grow an enormous amount of seafood in the future. The member for Kaurna raised the issue of whether pilot leases need EPA approval. The answer to that is that they do need EPA approval to get a licence.

I pay tribute to everyone involved. The consultative process that the department went through, the help of people in the industry and the willingness of members of parliament not only to be consulted but also to negotiate what has been a complex bill on a complex range of issues speaks well for what we can do when we take a bipartisan approach to an issue. I thank everyone involved, and I look forward to this measure forming the basis on which the aquaculture industry can go to the next level and create a lot more jobs in South Australia, particularly regional South Australia.

Bill read a second time.

In committee.

Clauses 1 to 10 passed.

Clause 11.

Ms HURLEY: As I indicated during the second reading debate, I have a number of detailed questions. However, I omitted to mention that I have talked to a number of people about this bill and received a very good reaction and a number of responses, some of which are quite detailed. I would like to thank those people because most of the questions that I will ask in committee result from the feedback that I have received from them. I refer, in particular, to Brian Jeffriess of the Tuna Boat Owners Association, Bruce Zippel of the South Australian Aquaculture Council, Martin Smallridge of the Seafood Council, Michele Grady of the Conservation Council, Mark Parnell of the Environmental Defender's Office, and Tony Flaherty of the Marine and Coastal Community Network. Some of the points made by those bodies were similar and some different. I might not acknowledge each of them as I go along, but they raised some very important points. In particular, the Marine and Coastal Community Network has been very actively involved with these issues and it has made a very detailed submission, for which I am grateful. The Environmental Defender's Office suggested a number of specific amendments.

In regard to this bill, I indicated that the opposition would make every attempt to get it through parliament in this session, but we have on the sitting schedule only this week and one other week to get it through this House and the other place, so it may not get through. In any case, the development of the Aquaculture Bill and the setting up of all the policies and procedures in this bill may require some timeframe. I would like to ask the minister what is the current status of management plans, because (and the member for Bragg alluded to this) with the encouragement of the government there have been a number of hatcheries in the South-East and on the Eyre Peninsula that have been operating very successfully and have fish ready to go into the water.

So, there will be a requirement, before this legislation even becomes operative, for a number of zones to be made available for those fish. I am concerned, first of all, that there might not be enough aquaculture areas to accommodate the number of fish that are coming out of the hatcheries and, secondly, if areas are made available, that they might be in unsuitable areas. I am aware that, while this bill has been in the consultation phase, there has been continuing development of management policies around the coast. I would like to know the status of those plans and, secondly, if there are any unused allocations, particularly in the Eyre Peninsula and Boston Bay area that could be used for the fish that are coming out of the hatcheries.

The Hon. R.G. KERIN: In regard to the status of management plans, there are management plans in place now but four management plans will be reviewed over the next six months, and about $750 000 is allocated for that. In regard to unused allocations, that is one of the issues that is involved. There are not many, but a few are spread around. One that is relevant at the moment is in the Arno Bay area. There are areas which are not yet being farmed and there are one or two issues regarding getting into and out of those.

The Deputy Leader is correct: at the moment we would like to have some more zones, and that is the urgency for getting on with both the management plans and also trying to get this bill through the House.

Ms HURLEY: I appreciate the minister's answer but, even if we do get this bill through the House, it will not be in sufficient time to enable these issues to be addressed. I have been advised that within the next couple of months something like 250 000 kingfish will be ready to go into the water. I ask if the current management plans and the zones and areas available will be sufficient to deal with this.

The Hon. R.G. KERIN: I am informed that there are enough sites for the first batch this year but that more sites will be needed for next year's hatching of the kingfish.

Ms HURLEY: Will the management plans cover that? Will they be ready in time?

The Hon. R.G. KERIN: Yes, they will be implemented over the next six months. We are very confident that there will be enough sites available in the second year for them. The management plans will go on being developed regardless of whether this bill goes through the upper house or not.

Ms HURLEY: To follow on from that, there has been some criticism by members of the conservation movement that the provisions of this bill do not allow for sufficient depth in the surveying of the areas along the coast and that there is a need to develop a very thorough survey of the areas. In view of that, how thorough does the minister propose that the surveys will be done of each proposed zone and how long does he see aquaculture policies taking to develop?

The Hon. R.G. KERIN: The answer to the first question is, as far as the development of the aquaculture policies is concerned, it will be several months as a timeframe for the development of those. In relation to the surveying of areas, the quality of that will be lifted but, of course, various zones will require different levels of surveying. Some will not have anywhere the number of issues that others will. That will depend on a whole range of issues such as depth of water, habitat and location. I think the answer is that they will be more thorough than in the past, but to come up with a measure of how thorough they will actually be will depend, to some extent, on the conditions which occur in each zone. Some will require more work than others.

Clause passed.

Clause 12.

Ms HURLEY: This clause outlines the procedures for making policies and includes a number of things that the minister must take into account. One of the other criticisms from various sources is that, whereas (and it is a very good thing, of course, that the Environmental Protection Authority is involved in this) the industry is obviously involved in the sense that it has input, is there sufficient input from the local communities into policy? I know that they have an opportunity to comment on the proposals but, if for example, and as outlined by the member for Elder, a proposed aquaculture industry might impact on tourism in a town, will sufficient attention be paid to that sort of impact, given that there is no specific requirement within this bill, within this clause or within the rest of the bill, that due impact on other local activities, such as tourism and, perhaps, other forms of fishing and activities in the area, must be borne in mind?

The Hon. R.G. KERIN: I refer the deputy leader to clause 12(4)(a), which refers to 'to any body prescribed for the purpose of this section'. This will pick up on groups such as recreational fishing groups, tourism bodies and that style of thing. I think it is in the general interest that that occurs. Tourism will also be involved through the advisory committee. So, local communities and Tourism SA will also be represented on the advisory committee.

Clause passed.

Clause 13.

Ms HURLEY: It is good that this clause allows for the policy to come under parliamentary scrutiny via the Environment, Resources and Development Committee. Anyone who has been on that committee, as I have, would know that it can be a quite frustrating process, as the committee gets to scrutinise policies only under the Development Act—and this mirrors the Development Act—after they have been given interim approval. Of course, once something has been given approval and is operating, it is very difficult to withdraw that approval. So, there has been some question as to whether parliamentary scrutiny under this bill in particular should not come before the minister gazettes the notice approving a draft policy as allowed for under clause 12(8). Will the minister comment on that?

The Hon. R.G. KERIN: I hear what the deputy leader says. Once again, we come back to the issue of how we keep things moving. The ERD Committee process would be put under enormous pressure if it found it to be not complete. It is one more level of scrutiny that comes in over the top. It mirrors the Development Act and makes the minister and the government of the day more accountable. The deputy leader herself raised some of the issues involving why we need to get on with things. It is one more level of scrutiny, and the minister would obviously have to take into account any comment that came back from the ERD Committee about changes it felt should be made.

Clause passed.

Clause 14.

Ms HURLEY: This clause deals with amendments to the aquaculture policy. The minister may make those amendments by notice in the *Gazette*. Clause 14(1)(a) deals with errors in the policy, and that is no problem. Clause 14(1)(b) provides that the amendments may be made in order to make a change in form rather than substance in the policy. However, clause 14(1)(c) deals with the policy itself. It provides that the minister may amend an aquaculture policy if the policy itself or the regulations provide that a change of a specified kind may be made to the policy by amendment under this section in order to make a change of that kind. To my non-legal mind, that sort of wording is fairly dense in any case. I would appreciate a plain English description of exactly what that means. However, one group has raised concerns that changing the regulations could have the effect of substantially amending the policies.

It was also concerned that the policies would not be subjected to the sorts of public scrutiny normally given to the preparation of the policies, and nor would they be subjected to the scrutiny required by the Environment, Resources and Development Committee. Some groups see this as an out that would allow the minister to make some quite significant changes to the policy in an underhanded way or without the normal scrutiny.

The Hon. R.G. KERIN: I know that there are some suspicious minds out there. The purpose of paragraph (c) is not for major changes of intent or whatever. In part, it provides, 'if the policy itself or the regulations provide that a change of a specified kind may be made'. It has to be flagged in the policy as an issue that requires some flexibility. It involves not major but minor changes of the kind initially flagged in the policy itself. Certainly, the intent is not to bring in any major change under clause 14(1)(c). It relates to those already flagged in the initial policy as flexible issues.

Ms HURLEY: Will the minister give an example of the type of change that might be specified in the policy? It is easy

to imagine that something in a policy may seem quite reasonable and be of quite a minor nature at the time. However, as the policy comes into play, those sorts of changes might take on more significance.

The Hon. R.G. KERIN: I am advised that one major area that would be affected is administration; for example, if we suddenly went from the current form of licensing to electronic licensing, this measure would allow that type of change. Once again, I give an assurance that it is there not to create major policy change but for some flexibility within the policy area in a way that is flagged in the initial policy.

Mr LEWIS: Let me assure the minister that I am unlike the character in the Peanuts cartoon—I think her name was Lucy—in that I will not take away the ball just as he is going to kick: I will hold it there while he kicks it. How many other acts—indeed, how many other areas of executive government responsibility—have a clause such as clause 14 and the other clauses associated with it, wherein policy is made in this manner and administered in this fashion through the consultative process that the minister has included in this bill? Are there any others, or is this the unique one?

The Hon. R.G. KERIN: I am advised that it is consistent with both the Development Act and the EPA act, which are the two we are working in with this bill.

Mr LEWIS: That of itself is a refreshing indication of the change of direction that is necessary in what I regard as being all spheres of government: to ensure, then, that the minister does understand what both the principal industry and more particularly specified interest groups relevant to the industry think and feel and compel them to talk to each other, to listen to each other, to understand what it is they are expressing concern about, and in so doing avoid ugly confrontations in the community when it is very often too late to try to change anything anyway, and when people have become more angry and feel more deeply hurt that a minister does not do their bidding. I am pleased to place that on the record, and there needs to be more of it.

I would like to ask the minister a further question about a policy whereby we could use the unique method of the recruitment of roeii—and I mentioned this in my second reading speech; they are the small button abalone which can be found anywhere in South Australia's shallow costal waters but not in great number—yet, wherever you find flat stone surfaces in these shallow waters, they are recruited and, using those tiles, slabs or shingles made out of melted glass and dropped in the bottom of those bays, then picked up, because the recruitment would not otherwise have occurred. Is the minister willing to consider that, knowing that the industry will be worth between $50 and $100 million per annum if we do?

The Hon. R.G. KERIN: Given the time, I undertake to answer that question tomorrow when we resume debate on this bill.

Progress reported; committee to sit again.

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

STATUTES AMENDMENT (MOBIL OIL REFINERIES) BILL

Received from the Legislative Council with a message drawing the attention of the House of Assembly to clause 4, printed in erased type, which clause, being a money clause, cannot originate in the Legislative Council but which is deemed necessary to the Bill. Read a first time.

RETIREMENT VILLAGES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 November. Page 2667.)

Ms STEVENS (Elizabeth): This bill, which amends the Retirement Villages Act, concerns the activities of about 300 separate retirement villages in South Australia and, according to the briefing we received, covers 12 000 to 15 000 residents. Retirement villages work on a loan licence agreement. A person who wishes to go into a retirement village signs up to an agreement, by which—

Mr Venning interjecting:

Ms STEVENS: No, I certainly have not yet signed. I am not intending to retire for quite some time. However, the member for Schubert might perhaps need to have a look at it. Returning to the bill, on vacation of the unit residents receive generally 75 per cent to 80 per cent of the premium they paid when the unit is relicensed. At present, residents continue to pay a maintenance fee of about $50 per week until the unit is relicensed.

The bill resulted from a discussion paper released in January 2000. This paper was presented by the Office for the Ageing and dealt specifically with regulations under the Retirement Villages Act 1987 as part of its regular updating and review of regulations to ensure that they continue to meet the needs of the community. The discussion paper was prepared by the Office for the Ageing in response to and after consultation with the Retirement Villages Advisory Committee and other interested stakeholders. The introduction to that discussion paper encapsulates its purpose with the following points:

> Regulation of the retirement village industry essentially operates to encourage transparency in the contractual relationship between a resident and a provider of retirement village accommodation and services. Hence, any regulation should continue to have as an objective the clarification of the rights, obligations and relative risk for residents and administering authorities while promoting the legitimate business interests of the proprietor. This transparency should occur not only at the time of entering a contract but also during the period of residency and when the resident vacates their accommodation for whatever reason.

Many of the issues identified in the discussion paper—not all of them, but many of them—are reflected in the amendments in this bill. The opposition supports the bill.

I would like to mention various parts of the bill which came through in the discussion paper and which are reflected in the bill. The most significant issue was the matter of maintenance payments. I will leave that issue to last because the opposition sponsored an amendment in relation to that issue in the other place which, with a further change, was accepted by the government and which is now reflected in the bill before us. I will leave that until last.

I will move through the others which we support and for which there is widespread support. In fact, no concerns were mentioned to me on any of the following issues. Within the bill there is a requirement that the statements and balance sheets of retirement villages be audited by a suitably qualified person. At present, there is no universal requirement that financial statements required under section 10(5)(a) of the act be presented to residents in an audited form. On occasions,

issues arise in retirement villages which give rise to a desire on the part of residents to know the current financial position which may affect current or anticipated expenses, some of which will be borne by the residents. We support this change to ensure that those statements are audited.

Secondly, the bill introduces a provision which allows a resident or a residents' committee to require the delivery of interim financial statements. The cost of preparing such statements will be with the person or committee making the request. Again, for greater transparency this is an improvement which we support.

The bill also addresses a number of definitional and minor administration matters and other amendments to bring the legislation into line with other legislative or administrative changes. They are simply administrative matters, which we support.

Next, in relation to the regulations, in addition to those which I have already mentioned, it is intended to amend all regulations made under the act to incorporate the following changes: first, that the regulations will require an administering authority to issue to prospective residents a copy of the code of conduct which outlines significant obligations of the administering authority. The copy of the code of conduct will be in addition to the disclosure statement that already is required to be issued to prospective residents.

Secondly, to reduce disputes about resident obligations to pay or contribute to refurbishment, the regulations will require administering authorities to complete a premises condition report at the commencement and conclusion of each occupancy. This report will provide a statement concerning the condition of fixtures, fittings and furnishings. That is a sensible move. Thirdly, in line with the requirements of the commonwealth Aged Care Act 1997, and to ensure that retirement village residents are not disadvantaged in comparison with others in the community when moving to a high level of care, the regulations will be amended to stipulate that assessment by an aged care assessment team will be required.

I also understand that the code of conduct will be amended to require the early repayment of a premium to meet ongoing contributions on a monthly basis for residents moving to a higher level of care. That also is an important improvement. Fourthly, in order to reduce uncertainty in relation to the use and management of specific purpose funds, the expression 'specific purpose funds', for example, capital replacement, long-term maintenance, is to be defined in the compulsory disclosure statement. These funds must only be used for their designated purpose. Fifthly, the regulations will require that any exemptions granted to a retirement village under the act be noted in the disclosure statement. Sixthly, the regulations will also require the administering authority to undertake reasonable consultation with residents where matters could have a significant impact on their financial affairs, amenity or way of life.

The opposition supports all those provisions. We think that they are important improvements. They add to the transparency and the fairness of the act in relation to both sides of the contractual agreement. As I said before, there has been no argument with any of those provisions from any stakeholders.

I now want to return to the issue of the maintenance fees. The first issue in the discussion paper was that of recurrent charges. Residents pay recurrent fees for services supplied by the administering authority and towards the general costs of the village. Retirement village contracts terminate upon the sale or re-licensing of a unit, as do any fees or charges. This means that, in the majority of cases, recurrent fees continue to be levied even though the resident has died or left the village. This has been a major issue for a number of years for people in retirement villages, and this was certainly the issue about which the opposition was contacted, firstly, by the South Australian Retirement Villages Residents Association. We also received letters from a number of individuals, and we received a letter from the residents of one retirement village specifically addressing this matter.

People were very pleased to see that the government, in its original bill, was capping the time over which a retirement village could continue to charge maintenance fees following vacation of a unit; they were very pleased that this was happening for all new contracts. However, they were aghast that, in fact, the government's original bill, as it was presented in the other House, did not apply to existing residents. My colleague the Hon. Paul Holloway, in his contribution on behalf of the opposition, put on the record a letter that we received from the South Australian Retirement Villages Residents Association Incorporated. I will briefly mention a portion of the letter that the association wrote to a number of people, including me. The letter states:

> These proposed amendments are the result of many months of consultation and discussion with the Retirement Villages Advisory Committee, residents and representatives of the industry, and would result in positive changes for residents, for which we are grateful. However, the most significant change to the existing act is in the proposed amendment on page 4 of the draft, No. 7 section 9A of the principal act, which in effect proposes the capping of the time a resident will be required to pay ongoing maintenance charges after leaving the village. This is a matter that has been the cause of great hardship over the years for people moving out of a retirement village, and is probably the most common reason for people not moving into a village in the first place.
>
> We at SARVRA are therefore dismayed to learn from the draft that the implementation of the proposed amendment will not in fact benefit residents on existing contracts and will only apply to contracts signed after the date on which the amendments are proclaimed.

As part of that letter, the South Australian Retirement Villages Residents Association suggested a compromise position. It urged us to support a suggestion as follows:

> . . . we have put to the minister that the proposed amendment to section 9A be worded 'to apply as from 1 July 2003 to all contracts'.

They argued that this was a compromise position because it would give advance warning to retirement villages that, as from that date, they would have to assume responsibility for the maintenance payments of residents leaving the village after six months had elapsed without relicensing. So, they suggested that we put forward such an amendment to the government's original bill.

On behalf of the opposition, I wrote to Mr Richard Hancock, the Chairman of Aged and Community Services, in relation to that suggested amendment and to Mr Bill McClurg of the Retirement Villages Association, and put to both these gentlemen the proposition that had been put to us from the Retirement Villages Residents Association. In response to my letter, Mr Hancock said:

> . . . Aged and Community Services has no problem with the suggested amendment to have the maintenance fee capped for all contracts (new and existing) from 1 July 2003.

