HOUSE OF ASSEMBLY

Monday 19 August 2002

The SPEAKER (Hon. I.P. Lewis) took the chair at 2 p.m. and read prayers.

MEMBERS' TRAVEL REPORT

The SPEAKER: I lay on the table the House of Assembly Members Annual Travel Report for the financial year 2001-02.

ADELAIDE AIRPORT

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

Leave granted.

The Hon. M.D. RANN: I again rise to speak on a matter of importance to our economic and tourism future—Adelaide Airport and the urgent need for its upgrade. This is a $200 million project which has the potential to improve radically the efficiency with which South Australian companies can do business, as well as put an end to the miserable conditions which the travelling public have had to put up with. It will provide a major fillip to our economy, and put an end to the unacceptable queues and interstate and overseas guests arriving in the rain. It will be a new start for the Adelaide Airport. Last May I told the house that the new government strongly favoured not just an upgrade but also a new world-class integrated terminal, that is, a multi-user integrated terminal. Such a terminal would link the servicing of all three levels of air travel—regional, domestic and international—through a single, integrated and efficient facility. I believe that this is our best chance of giving Adelaide a competitive world-class airport.

Time is today so important for doing business, and an integrated facility offers speed and flexibility to business and the travelling public. We have to get all the major airlines in agreement to support an integrated facility that will give more of the economies of scale and scope needed for us to compete. The multi-user facility is the best approach for a city of Adelaide's size and offers major efficiencies to the airlines. I was delighted when on 19 July I met with the Qantas Chief Executive, Geoff Dixon, and he indicated his company's support for a multi-user facility. Just weeks previously it had been reported that Qantas wanted to go it alone and simply upgrade its existing facilities in the domestic terminal. Given its market dominance, that would have been a killer blow for any chance of achieving a new multi-use terminal. Geoff Dixon assured me that Qantas will shelve its plans for its own separate building and is keen to be a key partner in a new multi-use terminal, and that is great news.

Tomorrow, I am meeting in Brisbane with Virgin Blue Chief Executive, Brett Godfrey, in an effort to secure Virgin's support for the multi-user integrated terminal. It will not necessarily be easy and nothing is guaranteed. Virgin is a different carrier from Qantas with different needs. While I believe the two airlines can maintain and grow their different market segments within an integrated facility, it is clear that all players need to understand the benefits to them of the integrated facility concept as well as to South Australia. There are some quite different and significant commercial issues for the company, as well.

I am not complacent but I believe that this project makes sense for South Australia, for Virgin as well as for Qantas. Nevertheless, I am very pleased that Virgin has recently made positive remarks about the upgrade and the proposal for integrated facilities. Following the collapse of