He went on to say:

> The common practice with our members is to cease charging the maintenance fee to an outgoing resident either upon vacant possession of their unit or up to one month following this date. Therefore, a six months cap presents no hardship to our members.

He qualifies that and explains that there are 70 service providers in the not for profit retirement housing sector, 'whether the contracts be new or existing'. He finished by saying:

> The proposed 1 July 2003 implementation of the above amendment should represent an acceptable compromise for the retirement housing industry as a whole.

Mr Bill McClurg, on behalf of the Retirement Villages Association, which is the 'for profit' sector, had a slightly different view. He expressed concerns, and said, in part:

> Because of the adverse effects to both residents and operators our primary concern is the potential for a few villages, mainly in lower socioeconomic areas, to become exposed to insolvency. Should this occur the initial financial effect could easily wipe 10 to 30 per cent off unit values within affected villages, on top of a significant slowing of resales on those villages. A similar, although less dramatic effect, say 5 to 10 per cent, will be felt by all villages depending on the level of publicity any failure attracts.

The opposition received those responses and decided to pursue an amendment which from 1 July 2003 would make the capping of repayments of maintenance fees apply to all contracts, new and existing. Our amendment in the other place went in first, the Democrats put in exactly the same amendment, and the Hon. Terry Cameron put in almost the same amendment except that he changed the date of implementation and moved it six months farther on. So rather than 1 July 2003 his was 1 January 2004. The minister accepted the amendment of the Hon. Terry Cameron. The opposition accepts the amendment, although we would have preferred our own version, as we stated in the other place. However, the principle of what we were trying to achieve has been achieved by the amendment which was accepted by the government, and so we are prepared to live with that now.

Since that time I have received another couple of letters in relation to what happened in the other place, and I would like to put those other letters on the record. The first one was from the Council on the Ageing, and I want to put this letter on the record in total. It says:

> I refer to our recent discussions regarding amendments to the Retirement Villages Act introduced by the government following the review of Retirement Villages Act regulations. COTA made representation to that review and participated in discussions on the Retirement Villages Act Advisory Committee and pressed the minister to bring forward the recommended changes.
>
> Although COTA's representations went further in certain aspects than the government's amendments, COTA supports the amendments. We also support the further amendment agreed in the Legislative Council which will in due course extend the limitation on charging of maintenance fees after departure from a village to existing residents.
>
> We note that the required review of regulations has resulted in changes to the act itself. However, submissions were never invited on amendments to the act. If there had been such a call a wider range of proposed changes to the act would have resulted. Despite various serious efforts to address concerns of retirement village residents over the last decade, issues persist. Notwithstanding that most residents are happy with their choice to live in a retirement village, the structure of the industry creates unusual dilemmas.
>
> COTA would therefore welcome the opportunity for a broader review of the Retirement Villages Act, a position shared by the South Australian Retirement Village Residents Association. Such a review should include an examination of the issues created by the dominant funding arrangements in the South Australian industry.

The Hon. Dean Brown interjecting:

Ms STEVENS: I will hand you the letter, minister, so you can read it yourself. We have taken note of COTA's comments. It is a concern that a group such as the Council on the Ageing, a major peak body in matters pertaining to older people, has made the point that there are obviously issues of that broader nature which relate specifically to the act but which have not been covered. I do not know the detail of those issues. I have only just received the letter which I have put on the record here tonight. I will certainly be seeking some discussions with COTA about precisely what they mean in relation to those other issues that they consider need to be addressed, and would be very keen to follow this through, and I expect that this will be a task for a new government in the New Year.

The other letter that I would like to put on the record is a copy of a letter that was sent to the Hon. Robert Lawson from Mr Brian Mitchell, who has been a president of the Retirement Villages Residents Association. The letter was an interesting one, and his covering letter to me says:

> Dear Ms Stevens,
>
> Having been involved with the South Australian Retirement Villages Residents Association since its inception and past president for the last five years, I am grateful for your assistance and advice to SARVRA regarding the recent bill introduced into the Legislative Council by Minister Lawson. I am quite annoyed at some of the statements made by the minister and have written to him along those lines. I am enclosing a copy of my letter for your information.

I would like to pinpoint one of the areas where Mr Mitchell had some concerns about the comments of the minister in the other place. He says in his letter:

> You [the minister] also stated:
>
> 'I acknowledge the contribution that SARVRA made to the development of this bill. I think that it is regrettable in that the bill represents a compromise between the interests of village residents and village owners and SARVRA seemed to have sidled away from that agreement which was not to the effect that these amendments would have, as it were, retrospective effect.'

Mr Mitchell goes on to say:

> As I stated to you in my previous correspondence, this draft bill was given to SARVRA, along with, I presume, other members of the advisory committee, to peruse and discuss at the committee's ensuing meeting. It was taken that any points arising from the draft would be discussed and forwarded to you for decision. At no time—and I stress that point—was there any discussion regarding a compromise being reached between all members of the advisory committee on whether the bill would be retrospective or not. It was taken that it would be so. As SARVRA, along with others, did not have the opportunity to clarify this with you, and you presented this bill without any further consultation with the advisory committee, I cannot see how you can justify such a comment.

He takes up another couple of issues with the minister, but that was the major one. When I read the minister's comments in *Hansard*, because I was aware of the very strong feelings of the Retirement Villages Residents Association on this issue of the retrospectivity of maintenance fees, I was surprised that he had taken a swipe at that group, because they have tried very hard and worked conscientiously to get a good outcome on this process. I must say that other people to whom I have mentioned the minister's remarks were equally surprised. This might be a lesson for the minister's consultation process: if he is going to change something, he should go back and check with the people concerned, because they are very annoyed by his comments—and quite rightly so.

The opposition supports this bill. It believes that, with the improvements proposed by the minister together with the amendment from the upper house (in which we played a major part in ensuring its presence in the bill), the outcome before us is a good one. We note the comments of the Council on the Ageing and its concerns that there are other issues in relation to retirement villages and the act which regulates them that still need to be addressed. We are surprised that the minister was restricted in the consultation process in relation to improvements for this sector. Bearing

in mind that the Liberal party (as far back as, I think, 1993) said that it would review this legislation, I would have thought that the government had had enough time to get it right. However, it seems that at least one important body—the peak body for older people in South Australia, COTA—has a different view. It says that there is still more work to be done and, as I said before, that task will be one which a new government will undertake when it comes to office.

When I walked into the chamber tonight there was an amendment on my desk. This was another surprising addition. I had not heard formally from either minister that there would be an amendment to the bill until I walked in and found it on the table in front of me. I note that the amendment put forward by the minister tonight is to strike out the new definition of 'a resident' in the current act. I have no idea why that is so, and I will seek information from the minister in committee.

The Hon. R.B. SUCH (Fisher): I want to make a brief contribution. This is important legislation. People in retirement villages have been seeking changes for some time. I understand that the bill before us has been endorsed by the South Australia Retirement Villages Residents Association (SARVRA). I spoke today with members of the Hillsview Village Residents Association in Happy Valley, particularly the Secretary, Colin Chiverton. He assures me that his association is quite content with this bill. I guess residents will always seek additional improvements, but this is a big step forward in comparison with where we are at the moment.

As the member for Elizabeth pointed out, one of the contentious issues which has now been addressed in another place relates to section 9A—the capping of recurrent charges. I am pleased that the minister has been able to address the concerns raised in relation to that matter by SARVRA and associations including the Hillsview Village Residents Association.

Within villages throughout South Australia, we have an enormous array of talent, and I do not believe that, as a community, that talent is fully utilised. I am always impressed when I see the contribution that many of the people from the villages in my electorate make to various community activities and groups. I would like us as a community to make greater use of the skills and talents of retired people. Some schools make use of these people and their talents, but I think that, as a whole, we can do a lot better and use their talents and expertise much more widely and intensely.

The member for Elizabeth referred to the minister's amendment which, as I understand it, deals with the possibility that provisions of the act could be misused under the heading of de facto relationships in that it would be possible to manipulate them for the wrong purpose by using that status. As I understand it, that is the reason for the amendment but, like the member for Elizabeth, I will be interested to hear the detailed explanation from the minister.

With those words, I commend the bill to the House. I look forward to its speedy passage because when it is complete in terms of legislation there will be more contented and satisfied retirees living in our villages. We know that, from time to time, in some villages, particularly those which are privately owned, issues have been raised between residents and the owners, but overall I think that South Australia has a retirement village situation which is to the credit of most of the people involved. No organisation or group of organisations will ever be perfect, but I am pleased that this bill will help to ensure that, within these villages, there will be harmonious relationships and that in their retirement people can live in security in the knowledge that their rights are protected and, likewise, that owners and operators will be given fair consideration in the conduct of their activities. I urge members to support the bill.

Ms WHITE (Taylor): I rise briefly in support of the bill and the comments of my colleague the shadow minister who, as usual, has thoroughly canvassed with stakeholders the implications of this bill. In its amended form, I believe it will be a step forward in the protection of residents in this type of residential accommodation.

One of the functions of the principal act and the measure before us tonight is to provide some sort of contractual clarity about the relationship between resident and provider or owner about the rights and obligations of both parties. I refer specifically to the amendment, which I am pleased to see, relates to the capping of maintenance charges until such time as a unit which has been vacated by a resident is relicensed. I think many members will have been approached—as have I—by residents who fall into financial hardship when they move into more supported accommodation or elsewhere and end up having to pay for their new accommodation as well as maintenance charges at a retirement home.

This bill goes some way towards not only capping the extent of those but setting up the mechanism so that there is some clarity for residents when they move into these places about what they can expect and what they are up for. That is something that I strongly support and, indeed, have argued for not only with this group but with other groups of residents as well. The necessity to set out very clearly, in writing, for residents the procedures that will be undertaken and costs for which they will be liable is a very important move in ensuring that security for residents. We are talking about retired people and older South Australians who, at this time, more than at any other in their lives, are looking for that security.

Another measure that I was interested to see is the provision for transparency of funds that are collected for things like capital replacement and maintenance. I think that is particularly important. It is mentioned in the minister's second reading speech that regulations will be coming forward to ensure that there is adequate consultation with residents where matters arise which significantly impact on their financial affairs or, indeed, their amenity. I would be interested if the minister could give some indication as to what he has in mind in terms of regulations and what sort of mechanisms he is intending to ensure that that consultation occurs.

This is a bill that I strongly support in its amended form because it does provide that protection for residents. However, I want to highlight the hypocrisy, in a way, of the government. There has been opportunity for this government to act on this measure at any time over the last eight years. A discussion paper was released last year and there was consultation on that. Finally, we have the measure and I am pleased to see it but I want to emphasise to the House that there are approximately 300 retirement villages in South Australia and that there are approximately the same number of caravan parks in this state. In those caravan parks there is also a significant number of South Australians who are long-term residents and who are of retirement age. They do not live in defined retirement villages; they live in caravan parks. While we have some protections under the principal act and this amended bill for this group of retired South Australians

in retirement villages, we have absolutely no protections in South Australian legislation for those people who are retired and elderly and living in caravan parks.

I have now twice introduced legislation in this House to try to give protection to those South Australian residents but so far the government has been unwilling to act. While I have been trying to get that legislation affecting long-term elderly caravan park residents through this House, the government has been looking at the retirement villages problem but has refused absolutely to address the problems for residents of similar ages and concerns in caravan parks. In fact, they tend to be worse off in that they do not have any body to which they can appeal. Unlike the residents of retirement villages, they cannot appeal to the Residential Tenancies Tribunal and there are few protections in place to help these residents.

So, I am very pleased to see the current bill before the House, but I think that the government could have and should have done more, done anything in fact, to support the legislation that I put before the House to afford similar protections to those living in caravan parks.

The Hon. D.C. WOTTON (Heysen): I support the bill before the House, and I am very pleased to see the legislation introduced. I say that because retirement villages and some of the concerns relating to a couple of the villages in my electorate have been a matter of some concern over a period. Particularly with one of the villages, a number of people have been working with me in regard to changes that are necessary in this legislation. Overall, I can say that those people, I think, are generally happy with the changes proposed. They have made some recommendations to me that I have taken up with the minister, and that is what I want to refer to tonight in some detail. The concerns raised by my constituents have, in fact, been answered by the minister and I want to put both the concerns and the responses to those concerns on the record at this time.

First, in regard to page 3, line 27, of the bill, it has been suggested that perhaps there would be an advantage in defining the role of the Office for the Ageing and the administration of the act by changing section 5 rather than deleting it. It may be that it is the intent that problems which residents may have and which they refer to their lawyers are required to be brought to the notice of the minister before OFTA, but the act as it stands at present, and as proposed, does not provide any guidance to residents or their lawyers about who should be contacted in the first instance.

That was the concern that was expressed and the response from the minister is along the lines that he has indicated that he does not agree that the role of the Office for the Ageing should be specifically defined in the legislation. The minister has gone on to say that the Retirement Villages Act is now formally committed to the Minister for Human Services and the allocation to the Office for the Ageing of matters concerning responsibility for the act was purely administrative.

It is possible that the Department of Human Services will create a specialist branch dedicated to handling health, housing and other human services complaints. If that occurred, retirement villages might be assigned to that branch rather than OFTA. The minister indicated that he believed that such a change could be very positive but should not require a change to the act. He has gone on to say that, moreover, the Office for the Ageing's statutory function is to advocate and support older people. It could be argued that the role of the body handling complaints under the Retirement Villages Act should not be seen to be only supporting one side and administering authorities are also entitled to complain although, of course, this is not common, and it is for these reasons that the government does not feel that specifically mentioning the Office for the Ageing in the legislation is required.

One of the other concerns relates to page 5, lines 1 to 8. My constituents made a point to me that they felt that it would be a good idea to prescribe a time limit. It was suggested that that time limit might be, say, three months after vacating by the resident, before which the administering authority must apply to the tribunal for any extension if it knows that it had not met or will not meet the payment should it take more than six months to sell the unit. I have to say that this has been a major concern with one of the retirement villages in my electorate.

It is also said that, if the administering authority wishes to argue that it can only afford to pay the accrued recurring charge from its proceeds from the sale of the unit, it must apply for this concession at the same time for the consideration of the tribunal. It would also be advisable to prescribe a time limit for a decision by the tribunal on the application for an extension. It is important that outgoing residents be made aware of their financial obligations on leaving the village as soon as possible, and, in any event, before six months has expired, as this avenue could be used by the administering authority to delay indefinitely the repayment of the accrued fees to the residents' fund after the cap period. I repeat, this has been of major concern.

The minister has again responded along the lines that he does not agree that the legislation should prescribe a time limit within which an administering authority may apply for an extension of the period in respect of which it can charge maintenance fees to a former resident. Applications under this provision are likely to be rare because of the requirement that the administering authority satisfy the tribunal that it would be harsh and unreasonable to limit the period to six months. This a very heavy onus, and fairly exceptional circumstances would have to be shown by an administering authority: for example, the mere fact that an authority is in financial straits would not be sufficient. Because the circumstances are likely to be exceptional and therefore not easily foreseen, it would, according to the minister, be unfair to require an applicant to apply in a period less than six months. The most important point is that any outgoing resident is entitled to assume that the obligation to pay charges will cease after six months unless, as is already the situation, the contract provides that it is the lesser period.

This is a major matter of concern. I will be watching the legislation very closely as well as relating the new act to the way retirement villages are administered in my own electorate. I will also be interested in the comments that might be made and, while I will not—as Chairman of Committees—be given the opportunity to comment, there may be some questions asked about that particular issue in the third reading stage of the bill.

I would like to make a point in regard to page 6, line 29. My constituents have indicated that a definition of what constitutes a reasonable fee for the preparation of the report would be advisable, as the fee to be charged could be used as a weapon by the administering authority to deter residents from proceeding. The fee could be prescribed as a cost per unit, and $20 has been suggested. The minister has indicated that the present requirement is that the fee for a special interim set of accounts be 'reasonable'. What is reasonable

will depend upon the circumstances. The administering authority may have to engage accountants and/or valuers. The suggested fee of $20 may be highly unreasonable. The protection for residents in this clause is that the administering authority must indicate in advance—and I emphasise that—the level of the fee. If it is too high, the resident or residents' committee can decide not to proceed with the request for an interim account. In view of the cost, they may decide to wait until the annual account. I have some concerns about this but will await the further stages of the legislation.

Regarding the regulations (page 4, paragraph (h)), my constituents ask who is to pay for the report, especially during any transition period. It is suggested that it would be wise to prescribe that the reports are at the cost of the administering authority. It is good that the incoming and outgoing residents, as well as the administering authority, have to sight and sign the respective reports.

The minister has indicated, as will be appreciated, that the regulations are not part of the act—and of course they are not—and they have been circulated in advance to assist the sector fully understand the new provisions. There is no provision for charging a resident for the premises condition report. Its preparation is an expense of the administering authority and, if we look at new clause 2a at page 5 and 6 of the draft regulations, we see that that is spelt out. This form will be similar to the form which every landlord entering into a residential tenancy agreement is required to provide and which every tenant is required to sign.

Finally, there are some general comments that have been made by my constituents and responded to by the minister. My constituents state that the issue of transitional periods needs to be addressed for the regulations as well as for the act. There are two points that they make: firstly, a premises condition report presumably could only apply to new residents and not to current residents, as an initial report on entering the unit may not have been prepared for the existing residents and could not be retrospective. The second point is that charges to Form 6 disclosure statements could not be retrospective, as these form part of already agreed contracts with existing residents. The issue of a resident having to wait 25 business days after settlement on a unit when resold for the refund of premium was raised with Minister Brown at a COTA meeting and an indication was given that this issue would be addressed. It is an unreasonable length of time and causes hardship for residents when they need to settle on another property.

The minister has responded by saying that transitional periods have been addressed. The author of the attached paper acknowledges that the premises condition report requirement can only apply prospectively, that is, in the future. Similarly, charges to Form 6 disclosure statements can only be prospective; the regulations will have no retrospective effect. The 25 day period for settlement is contained in clause 3 of the code of conduct under schedule 3 of the regulations. The issue of shortening this period was not raised by SARVRA or any of the many people who made contact during the review process. It was not mentioned in the discussion paper.

The minister makes the point that he is aware of one complaint in which a former resident was unaware of the 25 day period and expected immediate payment. It is fair to assume that owners will always prefer more time in which to pay and residents will want to receive the funds in less time. However, this provision does appear to represent a fair balance between the rights of residents and the obligations of administering authorities.

They are the concerns that have been raised by my constituents. There has been a lot of interest in this legislation and that interest has come about as a result of particular problems that have been experienced in one of the retirement villages in my electorate. I again reiterate my support for the bill. I agree with the majority of the responses that have been prepared by the minister, but I will certainly be very interested to note the changes to the legislation and the way in which the provisions apply in practice. Having served for a short period as Minister for the Ageing, I know of the interests and concerns of people in the electorate relating to retirement villages generally.

I support the bill, and I will await a response from the Minister for Human Services to the matters that have been raised. I will be interested in the discussion that may take place during the committee stages.

Ms RANKINE (Wright): The contributions of my colleagues on both sides of the House would indicate that the views of COTA—that there is still work to be done—have been validated. Certainly, I have some concerns about a number of areas in, and I would have to say some disappointments about, the bill. However, as my colleagues have said, it is at the very least a step forward. I am very disappointed that, for example, the cap on the payment of maintenance fees has been further delayed back to July 2004. This applies to those people who, for whatever reason, have had to leave their homes but who are required to continue to pay the recurrent fees. This could apply to those who may need to move on to a higher level of support. Clearly the minister is acting on the premise that we are dealing with a level playing field in saying that the act should not support one side over the other. However, he fails to acknowledge that there is a considerable imbalance of power when we are talking about administrators and residents of nursing homes.

To give the administrators of nursing homes six months or more to sell the licence of these fees provides very little incentive for them to pursue that, and there have been examples in my electorate where they literally have sat on their hands. Why do they need to move forward? It is because their income is coming in, and there are little outgoings. Of course, this places an enormous burden on those who are trying to rid themselves of this licence, particularly I would venture to say in circumstances where someone has gone on to an aged care facility.

I will be interested to hear from the minister whether the asset—that is, the ownership of that licence—is taken into account in determining nursing home fees. Is that considered to be a financial asset, when the nursing home works out what that resident is required to pay as a result of the increased fees brought in by the federal Liberal government? When these people are in nursing homes they are at their most vulnerable. How do they ensure that proper and fair measures have been taken to sell their property within that six months—only then to have action taken to relieve them of that cap?

I am pleased to see that specific purpose funds can be used only for designated purposes. I will give an example of that in my electorate. An elderly resident came to see me because the administrator of his retirement village had made an out-of-court settlement with some current and previous employees in relation to an underpayment of wages claim. The residents received notification of this settlement in a letter from the national finance manager of this organisation, saying that the funds deposited in the estate's sinking fund were used

for part settlement of the dispute, with over $21 000 remaining to be paid.

This retirement service then determined that it would provide its residents with an interest free loan (and I am sure members would agree that that was extremely kind of it) which would have to be repaid at the rate of $517 a month—$1.65 per week, per unit. The sinking fund was established to cover infrequent and irregular repairs, renovations, replacements and maintenance of units of the estate. It was not established to act as a source of funds to secure payment in respect of errors made by or unlawful acts of this administrator.

This service said that it would be responsible for the costs of the legal action, but no specific details regarding the dispute of the settlement were relayed to the residents. We tried to get that information and were told that it was subject to a confidentiality agreement. So, these residents were required to pay the money but were not allowed to know any of the details why. The money was taken out of their maintenance fund. Their regular maintenance payments were fixed on a yearly basis and could not be changed without a special meeting of residents, yet that was still done.

At that time we sought some information from the Attorney-General. He fairly much agreed with my position—that it was not appropriate for residents not to be provided with at least some background information about the settlement and that it was the company's duty to ensure that correct wages were paid to their employees. It was not the responsibility of residents to pick up additional costs incurred by erroneous or mistaken acts of the administration. He also confirmed that the special levy could not be imposed on residents, yet it was done. This indicates to me that, despite the law being on the side of residents, it is very difficult for them to get justice. Even when the law supports their position, it is very difficult for them to take advantage of that.

The occupants of these retirement villages are aged people—widows and widowers. In this retirement village, the average age was in the mid 80s; there were many people in their 80s and 90s. They just did not have the strength and power to take on this company, and they ended up footing a bill that they should not have had to pick up. Clearly, there is very much an imbalance of power, and a lot of work needs to be done. I await with interest the responses from the minister to the questions that have been asked.

The Hon. DEAN BROWN (Deputy Premier): I thank members for their contributions to this debate. There have been a number of contributions, and they have been in some detail. I appreciate the points raised by different members. I know that some of the points have been addressed on a personal basis by the minister with the members involved. I know there has been dispute and argument over the best way of resolving some of the issues that have been brought forward. I will ask the Minister for the Ageing (Hon. Robert Lawson), who is in another House, to have a look at the *Hansard* pulls and the points raised by each member, and to respond to and, if need be, discuss further with those members some of the points raised.

My electorate has a high percentage of people in retirement villages. In Victor Harbor, I have the highest proportion of people over 65 years of age of any council area in the whole of Australia, with over 28 per cent of the population being over that age. That does not mean that it is an old area; it is very young in spirit and it is rapidly growing. In fact, it has the fastest growing primary school and secondary school in the state. It is growing at both ends. It certainly has a number of retirement villages, and one in particular has been a problem in the past. I am delighted to see that the ownership of that village has now changed. However, there have been enormous problems there in the past. I will not name the place, but I know of at least two of the previous owners, and those problems seem to have continued despite the change in ownership.

I am also aware of the issue raised by the Deputy Speaker. In fact, I have spoken to people in the home (I will not name it), and I know the sorts of difficulties involved. Those matters are currently before the department, and even before the court. Therefore, we should leave those matters in the hands of the court. There are significant issues here, and it is important that they are fully resolved. I take the point from the member for Elizabeth, in the letter she read from COTA, that they would like to see a broader review of the act. I will certainly take up that matter with the minister. There has been the review of the regulations. I misheard what the honourable member said across the House, but I have now seen a copy of the letter and understand the point she is making. They would like to see a broader review of the act. As a result of the points that have been made, I am sure the minister will consider whether in fact this bill should be seen as an interim change. Members should appreciate that only recently the Minister for the Ageing assumed responsibility for this act. Previously it sat with the Attorney-General and, therefore, it did not necessarily reflect the sorts of issues that arise when you are Minister for the Ageing and you see those issues before you all the time.

I appreciate the support of members. There is the issue of the amendment which was passed in another place and which related to whether or not it should apply to existing contracts. As from 1 January 2004 it will apply to existing contracts. That, in itself, is an important step. One could argue over the six months, but the important thing is that it needs to apply to existing contracts, and I am pleased to see that amendment which has come out of the upper house. I urge members to support the bill through the second reading stage and through committee.

Bill read a second time.

In committee.

Clause 1.

Ms STEVENS: The letter which I received from Mr Brian Mitchell and which I read, in part, during my second reading speech has another part which I quote as follows:

> You, Minister, [he is writing to the Minister for the Ageing] stated—in part—'The first related to the number of people in South Australia who reside in the 300 retirement villages. On the best advice that I have, it is some 12 000 people, not 30 000 that is sometimes expressed—300 retirement villages, on average, 40 people in each retirement village, but some are significantly less than that, and, of course, a few substantially more.'
>
> It puzzles me that you could make a statement like that, when not even your Department for the Ageing has a complete list of retirement villages in South Australia, let alone how many residents are in them. Your statement that there are, on average, 40 people in each village is in my opinion incorrect. There may be a number of villages that have 40 units in them, and as at least 50 per cent of units have couples in them, the population would be, even on your village numbers, at least 18 000. There are many villages with an excess of 100 residents.

Minister, what is your comment in relation to the total number of residents in retirement villages?

The Hon. DEAN BROWN: There has been considerable discussion in another place on this issue and, rather than repeat that here, because I am not the minister responsible,

I refer the honourable member to *Hansard* of 31 October in another place. It is already there in *Hansard*. The minister has indicated 12 000 to 15 000 and he has given his reasons for that. I am not in a position to argue that figure one way or the other. I will refer it to the minister, but I make the point that this matter has been raised and discussed in the other House by the minister. So, I refer the honourable member to that point. The minister is still standing by the figure of 12 000 to 15 000 people, not 30 000 people that some people are claiming.

Ms STEVENS: The letter continues:

For over 10 years SARVRA has been lobbying for all retirement villages to be registered and this was supported by officers from OCBA—

I am not sure what OCBA is—

I cannot see why your government has not seen the need to register retirement villages. If a residents' committee in a village seeks to become incorporated, then they are obliged to register and pay a once-off fee. If you own a gun, you need to have a licence. Can you please explain why this same system cannot be implemented for owners of retirement villages who are dealing with the lifestyle of thousands of residents?

The Hon. DEAN BROWN: The reason why there is not registration of each of the retirement villages is that during the review there was little support from either the residents or owners. Neither side wanted registration. They have to indicate on the certificate that it comes under the Retirement Villages Act, and that is all they were looking for.

Clause passed.

Clause 2 passed.

Clause 3.

The Hon. DEAN BROWN: I move:

Page 3, lines 9 to 19—leave out paragraphs (b) and (c).

Ms STEVENS: Because the amendment was placed before us a short time ago, can you give us the reasons for the change at this late stage?

The Hon. DEAN BROWN: The government has been considering clarification of the definition of 'resident' and that is what it is all about. The government, through the minister, had some discussions with the industry and it is now clear that there needs to be further consideration, discussion and consultation on that. They are unsure whether they want this particular definition, and are asking for that to be put off. The minister acknowledges that there needs to be a further amendment at some stage, but we want to get the act through and operating. New legislation will have to be reintroduced after that consultation. As the honourable member has said, other people have raised issues about other aspects of the act, and I think they need to be looked at. We are acknowledging that this is part of the amendments and that subsequent amendments will need to be brought to this parliament.

Ms STEVENS: When I wrote to the major stakeholders in relation to this bill when it first came into the other place, I received a letter from the Retirement Villages Association dated 11 October. As part of that letter, Mr Bill McClurg mentioned some issues in relation to the definition of 'resident', de facto relationships, contracts continuing ad infinitum, and general concerns around that issue. I have received a copy of a letter that was written to Mr Wayne Hogan of the Retirement Villages Association by the Minister for the Ageing, in which he answers the concern of that group and says, in part:

I do not consider that the new definition will have the consequences described in your letter. The very hypothetical example of a residence contract continuing ad infinitum already exists and is not altered by extending the definition to de facto spouses.

Having initially dismissed the concern, obviously, new evidence or new information must have come to light to cause a further change. I would be interested to hear any comments by the minister about why we now have a change when, in fact, it seemed as though things had been sorted through. It is a pity that all these things were not dealt with in one fell swoop rather than having to do it piecemeal, as we now obviously must.

The Hon. DEAN BROWN: The issue is that some aspects of the industry have asked for further consultation on this point. They are concerned about the implications of it. Clearly, the new definition is causing some concern, and the minister has agreed that it needs further consideration. Therefore, he is removing the new definition and will consider it as part of a further amendment at some other time.

Amendment carried; clause as amended passed.

Clauses 4 to 6 passed.

Clause 7.

Mr HANNA: This clause deals with a limit to the charges that can accrue in respect of a residence after a person has left the retirement village. I fully support the limit of six months that the amendment sets down. I note that the relevant tribunal can extend that prescribed period, but it cannot do that unless it would be harsh and unreasonable to limit the prescribed period to six months. What circumstances, for example, might be considered to be harsh and unreasonable; what sort of situation are we talking about? Obviously, some retirement villages might argue that they will simply not make enough profit if they are not allowed to continue to charge for maintenance or other recurrent charges beyond six months.

The Hon. DEAN BROWN: It is hard to try to give specific examples, as the honourable member would appreciate. One example might be a very small fully resident funded village where several people leave at the one time, and it may not literally have the funds available. There are very small villages around and, if the residents were the ones who put the money in to start with and a number of those residents all left at the same time, the only alternative would be to put the entire operation into receivership. It may, therefore, be reasonable to say that, because of the unique circumstances, maintenance should be paid for a period longer than six months.

Mr HANNA: I thank the minister for his answer and once again join with the shadow minister in supporting this move. I am grateful that the minister has brought this to the parliament, because I have a number of residents in my electorate in retirement villages.

Clause passed.

Clauses 8 to 19 passed.

Clause 20.

Ms STEVENS: Again, I want to speak in favour of the new transitional provisions in the act which enable the capping of repayment of maintenance charges to six months and which, after 1 January 2004, apply to existing residents. I know that was a popular move for existing residents in retirement villages, and it is something for which they have lobbied extensively. When I spoke in the second reading debate, I omitted to mention that the opposition was mindful, when we moved our amendment in the upper house, of the needs of retirement villages, and the feedback that we received from the Retirement Villages Association that some

older villages might have financial problems in relation to this matter, which was why we ensured in our amendment (and it was certainly picked up by the mover of the successful amendment, because the wording is exactly the same as ours) that we put in a provision that would enable any administrator or proprietor to have recourse to the tribunal if they felt that they were unable to manage that repayment. That is there in the transitional provisions, and I think that it is certainly a fair thing.

Clause passed.

Title passed.

Bill reported with an amendment.

The Hon. DEAN BROWN (Deputy Premier): I move:

That this bill be now read a third time.

Ms STEVENS (Elizabeth): In supporting the motion, I would like to make a few comments. I want first of all to congratulate the Minister for the Ageing for providing to the opposition, before the bill went through the upper house, a copy of the bill and a copy of the regulations that applied to the new bill, in addition to some information. It was good to get the whole picture and to be able to examine it before the legislation was debated.

I would also like to thank Joan Stone from the South Australian Retirement Villages Association, Bill McClurg from the Retirement Villages Association and Richard Hancock from Aged and Community Services for the help that they have given me in coming to terms with and understanding the issues in relation to retirement villages. They went to some considerable trouble to explain matters and to take me to visit a number of these establishments so that I could get an appreciation of the issues with which we were dealing.

I would like say that there seems to be a good working relationship established between those three major stakeholders, and I think the Office of the Ageing and the Council on the Ageing. I think that bodes well for future changes, future improvements that we need to make to the Retirement Villages Act. I would like to consider that this is an interim improvement, and I look forward to working with those stakeholders and the Office for the Ageing as the minister in the future to bring about further changes to the act that will see retirement villages and their residents in a very good position for the future.

Bill read a third time and passed.

CONTROLLED SUBSTANCES (CANNABIS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 October. Page 2568.)

Ms STEVENS: Mr Deputy Speaker, I draw your attention to the state of the House.

A quorum having been formed:

The Hon. M.D. RANN (Leader of the Opposition): Labor supports this legislation, and every Labor MP in this House and every Labor MP in the Legislative Council will support it. This legislation simply removes cannabis plants grown with the assistance of hydroponic machinery, and from 1987, after the passage of the Controlled Substances Act Amendment Act, a cannabis expiation scheme was introduced. That scheme provides for adults coming to the attention of police for a simple cannabis offence to be issued with an expiation notice and given the option of avoiding criminal prosecution and conviction by paying the specified expiation fee. 'Simple cannabis offence' means possession of a specified amount up to 100 grams of cannabis in private, possessing implements for the purpose of smoking or consumption or cultivation of a number of cannabis plants within the expiable limit. Regulations establish the expiable limit at three plants at this stage.

Cannabis is and will remain a prohibited substance in South Australia. Let me repeat that, for anyone who might try mischief: cannabis is and will remain a prohibited substance in South Australia, and will remain so whichever government is elected following the coming state election. As a leader of the Labor Party and as a parent I think it is vitally important to remind South Australians, and particularly our young people, that it is illegal to possess or grow any amount of cannabis in this state. This is something where there is a little bit of confusion in some parts of our society and community, and certainly in some parts of the media. It is totally not legal to possess even a tiny amount of cannabis. The expiation scheme did not and does not make it legal to grow or possess even minute amounts of cannabis.

All of us, on both sides of the House, are concerned about the proliferation of hydroponic cannabis cultivation, and what we are talking about tonight is an industry, a crime industry, where cannabis plants are grown indoors under strong lights and under strong artificial heating, using hydroponic techniques, without soil and using a constant flow of water impregnated with certain nutrients. Outlaw bikie gangs are up to their ears in this process, and I have already said that in South Australia we should change the state's Planning Act to stop bikie groups building fortified gang headquarters, which include razor wire, railway sleepers, electronic surveillance towers, etc.

These fortified premises in our suburbs should be bulldozed. They are crime centres, not knitting circles, and that is why they are so fortified. They are drug factories or drug laboratories where amphetamines are manufactured and then distributed for sale to our kids in nightclubs, often with tragic consequences. Some of these nightclubs actually permit or sanction criminal activity on their premises, sometimes with security guards who are themselves directly involved with outlaw motor cycle gangs. In fact, they are recruited from them. In my view, these people who manufacture and sell amphetamines to our kids should be locked up.

The bikie gang headquarters also have got hydroponic cannabis cultivation down to a fine art, but the bikie crime connections with hydroponics go much further. There is also a clear link between outlaw bikie gangs and the sale of equipment through hydroponic shops. Many of them are fronts for other crime activities and many have clear links to outlaw bikie gangs, and for those who think otherwise they only have to go there and see that in fact these shops are covered with fortifications and razor wire. I am sure that is just to protect them from lettuce cultivating apparatus.

Of course, these bikie gangs are now desperate to be involved in so-called legitimate fronts to give cover for their illegitimate activities, and these range from the manufacture and sale of amphetamines to hydroponic cultivation to, of course, murder, to extortion, to fraud, to the illegal possession and sale of firearms, to rape and prostitution, and a range of other offences. But they are desperate to somehow give themselves a kind of a folksy image. We know that sometimes they turn up for toy runs. We know that currently one gang is seeking a public relations firm in South Australia to

represent them, and they have also approached a number of corporate law firms in South Australia to represent their interests. So we have to be constantly vigilant on that. But whether they are growing hydroponic marijuana crops or mixing potentially lethal drugs like ecstasy we have to hit the backyard drug factories hard.

It is quite clear that in just the past few years hydroponic drug cultivation has increased dramatically. The government recently proposed a licensing system for the suppliers of hydroponic equipment, and that certainly to me sounds sensible. In my personal view, the number of hydroponic shops seems way out of kilter with the level of community interest in hydroponically grown vegetables and flowers. Many of the large scale hydroponic crops are part of highly organised operations, and we certainly have to try to limit the activities of crime gangs in this, and I am certainly also concerned about the link between hydroponics and some recent home invasions. Certainly, through lobbying hard alongside people such as Ivy Skoronski, Labor managed to help secure tough laws on home invasions.

If we manage to reduce the number of hydroponic crops, at least we will remove one of the motivations for home invasion. The shadow Attorney-General, Michael Atkinson, informs me that hydroponic cultivation methods maximise the amount of THC (the active ingredient) in marijuana. Cannabis grown in the 1970s had a THC content of .4 per cent. Hydroponically grown plants have 6 to 8 per cent, which is a massive increase—at least eight times higher.

The Hon. Dean Brown interjecting:

The Hon. M.D. RANN: According to the minister, even 15 times the level of the THC content in the 1970s. I accept the minister's expertise in this area. Certainly, we want to talk to the government in a bipartisan way about other ways to toughen our approach to outlaw motorcycle gangs, many of whom are involved in operating these drug laboratories.

A number of other areas need to be drawn to the attention of the public. Police information is that one hydroponically produced cannabis plant is now capable of producing (conservatively) about 500 grams of cannabis, and that it is possible to produce three or four mature crops per year. It is estimated that a daily user of cannabis is likely to consume 10 grams of cannabis per week. If one hydroponically grown cannabis plant yields an estimated 500 grams of dried cannabis, this would meet the consumption needs of a daily user for a year, yet we are told that there can be three or four mature crops grown per year.

It must also be remembered that the expiable limit applies at the time of detection. In effect, this means that a grower will be able to grow the expiable number of plants as many times a year as possible provided they are only in possession of the expiable number at the time of police intervention. So, when 10 plants was the expiable limit, police intelligence was that criminal syndicates were using that limit to foster commercial cannabis enterprises by hydroponically cultivating crops of 10 plants on a number of different sites. While a reduction in the expiable limit from 10 plants to three has reduced the amount of profit in the expiable limit, police information is that people are still commercially cultivating within that limit using hydroponic cultivation.

I had a look at the internet today—people know of my interest in IT and my expertise as a former minister responsible for technology—and I came across an article in the *Dominion* newspaper which, of course, is the leading New Zealand newspaper. The article is dated May this year, and I think the House should look at it. It is headed 'Stolen power fuels dope crops'. We are all interested in power supplies, particularly in this state. The article states:

> Almost A$70 million (NZ$87.5 million) of electricity is stolen in Australia each year by gangs growing hydroponics cannabis in abandoned warehouses and even buried shipping containers. The ease with which growers can set up business has flooded Sydney and regional centres with increasingly potent cannabis. The industry is so well-organised that electricity diversion to supply illegal hydroponics factories is the biggest area of power theft. The Electricity Supply Association of Australia and the Australasian Utilities Revenue Protection Association estimate hydroponics theft is running at $68 million a year. The theft is not to save money, but to avoid suspicion from big power bills.
>
> 'It is an enormous problem, and one that has been increasing,' association managing director Keith Orchison said. 'Total electricity theft in Australia is worth $120 million a year, so you can see the size of the problem.'
>
> Fuelling the growth in illegal cultivation is the boom in hydroponics retailing. Eleven years ago, there were four such retailers in Australia, compared with 420 today. Some retailers openly court home growers by putting adverts in alternative magazines. South Australian police said recently that 75 per cent of the hydroponic industry in Adelaide was involved in illegal cultivation.
>
> Detective Superintendent Ken McKay, from the New South Wales Crime Agencies, said hydroponics cultivation was the preferred method of growing cannabis. Hydroponics growers could produce four crops a year, he said. Mr McKay said police frequently got information from utilities suspicious of soaring power bills.

Of course, in South Australia that would be a bit hard because everyone has soaring power bills. We have seen soaring power bills of 100 per cent affecting some companies. The Pasminco smelter is facing a massive multimillion-dollar increase in the price of its power, but no-one is suggesting that there are any hydroponics going on there. The article continues:

> The biggest bust in Sydney recently involved 3 000 plants with a street value of A$10 million.

In closing, we support this legislation. When John Cornwall amended the controlled substances legislation back in the 1980s, he was trying to provide for expiation notices to make sure that people, particularly young people, did not end up in the criminal justice system. It was about trying to make sure that people who had been caught smoking cannabis did not end up with a criminal record for the rest of their life, given the huge number of cannabis users in South Australia and elsewhere around the country.

Of course, there was debate about whether it should be 10 plants or five, three or one, but the problem is that the actual law was put into place and, now, crime syndicates and those who do not have the best interests of the community at heart have decided to exploit the law and by using hydroponics not only to create a much more potent source of cannabis but to turn personal cultivation into plantations and a major industry.

I think it is incumbent upon every member of this parliament to vote in support of this legislation. Let us send a clear message to the community that we do not want to criminalise kids, that what we want to do is to criminalise criminals. What we are about today is hitting the Mr Bigs. We are talking about those who operate drug factories and particularly those sorts of groups, such as outlaw motorcycle gangs, that are actually involved in this process big time.

The Labor Party is pleased to support this legislation and, as I say, every member of the Labor Party will do so. We need to look at the whole issue of drug use in our society. Amphetamines is an area which I think has been too long neglected. It is a serious threat to our society. At some stage, I would like a group such as Labor's Social Inclusion Initiative to look at drug policy in South Australia and see

how it is working and where it is not working so that we can look at this issue holistically. I want to hit the crime gangs hard. I am concerned that around South Australia we have these suburban drug factories, which are fortified premises. We all know what is going on inside those factories.

We also note that councils have given planning permission for these bikie headquarters with all their fortifications to be built. When you ask the councils what the hell they are doing and say that no-one wants these drugs fortresses in their midst, they say that they have been approved under planning law because no-one in the street lodged a complaint or an objection. Of course they do not lodge complaints or objections, because they are frightened of being killed, assaulted, threatened or wiped out if they do. That is why we have to change the law in South Australia and follow the New Zealand lead, change the planning law to prevent them from being built, and if they then go ahead and build them, bulldoze the damn things. I think it is important for every member of this House to support this legislation.

Mr LEWIS (Hammond): Most members in this place will have probably heard, if not from me then from someone else, my views about drugs in society. Much of what the Leader of the Opposition has said is only part way to the position to which I would go. I note that the member for Hart has not had the good fortune to contemplate either what is really needed or otherwise perhaps what should never have been permitted, or, for that matter, what I may have personally said in the past based on what I had personally done at an even earlier time in my life.

I do not think this legislation goes far enough. I would simply repeal those provisions in law that are addressed in these amendments contained in the bill to section 45A, so-called expiation of simple cannabis offences. In my judgment, that was always stupid and it was always going to lead not only to this problem but to other equally serious problems for the individuals who become end users in the belief that, if you can expiate it, it must not be so bad. At the time the debate was under way in the early 1980s, resulting in the changes to the Controlled Substances Act of 1984, the member for Mount Gambier, Harold Allison at that time, and others, including me, drew attention to the idiocy of accepting the specious argument that it is not a bad thing and it would reduce the influence which the Mr Bigs had in society if we allowed people to grow some of the cannabis sativa they wished to consume.

There were two reasons why Harold Allison, other members in this place at the time and I gave for saying it was stupid. One reason is that it would lead to what we are now trying to address—and we are not even addressing as much of it as we should—and the other is that the use of the substance is extremely dangerous, indeed ultimately detrimental to the health of the consumer. Whilst that may not be so in every instance, it is similar to smoking cigarettes—in fact it is very much like smoking cigarettes only more so. It is not only highly carcinogenic, it is also—and worse—very detrimental to the function of the brain and the rest of the neurosystem.

When you come across people who are either stoned or have been habitually stoned every so often, what appears logical to them is simply incomprehensible to me and what I think are other logical people in the way in which they would address whatever situation it is that is under active contemplation. People who are habitually on pot come up with some really weird ideas that are way out of this world and they are not stoned at the time that they do it. They have been habitual users of it and they do not know that it has affected their brain in that manner. They are worse than alcoholics in the way in which it has affected them, and it affects them forever in that manner.

I know a whole lot of people have dedicated their life to the professional arguments associated with making it acceptable to use tetrahydrocannabinol as a 'recreational drug'. The THC is short for tetrahydrocannabinol and that is the active constituent in the vegetable material of *cannabis sativa* to which the leader was referring. That stuff, according to the research work that we have had trotted out by honours students who are users of it and even people doing PhDs who want to make it seem less harmful than it really is, does no long-term damage. Well, the long-term studies that have been done in some of the counties in states of the United States (and the one that I have always quoted is the Suffolk County study which was commenced in the early 1960s) incontrovertibly prove the points that were made in that study as early as in its eight years of records to 1969. I became aware of it at about the time that it was published, in fact. It was the basis of the submissions made to the royal commission by John Dowd, the then Leader of the Opposition in New South Wales. Nothing has changed, except that we are now even more certain than ever that it is an idiot's conduct to seek whatever fun, if I can use that word advisedly, there may be in taking THC. The same applies to other drugs, but I will stick with that one because that is the one that is the substance (excuse the pun) of this bill.

The Leader of the Opposition ranged across the entire formalised underground drug culture that has developed in South Australia as a direct consequence of the introduction in this state of expiation fees for cannabis offences—either growing the stuff or having it on you and being found to do so. The remark which I heard the leader make and which gave me cause for concern was that it is not making criminals out of kids, but catching the Mr Bigs. Well, it will make criminals out of some kids—not all—even if we amend it in the manner in which we have. And it will not stop the Mr Bigs. They will find other ways.

If we allow it to exist, it will not be so difficult to disperse the seed stock throughout society so that it will be extremely difficult, if not indeed impossible, to control it, and that is the point. So, by saying that, 'If you do not grow them in an artificially enhanced environment, it is not so serious, and you will still be able to expiate that offence,' is an idiot's policy. It still leaves the way open for the Mr Bigs to get a large number of individuals to split up the locations in which they plant their odd pot plant and, in doing so, enable the Mr Bigs to accumulate from those large numbers of individually sited plants being cultivated sufficient quantity to make it a good business for them to continue to control. And it will not end there.

Over the last 30 years, members in this House will know, and have seen, that drug use and abuse starts with one substance and spreads to others. There is no nutritional value and no other desirable benefit to be derived from tetrahydrocannabinol that cannot already be obtained from some other pharmaceutical material properly prescribed, without the carcinogenic risks imposed on the individual who uses the THC to the extent that it is, therefore, scientifically valid to argue that it is not necessary at all for anyone to get whatever relief they claim to get and, in some instances, may get from its use. They will not be putting other elements of their health

at risk by relying upon it if they use the alternative pharmaceutical material. They will not have to do so.

Having once started with cannabis, it is legitimate to continue with other drugs. The argument I am hearing around the corridors of this place is that, as is cannabis, heroin also ought to be made expiable at some point in the lower levels of what are called recreational use activities. That is idiot talk and will not help society at all. However, views are ventilated on radio by those people who say that it is possible to use heroin recreationally and not become addicted to it. If having become regular users of heroin some people can avoid addiction to it I have yet to meet them. I do not say they are not there; it is feasible that they are. Notwithstanding that fact, I am equally certain that the example that is set by those who can do it and get away with it, however small that number may be, is detrimental to the great number who cannot and who end up being addicted and ruining their lives, at least for a substantial part of their young life once they have become addicted. Secondly, as we all know, once someone in that role does become hooked, they in turn are used as pushers so they can afford their habit. That is how crime makes its money.

Making heroin legal will not reduce the number of addicts. Indeed, by taking this view of expiable offences for cannabis we propagate the notion abroad—quite erroneously, many members would argue—that it is okay to use cannabis; it is not too bad. Anyway, these people then argue, if we keep working on it, you can use heroin; we will get the law changed and make that expiable in time, because most of us know that it is not harmful (so the seductive argument goes) and you might as well have a go; do not be a wimp. So, the peer pressure results in the individual using the drug in what is euphemistically called 'recreational circumstances', only to find that they become addicted to it and are then hooked into distributing it for the Mr Bigs and expanding the market for it.

I will not go further into the idiocy of that situation, other than to point out that it would not have happened had we not introduced the simple cannabis offences expiation provisions in section 45A in the way in which John Cornwall believed we could, should and in fact did. It is indeed one of the elements of the law for which I do not thank Don Dunstan. Maladministration and inappropriate argument about whether or not the law ought to be changed and, if you do not like it, break it is the sort of thing for which I do not thank him or anyone else who was one of his disciples. I do not see him as having contributed anything by that. I do see him as having destroyed thousands of years of what could otherwise have been productive human life in society in South Australia from those people who through some addiction lost those years of their lives. When you add them all up they amount to an enormous misplaced and lost benefit that those individuals suffer and society suffers in consequence. On top of that loss is the cost to society of trying to rehabilitate them and a further loss as a result of the death earlier than would otherwise have been the case if those many people who die younger than they otherwise would have had never come in contact with the idea that led them to try the substance in the first place.

As far as I am concerned, an expiable retribution for growing marijuana and/or using it might be, instead of paying a fine, to swim from Thistle Island to the South Neptunes and back at Easter or some other time when white pointers are particularly hungry. That would eliminate the problem. And people would be able to take their chances with sharks—they do it when they buy drugs anyway—it is just a different kind of shark. After all, the white pointers have their diet restricted a bit at that time of the year and they are feeling the pangs of hunger. So, if you were stupid enough to think you could get away with using it as a substance that modifies psychological disposition, then you might as well take some pot, or another drug of your choice, and dive off the south coast of Thistle Island, next to Whaler's Bay, and swim to the South Neptunes. And if you make it, good luck to you—have another puff or another shot and swim it again. Sooner or later, one or other of the sharks will get you. The stark reality confronting the individual making such choices might compel them to think more seriously about the consequences of doing it.

I commend the minister for doing this. I commend the opposition for its support, although I am eternally distressed by the Labor Party's earlier support, over 20-odd years, for the situation which resulted in South Australia becoming the worst place in Australia for production, accumulation, wholesaling and redistribution of drugs, particularly cannabis. I know history will record that, although they said that they did it in the name of compassion, the Labor Party's compassion was very much misplaced.

Ms STEVENS (Elizabeth): I would like to support the comments of the Leader of the Opposition on behalf of the Labor Party and to add some further comments of my own. The bill before us—

Mr Scalzi interjecting:

Ms STEVENS: No, I will not sit down just yet. The bill removes the expiation fee option for hydroponic cultivation of marijuana plants. The expiation alternative applies to adults coming to the attention of the police for a simple cannabis offence and provides that they be given the option of avoiding criminal prosecution and conviction by paying the specified fee. 'Simple cannabis offence' means possession of a specified amount up to 100 grams of cannabis for personal use, smoking or consuming cannabis in private, possessing implements for the purpose of smoking or consumption, or cultivation of a number of cannabis plants within the expiable limit, which, as members would know, is now three plants. If the bill passes, adults charged with a simple cannabis offence will come under the provisions of Division 2 of the Controlled Substances Act—Procedures in Relation to Simple Possession Offences, sections 34 to 40, and section 32—Offences. That is what we are dealing with in this legislation before us tonight.

Anyone who read the *Advertiser* this morning I am sure would have got a quite a different impression of what we are actually dealing with, and I refer to that article because it does illustrate one of the issues in relation to marijuana and the misunderstanding that exists in the community about the current state of the laws, what they mean, what they cover and what these changes are about. Under a very large heading 'Hydroponic drug laws to toughen', the article by State Political Reporter Greg Kelton begins:

> Parliament will begin debating tough new laws to stamp out the hydroponic growing of marijuana when it resumes today.

If only, we might say. He goes on to say:

> The government plans to make growing cannabis using hydroponics a criminal offence.

It might be news to Greg Kelton but, of course, we know that it is already a criminal offence but at present it is able to be expiated. All we are doing—

Mr Venning: What's the difference?

Ms STEVENS: It is a criminal offence now. That is the point.

Mr Venning: Three plants? $150.

Ms STEVENS: You were not listening. The point is that it is a criminal offence now. Even a simple situation involves a criminal offence. I also draw attention to a smaller article inside the main article, headed 'Police uncover factory crop worth $200 000', which states:

> A hydroponic operation involving about 100 marijuana plants growing in purpose-built rooms across two buildings was discovered at Ridgehaven yesterday.

The member for Newland is present and I hope she is taking note. It goes on to state:

> Following a tip-off, police discovered a maze of insulated rooms, protected by heavy security doors, housing plants worth $200 000. Hydroponic equipment, nutrients and electrical systems were also found inside the industrial building. Police estimated the value of the equipment at tens of thousands of dollars. Acting Detective Sergeant Dick Weber said considerable work had gone into setting up the plants.

He is quoted as saying:

> 'It (the operation) may have operated through more than one growth cycle.' No-one was on the premises when police swooped and no arrests have been made.

The article goes on to say that police did make arrests at another Ridgehaven property where they found a hydroponic crop of about 30 marijuana plants of various ages. I have a couple of points in relation to that article which heralds the legislation that we are dealing with tonight. First, the two examples that are given in this smaller article are quite irrelevant to this bill because, of course, they are not simple cannabis offences. One involved 100 plants; the other involved 30 plants and, of course, what we are looking at tonight deals with three or fewer plants. It is misleading in the way that they are put together.

I am concerned to read that, when the police 'swooped' on such a huge operation, the statement is made that no-one was there and they could not make any arrests. What is going on? I would be really keen to hear from the Minister for Police why that was the case, especially when Acting Detective Sergeant Dick Weber was quoted as saying that the operation may have gone through more than one growth cycle. Surely, we can do it a little bit better than that. That is extremely disappointing, and that means that the people who are really into this trade big time have outsmarted our law enforcement officers. We have a huge operation that is swooped on and no arrests are made. There are lots of questions to ask about why that is the case and what is going wrong. So, this legislation is a very tiny step. To think that this will do anything to stop the large scale production of marijuana plants by criminal elements I think is pretty fanciful. Of course, as we have just pointed out, the really big operators are looking at arrangements that involve many more than the three plants with which this legislation is dealing.

If those people who grow three plants or fewer decide that not having an expiation fee option is too much of a risk for them to continue growing in this way, the total amount of marijuana in circulation may decrease. That is one of the things that is put forward in the second reading explanation by the minister—that by doing this the total amount of marijuana in circulation may decrease. I say may, because if those people who are growing marijuana hydroponically then revert to growing it outside in their backyards, presumably the yields will be less. However, the slack could also be taken up by the larger illegal growers. If there is a reduction, it will be the only outcome from this bill in terms of the government's stated aim of reducing the volume of marijuana being produced. As far as reducing the harm to children and families, it is hard to believe that on its own this measure can achieve anything much at all. This is the second tinkering with the Controlled Substances Act in relation to cannabis by this government in a very short time. About 12 months ago the number of plants that people could grow that would result in being charged with a simple cannabis offence was reduced—

The Hon. Dean Brown interjecting:

Ms STEVENS: I think the regulations. Earlier this afternoon, I looked up the *Hansard* and found that the change from 10 to three plants occurred a year ago, minister.

The Hon. Dean Brown interjecting:

Ms STEVENS: Okay, but in recent years we have had the first set of changes, which I supported.

Mr Venning interjecting:

Ms STEVENS: No. I think it was fair enough, and I absolutely supported them. Interestingly, in the second reading speech it was acknowledged that this first reduction of 10 plants to three has been acknowledged by government as failing in terms of reducing commercial cultivation. I noted from the *Advertiser* article—and the minister himself referred to this in question time today—that as well as the current measure, the government will be reviewing licensing arrangements for hydroponic stores in a move to combat—

An honourable member interjecting:

Ms STEVENS: The Minister for Police—the use of this equipment for growing cannabis. A proper process of discussion and review of all policy options would be a far better way to approach this matter in terms of good public policy, rather than a drip-feed of measures, which is what we have seen from this government. I am surprised that we have this happening at this late stage in the life of this government. Yet we have the minister at the same time announcing possible further measures in relation to the licensing issues. They are probably fair enough and reasonable, but why are they not all together and why, if so critical, have they been left to the eleventh hour? Why has there not been one go, one process, one follow through and then one set of changes?

An honourable member interjecting:

Ms STEVENS: The problem with doing it the way the government is choosing to do it is that it causes confusion in the minds of many of the public in relation to the status of cannabis, and the rules and regulations around it. We already know—and it is acknowledged by the minister in the second reading speech—that many people in the community still do not understand that cannabis is a prohibited substance, and that it is illegal to possess or grow any amount of cannabis.

There continues to be misunderstanding about this in the community. I think that a drip-feed approach is not helpful in clarifying that position, and that a much better way to proceed would be to get it all done together and all out together. The issue of cannabis, like the issue of other legal and illegal drugs, is problematic from a number of points of view for public policy. Enlightened governments generally find themselves in a position of pursuing a harm minimisation approach within the legal status of the drugs concerned. There is no doubt that the use of hydroponics in the cultivation of cannabis has made it possible to produce large quantities of the drug with consistency and with greater levels of THC, the active ingredient of cannabis.

There is absolutely no doubt that hydroponics enables criminal elements to produce large quantities of cannabis for sale and distribution. There is no doubt also that home invasions and other criminal activities flow from the illegal production of cannabis, although some of the violence and assaults have come from the raiding of backyard crops of marijuana.

Every member in this House abhors the violence, crime and tragedy of the illegal drug trade. The extent to which this legislation will alter any of this remains to be seen. The Leader of the Opposition has foreshadowed a different approach to drugs policy from a future Labor government—a more comprehensive integrated approach that can tackle drug use and abuse and the causes of this.

This will need to involve education, law enforcement and treatment. However, we need to remember that marijuana is the most commonly used of illegal drugs, whether we like it or not. The bulletin on the South Australian School Children's Survey on Cannabis Use, 1999 showed that, 30 per cent of respondents aged 12 to 16 years responded 'yes' to whether they had ever used cannabis, and 10.9 per cent of respondents said that they had used it in the last week—that is schoolchildren aged 12 to 16 years of age in 1999 in South Australia. The 1998 National Drug Strategy Survey, under the heading of 'Lifetime use of Drugs', states:

> With the exception of marijuana and cannabis, the proportion of the population that had used illicit drugs at some time in their life—although increasing slightly over rates in 1995—was relatively low.

Marijuana and cannabis had been tried by two in every five Australians aged 14 years or older in 1998, an increase of eight percentage points on rates in 1995. It is interesting to look at the figures in relation to just how extensive the use of this drug is amongst the Australian community. That 1998 drug strategy indicated that over 500 000 teenagers used cannabis in 1998, that there were over one million recent users in the 20 to 29 year age group and that the total number of recent users was 2.705 million people. A significant number of the community use that particular drug.

We know that simple measures, particularly those that tend towards a punitive approach, mostly do not work in terms of changing behaviour and can have unintended consequences that lead to more criminal activity and greater negative social outcomes. We know that there is confusion in the community about the legal status of marijuana and that more community awareness needs to occur. We know that there are adverse health effects associated with marijuana. We certainly know that it impedes concentration and that it can exacerbate some mental illnesses and affect the motivation of long-time users. We also know that there are some beneficial effects of cannabis in the treatment of certain forms of cancer. We know that the growing and selling of marijuana on a small scale occurs throughout our communities by those wishing to supplement a low income—and that includes old age pensioners, as well as those in criminal syndicates. We know that troubled teenagers, who may resort to drug use and abuse, not only with marijuana, have little access to alternative avenues of dealing with problems, so drug abuse becomes an easy option. These are just some of the issues that need to be tackled in a comprehensive drug policy with a strong link to health policy, education and law enforcement.

Before I finish I would like to put some questions to the minister in relation to the consequences of this bill's passing. First, what is the number of expiation notices served in the past two years? What is the number of expiation notices served for the hydroponic growing of marijuana? What is the number of convictions by police for marijuana cultivation greater than three plants? In particular, I would also like some information in relation to simple cannabis offences because, when there is no expiation scheme, people who are charged with a simple cannabis offence will channel back into that section of the Controlled Substances Act, and I want to know what planning has been done to cope with increased numbers going through those parts of the procedures in relation to simple cannabis offences.

Debate adjourned.

SITTINGS AND BUSINESS

The Hon. DEAN BROWN (Deputy Premier): I move:

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

Motion carried.

CRIMINAL LAW CONSOLIDATION (OFFENCES OF DISHONESTY) AMENDMENT BILL

Received from the Legislative Council and read a first time.

CONTROLLED SUBSTANCES (CANNABIS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

The Hon. D.C. KOTZ (Minister for Local Government): I rise to support the bill and say that the debate on the decriminalisation of marijuana growing and use some 14 years ago has certainly continued until the present day. More importantly, the time span since decriminalisation until now has enabled a greater assessment of the impact of that particular legislation on our community. It was suggested at the time of legislative change that private users of this illegal substance should not be treated as harshly as those who grew the plant for commercial purposes and those who on-sold the final product, in other words, the drug producers and the drug dealers.

Therefore, the legislation was amended to remove the criminal conviction element provided an expiation fee was paid should one be caught with 100 grams for personal use, smoking or consuming cannabis in private, possessing implements for smoking or consumption, or the cultivation of cannabis plants within the expiable limit, which at that time of course was 10 plants. I must admit I was quite amazed and somewhat horrified some years after that legislation was enacted to find that many adults in our community believed it was quite legal and acceptable to grow, to use and to on sell up to 10 cannabis plants. If that is the accepted attitude of adults, what hope do we have for our young people?

Not a great deal has changed today, unfortunately. People in this state generally understand that drug dealers are people who break our laws but those who grow and use for personal use are not breaking the law—at least that is the interpretation of the current laws of the state. Once the state identified a number of plants, that became the perceived allowable number to grow and use without penalty. Just in case anyone happens to read this passage in *Hansard*, I must point out that all of that is quite untrue. Marijuana has always been illegal, no matter what size or amount. Unfortunately, those perceived ideas, which some people hold, are just untrue.

We as a parliament or government do not fine people for doing legal things, and it always amazes me that people consider that marijuana use up to a certain amount, no matter what, is quite legal when, in fact, if they got caught, we would fine them for it. However, the first real story from the decriminalisation amendment was that our communities, young and old, were encouraged to use this alleged soft drug and, instead of strawberry patches in the backyard, cannabis patches sprang up. The unscrupulous in our community literally rubbed their hands together with utter glee and quickly sought individuals who would nurture and care for a plant until just prior to maturity when it would be collected for final distribution onto the streets and into our kids.

The plant nurturer could earn very good money to babysit just one plant, but who could stop at one? Multiple plants mean multiple dollars. The industry was now improving at a horrifying rate and moved to plants regularly grown in gardens, and the hydroponics industry, already part of the illicit drug-producing market, increased dramatically and outdoor cultivation decreased as the government came down harder on cultivated crops and illicit drug use.

If people have a look at the second reading explanation, they will note that police intelligence states that, when 10 plants represented the expiable limit, criminal syndicates were using the 10-plant limit to foster commercial cannabis enterprises by hydroponically cultivating crops of 10 plants at different sites. While the reduction in the expiable limit from 10 plants to three has reduced the amount of profit within the expiable limit, police information is that people are still commercially cultivating within that limit. Clearly, that expiation scheme was not intended to encourage distribution of cannabis within the community.

A recommendation has been made by the Controlled Substances Advisory Council and the government proposes to change the controlled substances expiation of simple cannabis offences regulations to further reduce the number of cannabis plants for expiation purposes from three to one, and I totally support that move. In fact, if I thought there were more members in this parliament who would support zero, I would certainly have been moving towards that.

It was intriguing to receive an email from members of the hydroponics industry, which I believe all members of this parliament received. The email was sent to all electorate offices of members of the House of Assembly. While emails are not signed, two names were given and the names of two companies with telephone numbers were added to the bottom of this email. If anyone in this House believes that the hydroponics industry is in some way totally innocent and being harshly judged by the moves that we are making with the introduction of this bill, I would like to put the contents of this email on record. It states:

> Dear member,
>
> As you are aware the Premier. . . has announced a review to consider the licensing system for the retailers of hydroponic equipment in South Australia, and the cultivation of one outdoor cannabis plant.
>
> The law currently allows for the cultivation of three cannabis plants without a criminal conviction and hydroponic retailers are not subject to any licensing.

I am still quoting from this letter, and I understand that they may have got some of the dates wrong, but I am not going to correct them. This letter is written as I read it. It continues:

> In 1984 the Labor government introduced legislation decriminalising the cultivation of 10 cannabis plants. Since this time, a whole retail and supporting industries has evolved. In 1999, the sitting Liberal government changed the legislation to reduce cultivation to three plants. The 1999 change of policy dramatically impacted on the hydroponic industry, with a significant downturn in business. This proposed new change to legislation will have a disastrous effect on the hydroponic industry. Already hydroponic retailers and manufacturers are experiencing significant downturns in business and have started laying off staff. Sadly, many of these enterprises were established believing, in good faith, that no further legislative changes would occur.

If any member of this House is starting to feel teary eyed or sympathetic towards these people in the hydroponic industry who are selling us a story of deep sadness, let me just read them the last part of that paragraph, which states:

> The reduction of plants from 10 to three was bad enough for our industry. The proposed reduction to a single outdoor plant will result in wholesale closures of shops and other associated business.

I find it totally intriguing that these are people in the hydroponic industry who are obviously as unaware as the people about whom we have been talking tonight that the growing of marijuana, the using, the selling or anything else related to marijuana is totally illegal. Yet here we have industry people asking us, as members of this legislature, not to move towards something that will not assist them to increase the cannabis and the marijuana industry, because it will affect their businesses and their profit margins are going to be cut. In the last two paragraphs we are asked to look at a questionnaire that was also enclosed. The last question (7) on the questionnaire states:

> Do you support the Liberal government's proposed legislation of allowing people to grow one outdoor cannabis plant, or do you support the current legislation of three plants?

Again, I think the message to these people is that there is no such thing as allowing anyone to use or grow; it is totally illegal. As far as the hydroponic industry is concerned, if ever I was concerned that we may have been moving in the wrong way, after this email to me, I can assure members that it makes me feel steadfast towards supporting the bill that we have in front of us at the moment. One of the other reasons for the questionnaire is given in the last two paragraphs. We are asked to fill in the attached questionnaire to assist these people in assessing their long-term strategies and the action that they need to take at the next state election. I will not take that as any form of threat, I will not take it as any form of intimidation, because I would consider that that would be an extremely stupid move on behalf of these people if that was inherent in this suggestion that they have in this paragraph to all members of parliament.

I want to address the area of marijuana. The research on this drug has been around for a very long time. I remember looking at it some 10 or 12 years ago and being absolutely horrified to think that I had been unaware of some of this information in the past, and yet it had been researched many years before I even picked it up to read it at that stage. I remember the type of horror that I felt in understanding what the research was telling me, and I photocopied many sheets and sent them to many different people across the state, trying to elicit support to get this information out to all the different areas where it was necessary—whether to our young people, to adults, to schools—to educate people in our community on the dangers of marijuana. Unfortunately, I, too, had been moved by some of the comments about the softness of a recreational drug, that marijuana was not something that was addictive, that you could not move towards hard drugs if you were to look at the soft aspects of recreational enjoyment of this drug.

Marijuana is an illegal drug, as we have already said. The main active ingredient in cannabis that produces a high is

called delta-9 tetrahydrocannabinol or, more commonly, THC. Marijuana generally contains one to five per cent THC, although there are some stronger varieties that contain up to about 15 per cent THC. Hashish is generally stronger than marijuana, with up to 20 per cent THC, and hashish oil is the most potent cannabis product, containing up to 50 per cent THC.

Research by the National Drug Strategy has shown that about one-third of Australians aged over 14 years have tried marijuana or hash at some time, and about one in eight say that they have used it in the last year. Among high school students, about one-third of 15-year-olds say that they have tried marijuana, and around 10 per cent say that they use it on a weekly basis. Those figures are quite staggering in their own right. I know that, in the past, research has shown that the use of marijuana is considerably high amongst young people, but the percentages to which I have just referred are quite staggering.

What are the effects of cannabis? Cannabis affects memory, concentration, mood, thinking processes, physical coordination, sense of time, and the ability to perceive and interpret one's surroundings. The performance of relatively complex tasks, such as driving motor vehicles or operating machinery, is impaired after smoking even small amounts of marijuana. Higher doses result in poor performance of simple manual tasks. The degree of impairment depends on the potency of the preparation. Cannabis acts mainly as a depressant which decreases alertness by slowing down the activity of the central nervous system. The effects of smoking cannabis wear off after two or three hours. If cannabis is eaten, the effects are slower to begin, last longer and may be felt as strongly. However it is taken, there can be a hangover effect of drowsiness and poor coordination which can last for some hours.

Cannabis can cause an increase in the heart rate and changes in blood pressure. Blood pressure may be increased while sitting, but may drop when the person stands up or changes posture, sometimes causing fainting. Cannabis, both when smoked and when taken orally, has the effect of increasing the diameter of the large air passages in the lungs. Regular smoking of marijuana increases the risk of chronic bronchitis and cancers of the lung, mouth and throat. Cannabis produces more tar than an equivalent weight of strong tobacco, and cannabis smoke contains higher amounts of cancer causing agents than tobacco smoke.

Unlike most tobacco cigarettes, marijuana is usually smoked without a filter. The marijuana smoker generally takes a much deeper inhalation of smoke and holds it in the lungs for a longer period than does a cigarette smoker. A greater amount of tobacco smoke (50 per cent) is lost as sidestream smoke compared to marijuana smoke from marijuana joints. All of this means that the marijuana smoker inhales more smoke particles and deposits more of this material in the lungs than does a smoker of similar amounts of tobacco. Current evidence indicates that the daily smoking of only a few joints of marijuana produces lung damage and changes in respiratory functions which are similar to those produced by the daily smoking of more than 20 tobacco cigarettes. A very high proportion of marijuana smokers also smoke tobacco. Such smokers are exposing their lungs to the effects of two harmful substances.

It is for all these reasons that I support this bill tonight. When you see the amount of research that has been undertaken over the years which shows the effects of marijuana to the greatest degree, as is noted in some of the research to which I have referred tonight, it makes me feel quite inadequate when I know that this knowledge is not as far abroad in our community as it should be, that it is not out amongst our young. Although, over time, we have increased the educative process about drugs in schools, far more still needs to be done.

If we have accepted that the smoking of tobacco is extremely dangerous for all of us because of the high health risk that it is and if, when we look at marijuana research, we are talking about a substance which in many instances creates an even greater hazard than tobacco, why then have we not put the same amount of dollars into exposing all the aspects of this research in the minds of the community, our young and adults who are still not aware? I hope that this is something that we will look to in the future with far more dollars than we have in the past.

It is clear that this government does not intend to tolerate exploitation of the expiation scheme by hydroponic producers which results in syndicated production or single profiteering. Removing the capacity to produce cannabis hydroponically will obviously reduce the volume of the drug that is produced which, in turn, will reduce the incentive for the assaults and the often very violent home invasions associated with hydroponic crops. I believe that we in this House, particularly government members, will not stand by while the scourges of our society—the producers, the profiteers and the traffickers—wreak havoc on our families and other individuals. Therefore, for all those reasons, I support this bill.

Mr De LAINE (Price): In 1986 the Controlled Substances Act Amendment Bill was passed by this parliament. This bill was about the decriminalisation of marijuana (or cannabis as we know it) and not the legalisation of cannabis, and herein I believe—and I agree with the Leader of the Opposition—lies a big problem. Under the 1986 legislation, it is still illegal to possess or grow cannabis. The expiation scheme did not make it legal to possess or grow small amounts of cannabis: it allowed for an expiation fine to be paid and therefore the offender could avoid criminal prosecution. If the offence was not expiated, then the matter could proceed to court.

Over the years, I believe that this legislation has led a lot of people, especially young people, to assume wrongfully that the possession, growing and use of a small amount of cannabis is legal, but as other speakers have said, it is not. I believe that a lot of people would not try or use this drug if they realised that it was in fact illegal. I crossed the floor and voted against this decriminalisation bill in 1986; and now, 15 years later, I have not changed my views. In fact, my views have even been strengthened because I understand now more of the problems and more of the effects of this insidious drug on the human body.

As the law stands at the moment, a person could have three plants in their possession grown hydroponically and only be subject to paying an expiation fee with no prosecution. Those three plants could be two metres high with dozens of heads and be capable of being cropped three to four times per year. On the other hand, another person could have in their possession four plants, 100 millimetres high, growing outdoors, and face criminal prosecution. This anomaly was not brought about by the 1986 legislation but by advances in cultivation technologies since that time, namely hydroponics, which, as I have mentioned, can produce enormous crops of cannabis.

It is interesting to note that the government proposes to further reduce the number of expiable plants from three to one. I am not happy with this. My preferred option—and I agree with the minister—is to return to the pre 1986 situation and reduce the number of plants to nil—none at all. There are enough problems with alcohol. For example, look at drunk drivers and the sorts of things that affect drivers, and now we have the added burden of cannabis affected drivers—as well as drivers affected by other hard drugs, but in this particular case cannabis. It is very dangerous and there are no reliable tests available at this time, as was highlighted in the private member's motion moved by the member for Heysen on the last Thursday of sitting. It is a problem and one that has to be dealt with.

The other problem that has arisen from having this drug grown in homes and around the place is home invasions. We do not get this problem with alcohol, but we certainly get it with cannabis. One particular case in my electorate was particularly serious. A chap heard an intruder at night, went out, grappled with the bloke and chased him up the driveway, past his car which was parked in the driveway and behind which were four other males. They tripped him up and the five of them set about beating him, and when he fell to the ground they kicked him—they are pretty brave people when there are five of them. They kicked this chap into a state of unconsciousness, then they smashed their way inside the house, terrorised the man's wife, ripped the phone out of the wall and violently ransacked the home looking for cannabis while trying to make the people tell them where their cannabis was being grown.

However, as has often been the case in my electorate, they had the wrong address. That was one particularly bad situation where they nearly killed the man. This happens with fairly monotonous regularity in my electorate, where home invasions occur because these stupid people who do it are under the influence of drugs and, not knowing where they are, get the wrong address and break into someone else's home.

I recently attended a conference about cannabis and I was really educated. Cannabis addiction is worse than heroin addiction, and we all know that heroin and some of the other hard drugs are pretty bad. But at least with heroin, I am led to believe, one can, after a certain amount of time, get the effects of it out of their system if they decide to give the drug away. However, with cannabis, the active ingredient, THC, is a fat soluble substance with a half life, which means that it is similar, as we know, to uranium. This means that, instead of getting the drug out of one's system over a period of time, the effects are reduced only by half, and it is estimated that for someone who has been on cannabis for sometime, and who decides to quit, it will take 23 years to get it out of their system, and in this time it has effects as mentioned by the member for Hammond. These adverse effects come about because of the past use of this drug. Why people put their lives and health, and others lives at risk, and use this sort of substance is beyond my comprehension.

The leader mentioned in his speech the effect of power. There was one case that the police told me about in the suburb of Welland where, earlier this year, a disused warehouse was being used. It had been set up with a hydroponic system and the people even had the gall, apart from breaking the law, to hook into surrounding factories' electricity and water supplies. They were stealing the power and water from these other factories and running their hydroponics set-up. Luckily, the police became aware of it, raided it and arrests were made. I hope that those people are locked up for life as far as I am concerned.

These are the sort of problems that we get from this insidious drug, and I applaud the government for its initiative in bringing this forward. I know it is only a small start but, as my former colleague, Frank Blevins, always said, 'You get what you can on the day,' and I believe that we should weigh up these things and eventually, hopefully, pass some legislation that will overcome and stop the use of this stuff entirely. I support the bill, as it goes part of the way to overcoming an extremely dangerous and very much underestimated problem in our community.

Mr VENNING (Schubert): I rise to support this bill. I have certainly been on the record over many months with a very strong opinion on this subject. This bill is heading in the right direction, and I am on the record in this House as saying that there should be zero tolerance when it comes to cannabis: that is, zero plants, zero cultivation, zero selling and zero possession, making it totally illegal, with very heavy fines or jail if convicted of an offence relating to cannabis.

We have been too soft on drugs altogether, and now this bill is going some way—not all the way—to toughen our stance on the drug issue and address the problems that have been caused by governments in the past bringing in this ridiculous legislation. The Dunstan years have much to answer for in this state. I do not know how they could ever have brought in the ruling that 10 plants were for personal use. I just cannot believe that.

Members may be aware that cannabis plants grown today are far more potent than they were when pot smoking started being trendy in the 1960s. The hybrid vigour of cannabis plants, combined with the ideal growing conditions that hydroponics offer, results in marijuana with very high potency of the active ingredient, which is known as THC—and a lot of members have alluded to that. I have spoken before about the breeding of hybrid strains of marijuana plants. Using hydroponics, coupled with fertilisation—that is, watering with fertiliser in the water—they can reach maturity within four months of the seed being planted. A hydroponically grown plant will yield 50 grams of product, which is sufficient to keep an average user in cannabis for one year.

With the use of hydroponics and hybrid strains you can grow a plant from seed to full maturity in four months. In other words, you can get three harvests in one year. No wonder there has been an increase in home invasions. You can grow three plants at any one time, with a slap on the wrist if you get caught. With the plants reaching maturity every four months, that is 12 plants a year. No wonder you get somebody knocking at your door saying, 'Give us your dope plants or else.' Usually the 'all else' prevails and trouble follows.

I was very interested to hear the comment by the member for Elizabeth when she asked, 'What difference will it make to highlight hydroponics?' I am a little amazed at the member's ignorance because hydroponics increases the yield fantastically. If people cannot grow marijuana hydroponically, they will have to grow their plants outside, where they can be seen and where they do not yield anywhere near as much. It also makes it more likely that a person growing marijuana will be identified. Another issue in relation to hydroponics is that it is the cause of crime. The sheds where the hydroponic operations are underway are opened up in the evening: they have to be, to let out all the steam and the smell. Of course,

you can smell this for hundreds of metres, and this is where the home invasions come from. People smell this steam and all the pent up odours from the hydroponic plants, and they go looking for it, and they bash up innocent people.

I think the person the member for Price was speaking about a few minutes ago is someone who is a good friend of mine, and his surname starts with 'I'. If that is the same person, he was an innocent victim. There was some marijuana grown in the district and the criminals could smell it and they bashed him up because they thought it was him. How often does this happen? It happens all too often. So, this is the reason why hydroponics are included. I would like to go a lot further than this but the bill says that, if you make the selling of hydroponic equipment by agents and dealers and the possession of it for growing plants an offence, you will solve a lot of the problems.

I was a little amused and a bit annoyed at the ignorance of the member opposite on this matter. We have seen people murdered as a result of these home invasions, and the measures outlined in this bill will, to a large degree, put a stop to it. There has also been the organised crime aspects of cannabis cultivation. Groups of individuals are contracted to grow cannabis, planting out at least 12 plants a year, but I suspect it is considerably more than that. These resources are pooled by organised crime figures with the result that an enormous amount of cannabis is grown for sale, and the profits end up with these criminals.

I was very upset to get a phone call from a distraught wife and mother in my electorate in the Barossa Valley (I thought this just could not happen in the Barossa Valley) about her husband and son who were involved in this situation. They are good, church-going people. A respectable company in my electorate had a round of growers of this product and the company who organised it supplied all the information, all the technology and all the equipment, and all my constituents had to do was to grow the pot and the proceeds were split 50/50. By all accounts, the little industry was quite large. This is happening out there. This woman was to ring me back but she did not, so I did not get the details. Hopefully, she did not get into trouble as she may have been caught making that phone call. It certainly is a widespread problem.

The opposition is divided once again on this issue. Some Labor members want zero tolerance, as the member for Price and I do, but others say that 10 plants are acceptable. The member for Hammond moved a private member's motion in relation to zero plants and I was happy to agree and amend that motion, but in the meantime the government came out with a position in relation to one plant and also to the addressing of the hydroponic problem. I would have gone along with zero, but one was better than three so I accepted one, and also to see the fines tripled and to outlaw all the extra hydroponics and everything else.

As I said, Labor is totally divided on this issue, but when we ask the Democrats what their stance is we get a completely different answer. They go even further. There is no other way to combat this insidious problem of illicit drugs other than to come down hard on them. Mothers of drug addicts have talked to me about the heartbreaking effects that drugs have on their children and have pleaded with me to keep fighting against drugs. These ladies have experienced first hand the terrible consequences that drugs have on their children, and to hear their stories brings a person close to tears. I am just so pleased that my children are through these years when they are very susceptible to experimenting with drugs. You probably never see your family through it but, certainly, I think children out of their teens are out of those experimental years.

Ms Breuer: Don't believe it.

Mr VENNING: Possibly the member for Giles is right, but, when your children become adults, hopefully they are wiser and strong enough to resist the temptations that younger children possibly can not. The bill goes a long way in our fight against drugs. I support the bill, as I said, but we need to take more and harder action so that we get to a point where illicit drugs no longer wreak havoc on our children and grandchildren. Yes, this bill partly addresses the drug problem and I support it, but I also hope we will address the rest of the problem, and that is zero tolerance.

Mr SNELLING (Playford): I also rise to support the bill. It is a bill that is long overdue. The police have advocated these changes and associated changes for many years and it has, indeed, taken the government a very long time to finally act on the advice of the police that our current laws and the expiation system, as it was, was not working. Sydney, with three to four times the population of Adelaide, has but a small fraction—I think it is about a tenth—of the number of hydroponic shops in its metropolitan area. I do not think it is because Adelaideans have a particular attraction to growing lettuce or tomatoes hydroponically. It is quite obvious that the system, as it was, caused the amount of marijuana grown in this state to explode.

I served on the select committee for a heroin rehabilitation trial, with the member for Waite, and I look forward to hearing his views because I know they are a bit different from those of other members on the other side. The member for Waite has a very libertarian view on drug law reform, so I am looking forward to his contribution. The member for Schubert has talked a lot about divisions on this side of the House: he perhaps should look behind him and talk to some members on his own side about their position with regard to drug law reform and he will find that it is very different from his.

However, the evidence that the police gave to the select committee was highly critical of the existing laws. They explained that the problem was that marijuana grown in South Australia was exported interstate in exchange for other, even harder, drugs—amphetamines, heroin and the like—and was feeding the heroin and amphetamine problem in South Australia. I think it is a bit of a furphy to say that somehow having marijuana more readily available will divert people from the harder and more dangerous drugs, when it is clear that they both feed off each other.

It is also true to say that cannabis is a gateway drug, that is, people who go on to use heroin or other drugs have generally started experimentation with so-called soft drugs such as marijuana. The more drugs such as marijuana are freely available, the more people who will go on to those even harder, more dangerous and toxic drugs such as heroin, amphetamines, speed and the like.

The law has an educative role, and that is something we in this House often forget. When we are framing laws we neglect to realise that the role of the law is not simply to stop people from doing things but it also has an educative effect. This has been made apparent by what has happened with the changes to the laws on marijuana. Tonight, speaker after speaker has explained quite correctly that marijuana is illegal and that there is a perception in the community that growing smaller amounts of marijuana is somehow legal because it attracts an expiation notice. That proves the point that the law has this educative role.

When we start playing around with and liberalising laws such as drug laws, there is this unintended side effect because we are taking away that educative role of the law. People look to the law in determining their own behaviour and, when using a drug relegated to being punishable by an expiable offence, they change their behaviour accordingly. It is no good just telling people that marijuana or heroin is dangerous: we need the laws there to back that up, because people determine their behaviour often in conformity with the law. That is what I mean when I say that the law has this educative effect. That has been borne out by our experience over the last 10 or 15 years, given the changes to the law concerning marijuana.

In conclusion, I welcome this bill. It is just a shame that it has taken the government so long to wake up and to finally listen to the advice that has been coming from the police for many years, and to reform these laws and make them more workable.

Mr HAMILTON-SMITH (Waite): What a sorry mess South Australia finds itself in at this time with regard to drug abuse, in particular marijuana abuse. I rise to support this bill on behalf of my constituents. It is an excellent bill. It rectifies a law that in my view should never have been passed by this parliament. As has been pointed out by other speakers, this bill rectifies circumstances brought about by the Controlled Substances Act Amendment Act 1986, which made the possession of 10 plants an expiable offence rather than an event punishable by other means. As we have heard, that has created a huge business in the illegal manufacture of marijuana.

We are now Australia's manufacturing house for marijuana. It is run by bikies, organised crime and many citizens who have seen an opportunity to make a quick buck out of it. It has brought South Australia into disrepute and endangered the lives and future of thousands of young people. This bill will abolish hydroponics as a means of producing this sort of drug and it is long overdue. In preparing for this address, I happened to research who voted for the original bill, because I have heard a bit of moralising from various members about how they are opposed to drugs and how they believe that, regardless of what party wins the next state election, the whole world will be opposed to drugs.

I found some very interesting results. In fact, I found the name of the present Leader of the Opposition (Hon. Mike Rann) and, of course, the Hon. J.C. Bannon on the list of Ayes. In fact, as one looks at the vote in 1986, one can see that, basically, it is the Labor Party versus the Liberal Party introducing the original bill that has brought about this shocking state of affairs. When one then looks at the upper house one can see that the Australian Labor Party was supported by guess who? The Democrats—the Hon. I. Gilfillan and the Hon. M.J. Elliott, and I refer to page 174 of *Hansard* (1986).

There they are, sweeping this legislation into place and bringing about the chaos that this bill, introduced by the Minister for Human Services, rectifies. If it were not for that reckless and silly decision we would not be here today to pass this new act. It is a very poor reflection on that decision that we find ourselves in the circumstances we have before us today. South Australians have the Australian Democrats to thank for the introduction of this silly legislation which, by making the production of 10 marijuana plants expiable, created the impression in the minds of South Australians everywhere that it was okay to grow marijuana plants hydroponically (or by any other means); that it was okay to have or to produce as much marijuana as you like; and, implicitly, that it was okay to become a factor in the subsequent sale of marijuana within the South Australian community and elsewhere.

I would like my constituents to be very mindful of the fact that the Australian Democrats helped the Australian Labor Party bring this set of circumstances before South Australians and that it is a Liberal government that is rectifying the mess that they have created. This legislation fits very well with our 'tough on drugs' approach. Our government is determined to do something about tightening up on drugs and drug abuse. I am very sorry that the member for Playford has seen fit to leave the chamber because I am going to respond to his remarks in a moment.

If the honourable member is listening, I hope that he will come from wherever he is, sit here and take my comments on the chin because I find his remarks very amusing. I will wait for him to arrive before I go on. Let me say that in my capacity as chair of the heroin rehabilitation trial it was my great pleasure to hear witnesses from all around Australia and, indeed, the world talk at length about the problem of drug abuse, including marijuana abuse. The committee heard evidence for over a year and made a most comprehensive report to the parliament.

It is probably one of the most exhaustive and authoritative pieces of work by a South Australian parliament or, indeed, by an Australian parliament in recent times. I commend it to all members as it virtually spells out a blueprint in terms of what needs to be done to fix the terrible problem of drug abuse within this state. In particular, it makes it clear that police action alone will never be enough. The report makes the point, which is unanimously echoed by experts all around the country, that one must have a balanced approach, which includes education and treatment.

We need to be able to provide services to help addicts, including marijuana users, who present in need of help. We need a process of teaching young people and the community at large about the dangers of drugs, and certainly we need police action to precipitate the sorts of changes in people's behaviour that bring them to reconsider their drug abuse and take action to rectify it. We need to take action in our prisons and our hospitals. We need to spend a great deal more money than we are already spending if we are to be serious about tackling the problem of drug abuse within our community, because no single answer will do. No single answer will ever solve this problem. This bill is one step towards finding a solution. By removing hydroponics we will take one small step in the right direction, but we need to do far more.

Somewhat stupidly a moment ago, the member for Playford tried to say that I was somehow libertarian on the issue of drug reform. I have spelt out my view: I thoroughly support this bill and tougher action on policing drug abuse. If I have the opportunity to decide so in this parliament, I will also thoroughly support a further reduction in the number of plants that can be grown under any circumstances. I will also thoroughly support any action that reduces the amount of drugs out there in the community. What the member for Playford is referring to is a couple of the recommendations contained in the report of the Select Committee on a Heroin Rehabilitation Trial. The member for Playford made a minority report.

Mr Atkinson interjecting:

Mr HAMILTON-SMITH: The member for Spence says he caught me out. It is very interesting when members

opposite get up and start to moralise about drugs. It seems that the right faction of the Australian Labor Party feels free to get up here and lecture us all—almost give a sermon—on what we should be doing on the issue of morality. I will be interested to hear the members for Spence and Playford participate in the debate on the bill coming before this House on same sex superannuation. I will be very interested to hear the moral position coming forward from members opposite when that bill comes before us for debate. The caucus has said they cannot have a conscience vote on that issue. The caucus has silenced them and said, 'We will tell you your morals on this issue,' yet they are quite happy to get up here and lecture me and this House about the issue of cannabis.

Mr ATKINSON: I rise on a point of order, sir. My understanding is that we are on the Controlled Substances (Cannabis) Amendment Bill. The honourable member is speaking on the same sex superannuation bill, so I do not see the relevance and I ask you to bring the member back to the bill before the House.

The ACTING SPEAKER (Hon. G.A. Ingerson): The member for Waite.

Mr HAMILTON-SMITH: He is getting a bit touchy and testy, because he has been exposed, as has the member for Playford. I will just say to the member for Playford (and I hope he comes back into the chamber) that, if he is going to stick out his chin and take a swipe at a member opposite, he had better be careful. I will not sit here and be moralised to by members opposite when they have a double standard as a consequence of their own caucus cracking the whip and saying, 'Don't have principles on in this issue; we've decided we want you to vote with the clan.' You cannot have it both ways.

The member for Playford put in a minority report which bore a striking resemblance to the submission by a certain member of the cloth who had given evidence to the committee. I am not suggesting that the member for Playford did not write his minority report, but let me say that he was there for a purpose and he achieved his purpose—to put in his single minority report. But the rest of the committee did not agree with him. In fact, recommendation 3 in the report of the Select Committee on a Heroin Rehabilitation Trial made it very clear that the government ought to conduct a scientific medical trial to investigate the acceptability and efficacy of short acting injectable opioids other than heroin as substitutes for heroin for the purpose of stabilisation of those who are victims of abuse. The committee realised that we need to explore some new options, and other short-term acting opioids were one of those options. Mr Acting Speaker, I note that you were a member of the committee, and a very outstanding contributor. The committee's report states:

> . . . the majority of the committee supported a trial of medically prescribed heroin as a treatment for recidivists, reflecting the view that there may be potential benefits to some severely dependent heroin users and the community of maintenance treatment assisted by medically prescribed heroin.

There it is in black and white; that is the majority view of the committee after a year of taking evidence.

Let me make a point, because a few members opposite continue to misunderstand the issue. I want to be tough on drugs, along with many members here, but we must use a bit of commonsense. The member for Spence and others were out there exciting a rally in the streets about law and order earlier this year; they were saying, 'We need to stop home invasions. We need to do something about law and order.' If members opposite want to do something about law and order, I encourage them to do something about drug abuse. If we can get drug addicts into treatment, we will reduce the amount of crime occurring on the streets. In fact, we heard evidence from the Commissioner of Police and many other sources that, at the very least, 70 per cent of street crime is drug related.

There is a group of people at the bottom of the barrel, namely, recidivists who are using heroin, many of whom started on marijuana—and this bill will tighten that up—and who have been in gaol so many times they have lost count. They have been in gaol time and again for drug-related offences. They have tried methadone treatment and all the treatments available. They have been in and out of gaol for so long that they have lost track of their lives; they have lost track of themselves. They are recidivists; they are out of control abusers of heroin. The Swiss have found that, if you take these people at the bottom of the barrel, you can give them back their lives.

Mr ATKINSON: I rise on a point of order, sir. For the past five minutes the member for Waite has been speaking about opioids. This debate is about marijuana. I ask you to direct him back to the topic of the bill.

The ACTING SPEAKER: The member for Waite.

Mr HAMILTON-SMITH: The member for Spence continues to show his lack of understanding of the connection between drugs and crime. Of course, this is a constant theme from members of the Labor Party. They do not get it on drugs and crime. If we can make the connection between drugs and crime, we can start to do something about crime. We will not seriously reduce the incidence of crime in the community until we do something about getting more seriously addicted drug abusers into treatment. The way to do that for the recidivists who are continually in gaol, who have failed all other treatments and who are in many respects beyond help, as the select committee on a heroin trial found in its report, is to consider heroin as having a place as one of the treatment options available.

I know many members opposite will agree with me on that. That is the point I am making. That is the basis of the swipe from the member for Playford. The member for Playford does not quite get it, either. This bill is an excellent initiative. By reducing the use and occurrence of cannabis in the community, by doing something about South Australia's being a factory for the production of marijuana, it will make the community a better place. I urge members in the House to consider other measures that are needed in order to seriously tackle this problem of drugs and crime.

The bill, as I mentioned, will take the first step in many steps that need to be taken to change the culture that has been enabled by the Labor Party and the Australian Democrats. I will be doing my best to ensure that everyone in my electorate understands that this set of circumstances has been delivered to South Australia by the Labor Party and the Democrats. I commend members opposite—

Mr CONLON: I rise on a point of order. Sit down goose!

The ACTING SPEAKER: Order! The member for Elder has a point of order. The member for Waite will sit down.

Mr CONLON: It is necessary in addressing this House not to mislead it. As the member well knows, this was not the creation of the Labor Party. In fact, Michael Armitage, Minister for Health at the time, voted for it as well. He should be required to tell the truth in this place.

The ACTING SPEAKER: The member for Waite.

Mr HAMILTON-SMITH: The member for Elder is getting a bit testy, too. If he had not strolled in here halfway

through my address, he would have been able to come over here and examine the *Hansard* from 1986. I would have been able to show him the names of the people who enabled this legislation, and he might be very surprised to read some of those names. I have read some of them out and he will find most of his colleagues and the Democrats there, and he will find most of us on the other side of the chamber. We had the sense to realise that it was a little bit of silliness. Members opposite have realised they made a mistake and they are now supporting legislation to fix the problem. I commend them for that. I now hand the *Hansard* to the member for Hart and look forward to him realising that a mistake was made in 1986.

In conclusion, I commend the bill to the House. I support the Tough on Drugs initiative that it constitutes. I urge the House to re-examine the recommendations of the Select Committee on a Heroin Rehabilitation Trial, for much more needs to be done. In particular, I encourage members to consider recommendations 3 and 4 and to accept that there is a place for heroin treatment in the range of treatments that we offer, to accept that there is a connection between marijuana abuse and heroin abuse, and to recognise that this bill underpins the very steps that are needed to make that connection and to do something about it. It is an excellent bill and I hope that it is agreed to by all members.

Mr ATKINSON (Spence): In 1986, our state parliament by a narrow margin decided to take the personal use of cannabis out of the courts system by allowing offenders to expiate the possession of 10 grams or less of cannabis or the possession of 10 plants or fewer. It is a coincidence that, shortly after this bill limiting the scope for expiation was announced, the Home Office in the United Kingdom announced that cannabis would be downgraded as a controlled substance and the penalties reduced accordingly to a police caution for small amounts.

Mr Meier: Look at what has happened to the United Kingdom. It has gone from bad to worse.

Mr ATKINSON: I want to pick up that interjection from the member for Goyder, because the legislation has not been proclaimed yet. The bill removes from the expiation system under the act cannabis plants grown by artificially enhanced methods such as by hydroponics. The 1986 bill, which passed because the member for Price was absent from the division, was designed to keep people who grew and used small amounts of cannabis for their own use out of the courts.

No-one who supported the 1986 bill contemplated hydroponic cultivation, nor contemplated laundries and the space between ceilings and roofs filled with the leaves of huge female cannabis plants. The legislators of that era who supported the bill would have repudiated as a libel the proposition that their law would allow cannabis growers to expiate the production three or four times a year of 500 grams or more.

In this debate, the left liberal generation of my age and older has been showing that its age has put it out of touch with the drug scene. The 'Me' generation remembers from their youth cannabis with a low THC content, about 0.4 per cent. They are not aware of breeding and cultivation advances that produce cannabis 10 to 20 times stronger. A British journal article that I read recently stated:

> The pot smoked in the 1960s contained only about 0.4 THC, the active ingredient of cannabis, while most skunk on sale in Britain today contains 6 to 8 per cent, and is more likely to result in stoned silence than a stimulating chat.

A few months ago, a Woodville couple, who had no criminal record and no history of drug use, was attacked in their home by a gang of young men searching for a hydroponically grown cannabis crop.

Mr Venning interjecting:

Mr ATKINSON: Yes, I believe so. They had no such crop. The husband was bashed senseless as the gang interrogated him for the location of the crop. He needed to be hospitalised, and has circulated photographs of himself in this terrible state to MPs. I support the bill, because gangs of young criminals ought not to have the temptation of many lucrative hydroponically grown crops dotted about our suburbs and country towns. I support it because hydroponically grown high THC cannabis is producing an unemployable generation, susceptible to mental illness who have to be supported by the state and by their elderly parents. This is a modest bill, but I support it on principle.

Mr FOLEY (Hart): I also support the bill. It is a sensible piece of law and reform. In the electorate which I represent, which has a large number of hydroponic shops, it is clearly a problem, and I think the sooner we move to stamp it out the better. I think the government is to be congratulated for introducing the legislation and the opposition is to be congratulated for ensuring its swift passage, in the dying days of this government. It is probably about the most useful thing they have done since they have stolen the last four weeks past their four year due by date. However, this is not to a moment to be churlish: it is a good piece of law. But I take exception to the comments of the member for Waite. I take offence to the suggestion that members on this side of the House do not treat the drug problem with the level of seriousness that they should.

Mr Hamilton-Smith interjecting:

Mr FOLEY: That is what the member implied. Every member on this side of the House is extremely concerned about the drug problem and scourge in our community. As is the case with every member on the government side, every member on this side has differing views about how the problem should be tackled. But no-one on this side of the House is soft on drugs. No-one on this side does not treat the issue of drugs with the level of seriousness that they should.

An honourable member interjecting:

Mr FOLEY: Someone just said, 'The decriminalisation'. In fact, there is no such law. Members opposite should read the law. Certainly, as someone with a young family, I am very acutely aware of the dangers that drugs present to our community, and I resent the implication, as often as it is given, particularly by the police minister, who seems to delight in wanting to get on his soapbox on the issue of drugs. I want to put firmly on the record that I, along with each of my colleagues, want serious solutions to the scourge of drugs in our community, and we want them to be properly debated and we want laws to be passed.

An honourable member interjecting:

Mr FOLEY: No, this is not; this is a party decision. But the member for Waite raised, in a very provocative contribution here tonight, the issue of the Labor Party as it stands on drugs. The truth of the matter is that it is a serious issue that concerns all of us. As I said, as a parent with young children, like all parents, I am extremely concerned about the evils of drugs and how we deal with this issue in the family and in the community, and I resent any implication that, in some way, we are soft on drugs. That is totally untrue, totally incorrect and very wrong.

Mr CLARKE (Ross Smith): I find this whole debate tonight, the latter part of it in particular, to be a sad affair, because it sheds no light on and trivialises a very important social problem not only in this state but throughout the world—the western world in particular—and we are not giving it the type of consideration that it deserves. It is being used as wedge politics with respect to stirring up emotions amongst people without shedding any light on the problem and the human misery which drug addiction creates for those members of our community who are unfortunate enough to be addicted. Before I dwell on that matter further, let me refer to the issue of the hydroponic stores and the industry itself. There are, no doubt, criminal elements running some of those stores and they need to be driven out, but we must also remember that a number of those stores are run by reputable business people.

Mr Venning: A few.

Mr CLARKE: The member for Schubert says, 'A few.' Let us also remember that hydroponics equipment is not only sold in those stores but is available from all hardware chains, aquarium stores, electrical wholesale chains and gardening outlets. Hydroponics stores simply bring it all together under one roof—one-stop-shopping—but you can also go to your local Bunnings store and get what you want. No-one says that Bunnings is run by a bunch of crooks. So, let us get that straight. I refer to a magazine report on the Australian Hydroponic and Greenhouse Conference for the year 2001, which was held in New South Wales. The article states:

> This was a conference with vitality, one that attracted considerable government and media interest. From its opening by the Deputy Premier of NSW, the Hon. Dr Andrew Refshauge, with the government's message of support for an industry now valued at around $500 million at the farm gate, to the commissioning of a new research complex by the Minister for Agriculture, and for Land and Water Conservation, the Hon. Richard Amery. The conference also saw the NSW Special Minister of State, the Hon. John Della Bosca, address the industry's Annual General Meeting with further messages of support.

I direct my attention particularly to the member for Spence. I would not have thought that a New South Wales Labor government would be soft on crime or, in particular, the godfather of the New South Wales right, the Hon. John Della Bosca.

Mr Atkinson interjecting:

Mr CLARKE: I appreciate that Mr Della Bosca is probably not a member of the member for Spence's subfaction of the Taliban; nonetheless, it is loosely aligned with the overall New South Wales right, which even finds him somewhat extreme at times. However, I now want to turn to an issue which was raised by the member for Elizabeth tonight in what I thought was a very useful contribution from her in this debate. That is, she gave some figures (which I have taken the liberty of borrowing) which show, for example, a proportion of the population aged 14 years and over by age and sex for Australia for 1995 and 1998: 35 per cent of those in the age group between 14 and 19 had smoked marijuana at least once during that year—

Mr Foley: How many?

Mr CLARKE: Thirty-five per cent, at least once. If you are over 60 years—

An honourable member interjecting:

Mr CLARKE: In the preceding 12 months. In fact, in that 14 to 19 year age group in 1998, where you might have used it at least once in your life, it was as high as 44.5 per cent. I know from having a 20 year old daughter and talking to her friends and my nephews that every one of them has smoked marijuana at least once, and any of us with children, grandchildren, nephews or nieces would be kidding ourselves to suggest that only an insignificant proportion of them have smoked it.

Mr Venning interjecting:

Mr CLARKE: The member for Schubert says, 'It does not make it right.' I do not disagree with him. It is similar to cigarettes: we should not be smoking cigarettes because it kills us. We put out warnings about it and we try to discourage people from smoking. However, what I am saying is that this piece of legislation is directed at hydroponics. We have this peculiar situation that, if I get caught growing a plant hydroponically it is a criminal charge, but if I grow it out in my backyard—the same quantity—it is expiable.

An honourable member interjecting:

Mr CLARKE: The member for Spence cries, 'We know what we are doing.' I wish we did, because, at the end of the day, you need to control demand. Some of the figures I read out show—and our own personal life experience tells us—that there has been increasing demand. If there was no demand, there would not be any product—

Mr Venning: Have you tried it?

Mr CLARKE: No, I have never tried it; it never interested me and latterly I have become asthmatic. I inhale a lot of it because the people in the unit below me smoke it, and when I have a drink on the front lawn, I get a free whiff. I do not know whether any members have seen the movie *Traffic*—it is on video now—which is about the trade in cocaine between Mexico and the United States. Whilst it is fictionalised, it is also based on factual situations, and it shows that, notwithstanding the incredible resources of the greatest superpower this world has ever known—the United States of America—they are not getting anywhere near stopping the flow of hard drugs into the United States no matter how tough the laws are.

As they pointed out with regard to this fictional drugs czar—and I have read about it in terms of factual situations—they do not even mind when a lot of the cocaine is stopped from getting through because the price for that which gets through goes through the roof. The demand is still there and people commit more crime to raise the extra money they need to buy their share of cocaine. What we have to do as a society is to start looking at why people use marijuana and other illicit drugs in terms of joblessness, a feeling of hopelessness, the type of society in which our children are growing up—maybe it is a selfish society or whatever else is adding to it—the need for education, and yes, law enforcement. And we need to be tough on those who profit from human misery.

But, simply to believe that by passing a law that supposedly restricts the supply of illicit drugs without looking at curbing the demand for illicit drugs and the reasons behind that, we are doing a grave disservice to our community and to the young people who are dealing not just with marijuana but are going into harder illicit drugs. We must also be careful that we do not stigmatise people unnecessarily, young people in particular, with criminal charges at a young age, when we know that by the time they reach 25 years of age the overwhelming majority of them will have given up smoking marijuana and will be going about their normal law-abiding business. To have them stuck with a criminal record will impact on their employment records. Nothing that I have heard from the members opposite with respect to this bill offers any ideas as to how we control demand and address why people want the stuff—not only marijuana but other drug supplies.

I will conclude on this note: the member for Waite did himself and this cause a grave disservice by his ramblings tonight. I remind the member for Waite that one of the greatest organisations responsible for the flow of illicit drugs into the United States was the Central Intelligence Agency, which would covertly fund their operations in Laos and Vietnam during the Indo Chinese war, the Vietnam war, by allowing them to grow their poppies for heroin, which would then be routed through South Vietnam; and, miraculously, some of the South Vietnamese generals were the go-betweens selling heroin to United States soldiers, servicemen and women, who then took their habits to America. This was sanctioned by the Central Intelligence Agency of the United States as part of their so-called war in Vietnam. It has also happened in Latin America.

Mr Lewis: What about Afghanistan?

Mr CLARKE: Yes. As I said before, by all means this legislation will pass, but it will not stop the drug problems in our society unless we address the core reasons as to why people want this illicit stuff in ever-increasing numbers, and we give them a reason for hope, a job, a home, and we give them opportunities so that they no longer want it. That is a combination of law enforcement, education and programs designed to raise people's self-esteem so that they no longer feel the need to use illicit drugs to survive their daily lives.

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I am very pleased to speak on this.

Members interjecting:

The Hon. R.L. BROKENSHIRE: What interests me is that, the minute that I stand up as a member of parliament and as police minister, members on the other side want to have a go. Do members know why they want to have a go? It is because they are not very happy about the situation when it comes to what I have had to say in this House over many years regarding illicit drugs. And I am going to say a little bit more in the next 15 or 20 minutes.

Members interjecting:

The ACTING SPEAKER (Hon. G.A. Ingerson): Order, the member for Elder! I warn the member for Elder.

The Hon. R.L. BROKENSHIRE: There you go, Mr Acting Speaker. Here is an interesting compromise tonight: I am going to say what I believe as both a member of parliament and a police minister. The shadow spokesperson has about as much genuine interest in policing as Fred Bloggs in another state who says that I should tell the truth. That is what he said. Well, I will tell the truth.

Mr Conlon: You're the biggest dope in the ministry.

The ACTING SPEAKER: Order, the member for Elder!

The Hon. R.L. BROKENSHIRE: The shadow spokesperson for police has said tonight that I am as dumb as an ox. It is twenty past eleven at night and I know that some people struggle with the late hours, but I do not. I particularly do not struggle on issues that I have a passion about. And I have a passion about this because I believe there are a couple of fundamental risks facing all of mankind today. One is clearly the issues around the Taliban and terrorism—that is one that we will get some bipartisanship on. The second one, which poses the biggest risk to mankind's future, is illicit drugs. They are the two big risks. If the opposition—

Members interjecting:

The Hon. R.L. BROKENSHIRE: This is supposed to be a conscience vote, but the minute I get up to speak the opposition wants to attack me as police minister, saying that I am speaking tonight because I want to ramp something up, or make innuendo or tell the truth or whatever we hear every day. I am going to tell the truth. Unlike what happened today in question time, when members opposite tried to attack a very good Premier, a Premier who is a clean-skin, a Premier who does not carry the baggage of the Labor Party and of Mike Rann, and a Premier who offers hope, future stability and growth for South Australia, as against the opposition—

Mr FOLEY: I rise on a point of order, Mr Acting Speaker. This is a piece of legislation dealing with hydroponics. The minister's attempt to ingratiate himself with the Premier is a little bit out of order and I would ask that he be brought back to the bill.

The ACTING SPEAKER: There is no point of order. I ask the minister to come back to the bill.

The Hon. R.L. BROKENSHIRE: Yes, I will. I strongly support this legislation. In fact, I am happy to put on the public record my absolute support for the Minister for Human Services in the development of this amendment. Members might ask why I support this bill. It is pretty simple. Most House of Assembly members of Parliament would have case after case of families coming into our offices, telling us about the problems with hydroponic cannabis, and cannabis generally. I would have thought that all House of Assembly members would take this very seriously for that reason and, whilst it is a conscience vote, would be prepared to see how good this bill is.

I would also like to talk about what I have been briefed on as police minister. You only have to look as recently as last night on the television news to see what hydroponic cannabis is doing to our community; what it is doing in the way of encouraging greed, where people think that they can get a fast buck; what it is doing in the way of criminal activity, as we again saw last night; and, most importantly, what it is doing when it comes to the damage to those people who start to use hydroponic cannabis in particular. I challenge anybody to say to me that cannabis is not a dangerous drug. I challenge them to show me the evidence that cannabis is not a dangerous drug. I challenge them to show me the ramifications in later life of using cannabis from an early age, such as 14 to 19.

The fact of the matter is that cannabis is not a healthy drug. It is an illicit drug. It is a criminal offence now. It is just that it attracts an expiation notice rather than going through the courts. It is a major damaging factor in the mental health of the community of South Australia who actually take cannabis as a recreational drug or however they describe it. What also worries me are the networks that are being developed. You only have to go, as I did with the Hon. Nick Xenophon in another house and Trish Draper from the seat of Makin, to actually listen first hand to the experiences and concerns of families and to listen to Dr Anderson to find out that cannabis is not a safe drug, that cannabis causes damage and that cannabis amongst other illicit drugs is tearing our families and our community apart.

The shadow spokesperson says that no-one is arguing with me. That is good and I will talk a little about that in a moment. Some people do not necessarily have to stand up and be counted in the public arena. I have to because of my position. I do that every day. I am put under scrutiny regularly when it comes to debate in this House and other issues regarding politics. There are also people like the Leader of the Opposition and the shadow spokesperson for police who, particularly as we come to an election period, must—

An honourable member interjecting:

The Hon. R.L. BROKENSHIRE: —as the member for Hammond says, be put under scrutiny. That is why I want to particularly—

Mr Conlon interjecting:

The Hon. R.L. BROKENSHIRE: We will talk about grubby politics. That is why I want to support this tonight.

An honourable member interjecting:

The ACTING SPEAKER: Order!

The Hon. R.L. BROKENSHIRE: I am delighted—and I will put it on the public record: I understand that everybody in this House of Assembly, from what is being said here, will support a very good amendment. But, notwithstanding that, there has been innuendo, damage and a lack of commitment when it comes to supporting the government's Tough on Drugs strategy.

An honourable member interjecting:

The Hon. R.L. BROKENSHIRE: Yes, there has been. The honourable member says 'Nonsense.' Let me quote the nonsense.

Members interjecting:

The Hon. R.L. BROKENSHIRE: I do not tell lies, like the opposition. I will quote from the facts. The *Advertiser* of 30 April—

The ACTING SPEAKER: Members on my left and those on my right know full well the rules of the House in terms of using the word 'lie'. I ask that everybody return to very normal and simple debate on this issue.

The Hon. R.L. BROKENSHIRE: Thank you, Mr Acting Speaker. I want to quote: I want to put this on the public record, because it is important. The *Advertiser* of 30 April 1999 (page 4) under the heading 'Leave our cannabis law alone, says Labor MP' states:

> Labor's spokesman for police matters, Mr Patrick Conlon, said South Australia had the 'wisest and the most balanced' laws on marijuana.
>
> 'I haven't heard a single convincing argument, apart from emotional ones, for changing it,' he said.

This is my counterpart on the opposite side, the shadow spokesperson on police issues, as against me, the spokesperson for police issues as the Police Minister. He then states:

> 'It is, of course, a conscience vote for the ALP, and I'll certainly be voting according to my conscience should the matter come up.'

Another article under the heading 'Prosecutor backs corner shop dope' in the *Australian*, Edition 1, Thursday 29 April 1999, page 006, by Matthew Abraham, source MATP (I want to get this right) states:

> Opposition spokesman on police issues, Patrick Conlon, a leading left-wing player, yesterday upset Labor's conservative law and order stance by supporting drug law reforms including free heroin trials and less policing of cannabis use.

That article is by Matthew Abraham in the *Australian.* The only reason why I cite this in this debate is that I have continually heard nonsense from the other side. I have stood up here—

Members interjecting:

The Hon. R.L. BROKENSHIRE: Fine.

Members interjecting:

The ACTING SPEAKER: The member for—

Mr Conlon: Try to tell the truth in the chamber.

The ACTING SPEAKER: The member for Elder will—

Mr CONLON: I will withdraw it, Sir, but I point out that my position is exactly the same as that of the select committee that he spoke of.

The ACTING SPEAKER: Sit down, Patrick. The member for Elder knows full well that you cannot stand up in this place and just do what you like. You can do what you like in any other part of the world, and as you probably have done in the legal profession. But in here you at least have to have some respect not only for the Chair but for the system. I ask the member for Elder to withdraw the comments that he made about lying and being a grubby individual. I ask him to do that immediately.

Mr CONLON: I withdraw the comments. I will speak in a moment.

The Hon. R.L. BROKENSHIRE: In conclusion, I have included those points because I am sick and tired of the innuendo. I am sick and tired of going on radio and not getting a fair chance to put facts forward, on a lot of issues including this issue, with non factual issues being put by shadow spokespeople on the other side. If those people on the other side are prepared to support this important amendment to protect the community of South Australia, to give police the opportunity to get in there and combat those people who network hydroponic cannabis, including our outlawed motorcycle gangs—

Mr Foley interjecting:

The Hon. R.L. BROKENSHIRE: I am giving you credit now for supporting it.

Mr Foley: Well, sit down.

The Hon. R.L. BROKENSHIRE: No, I will not sit down quite yet because I want to get a couple more things on the public record, and it will be interesting to read this debate in the morning if it is recorded the way that I am sure that it will be, because it illustrates that there is one set of rules sometimes when it suits and there is another set of rules when they want to play the political games. This is important legislation. A tough on drugs strategy is important for the government and it is important for the South Australian community, and I am delighted that tonight, for the first time, some of us have had a chance to get the real facts on the table. While people are supporting this tonight, the fact of the matter is that there has been a lot of innuendo out there for a long time. I have quoted the facts from the *Advertiser* and from the *Australian*. This is a good piece of legislation. It is a strong step in the right direction. It will help police, it will help the community of South Australia, and I commend the Minister for Human Services for putting up this amendment.

Mr CONLON (Elder): With some great enthusiasm I rise to answer the pathetic innuendos and grubby allegations made by the Minister for Police. Let me say this about this debate immediately: there is only one side trivialising the drug problem in this state at the moment, and that is the side that is attempting to play low grade politics with it, and we have just seen that from the member for Waite and the police minister. We have seen this little fellow so desperate to get something with his wedge politics that he is going to go and dig up a couple of quotes from three years ago and get them entirely out of context. Let me say about one of those quotes, and as the member for Waite would have the courtesy to recognise, that my position is absolutely no different from the position in regard to heroin as adopted by the select committee, which contained Liberals, which contained Labor, which contained Dean Brown, and it is low grade grubby politics to portray it as anything else.

Let me get this on the record, too. I support this bill. When it came before the shadow cabinet and the caucus I supported it. I have developed a view about the use of hydroponics in cannabis production, by speaking to the police also, that it is wrong and that it is a major contributor to the commercial

growth of cannabis, and I do not support that. I do not support it, and I spoke against it in my own fora, and I will speak against it here. Let me make this absolutely clear as well: other than for medicinal purposes (and I am told that there are some), I do not think it is good for you to use cannabis. I think it is a very bad idea.

But let me make this absolutely clear about the Labor Party and our view. It is absolutely scandalous and scurrilous of you to suggest that the people on this side do not care about the problems from the use of drugs. We have genuine differences of opinion about how to prevent the harm done by illegal drugs in our community and we do not agree with some of your approaches. We do not agree with some of them because, in my view, they are not correct. But because we have a different, genuinely held view about how to tackle the harm of illegal drugs and how to minimise the harm of illegal drugs, I think it is an absolute disgrace to use those genuinely held differences, our concern for the community, our concern for our children and families, in some cheap wedge politics.

All I can say is that members could hear the disappointment dripping from the minister's voice—and from the member for Waite—when the ALP did not vote against this legislation. We know what this is about for them. We know that their fond and desperate hope, to get over their grubby privatisations, their grubby deals, their dishonest Premier, was to run up to an election by finding some grubby wedge politics. That is what this is all about. This little bloke is not fit to be a minister.

The ACTING SPEAKER: Order! The member for Hartley.

Mr SCALZI: I find the member for Elder's comments about a dishonest Premier unparliamentary.

Mr Foley: John Olsen? He's been found to be dishonest.

Mr CONLON: I withdraw that and I say that the Premier was found by Dean Clayton to have given dishonest evidence, if that suits the honourable member better. I will not be withdrawing that because that is what he has found, for all of his claims of vindication. We might give you that royal commission, too. We might give you that. We might see whether Dean will vote for it. We will clear his name for you. We will give you that royal commission.

Mr Atkinson interjecting:

Mr CONLON: That is right. Let me get back to the main point and how bitterly disappointed I am that people would stoop to use human concerns about the harm done by illegal drugs in our community to play cheap politics. You should have been better than that, minister. It is absolutely plain. I emphasise the point that we note only the huge disappointment in the member for Waite and the Minister for Police that Labor was not playing their game, was not falling into their wedge politics, because that is all it is. We know what you are about. People on this side are genuinely concerned about this issue.

All I can say is that for the minister to come into this place and attempt to criticise me for having the same view as the member for Waite and, it appears, the Deputy Premier and the Acting Speaker (a member of the select committee) is nothing but low-grade politics. The minister is playing grubby politics with a serious issue and he should be ashamed of himself.

Mr SCALZI (Hartley): I wish to make a brief contribution to this very important issue.

Members interjecting:

Mr SCALZI: I would really appreciate if I could be heard. I know that some people have difficulty seeing me but at least let me be heard.

Mr Atkinson: Because we're not going to hear much more from you.

Mr SCALZI: The member for Elder has just said that it is wrong to trivialise this important issue, yet the member for Spence, who aspires to be Attorney-General, trivialises this debate by talking about how long a member of parliament should be in this place and gloating about gaining government at the next election. Just remember, as the federal opposition discovered, you must get the trust of the people, you must have the policy in place and you must get the people's vote. The Labor Party has not done that at the federal level and it is not doing that at the state level. I return to this very important piece of legislation.

Mr Atkinson interjecting:

Mr SCALZI: The honourable member keeps talking about the member for Hartley going teaching. If he is so good at it he should take it up himself but he should first learn from his mistakes. As I said, this is a serious issue. I have listened to the contributions from members on both sides and I agree with the member for Elizabeth, who said that in 1986 the reality was that cannabis was illegal. However, legislation in 1986 made it possible to expiate the possession of small quantities of marijuana. So, cannabis is and will remain a prohibited substance. It is the most commonly used illegal drug in South Australia. I agree with the minister; contrary to the views held by some, it can cause significant health and psychological problems.

It is illegal to possess or grow any amount of cannabis. The expiation scheme did not make it legal to possess or grow small amounts: it provided a mechanism for a person to pay an expiation fee and avoid criminal prosecution and conviction and the adverse consequences arising from a criminal conviction. If the person fails to expiate, then the matter may proceed to court. That is the reality; that is the position concerning three plants. This bill does not allow the production of cannabis for personal use by hydroponics to be expiated. That is what this legislation is all about.

I agree with the member for Ross Smith, who says that to deal with the drug problem we must look at the demand aspect as well as the supply. I believe that this amendment goes in the right direction, because it distinguishes between the production of marijuana 'normally' and by hydroponics. It is important to make the distinction because of the high THC in hydroponically produced cannabis. It is five to 15 or 20 times more potent than the normal marijuana grown outside. In a way, it is no different from people producing wine for home consumption, but the law does not allow the production of spirits at home for personal use. There is an analogy there: you can produce wine or brew your own beer, but you cannot produce spirits. The hydroponic marijuana is a little like the grappa of cannabis, because it has that high potency, and what that high THC can do is documented. So, I think it is a sensible and important step for the government and this parliament to distinguish between these two forms of cannabis.

It will not solve all problems. It will not stop the highly commercial production of marijuana, which is causing great problems in our community, but it will distinguish between the two. It will educate the community. I believe that we must look at the use of all illegal substances that are doing great harm to our society. Whether we are on the government side or the opposition side, it is important that we as members of

parliament look at this seriously, because it is doing harm to the community and our young people. As many members have said they are, I am concerned about the number of young people who have used cannabis; whether it be only once or regularly, that is and should be of concern to all of us. When young people especially are faced with problems they are turning to drugs, and the levels of alcohol consumption and binge drinking are themselves serious problems. We must be concerned about the fact that there is a high rate of abuse, and we must find ways to make sure that it is reduced. If we do not, there is no question that the consequence will be a lot of people not realising their full potential as members of our society.

For those reasons, I support this amendment. I believe that the 1986 legislation, which allowed the expiation system, although it was well intentioned, has not succeeded. Equally, this amendment will not solve all the problems that we face in our community, but it is an important step and it is pleasing to see that both the opposition and the government are in agreement on this important piece of legislation.

Ms BREUER (Giles): I think this government has been watching too many John Howard movies on how to win votes in an election by acting tough and decisively. We seem to have degenerated tonight in this House into a debate of who believes what rather than a debate on the legislation. I certainly do support this bill because I am very anti-drugs, and I have made that clear before. But I do not believe that this legislation at all addresses the big picture of drugs and the drug problem we have in this state. Today I spoke to a number of young people about this legislation and they laughed at what we were presenting. They see it as a joke and a vote catcher by this government. What we are really planning here is to make a criminal of the young person who by sheer good luck (in his or her terms) has obtained enough equipment to grow their own dope hydroponically. This is often a young person who has left home and got away from mum's watchful eye—who is living in a flat somewhere with two or three other young people and has the opportunity to grow their own dope.

This legislation will not stop the big grower because the penalty versus the money to be made will certainly not deter those who are serious about growing dope for sale. It will not deter them in the slightest. There is too much money to be made. As for the young grower, if they are deterred by the possibility of being caught and appearing in court for growing three plants hydroponically, why not give that up and sell speed instead? I have talked about speed in this place, and I believe it is far more evil and insidious and far more a problem than dope for our young people. It is easily available and certainly well sought after; it is easy to sell and one can make lots of money, so why not sell that instead?

I believe we will encourage the further proliferation of drugs such as speed by this legislation. If a young person were to decide that they were going to grow dope hydroponically, and they would risk getting busted for their three plants, why not grow 20 plants, anyway? It will not make much difference to them. They will look at growing many more plants than perhaps they considered in the past. Tonight I looked at the internet and, as a result of using one combination of about three words, I found over 64 sites that told me how to grow dope hydroponically.

I do support this legislation, but let us start seriously looking at the problems of drugs in South Australia. Let us look for the real criminals and not just the smart-arse kids who decide to grow two or three plants. Let us look at the drugs such as speed and ecstasy which are readily available—and we all know that young people die from ecstasy and we all know the problems created by speed.

For the first time, the young people I spoke to today have actually taken an interest in what is happening in this place and they really want to read *Hansard* to see what was said in this debate, although I doubt that they will read the whole transcript. This legislation means nothing to these young people in terms of deterrence. It is an absolute joke to them because drugs are a way of life, and this involves a huge proportion of young people. Any members who think otherwise, that their children or their grandchildren would never touch drugs, should think again. Peer group pressure is much stronger than anything we can do or say for our children. Most people of my generation will remember that their parents warned them about the dangers of alcohol, but how much notice did we take of our parents?

All we are really doing with this legislation is penalising a very small group; we are not hitting the real criminals. I say for the sake of our children and our grandchildren that we must get rid of this dreadful legacy that I believe we gave them from the 1970s. Let us get some real answers to the drug problem, not half-cocked mini legislation which is designed just to show voters how tough we are on drugs and which gives us the opportunity to stand up and speak in our electorate about how tough we are on drugs and so please those people and try to get rid of the issue.

Mr WILLIAMS secured the adjournment of the debate.

ADJOURNMENT

At 11.52 p.m. the House adjourned until Wednesday 14 November at 2 p.m.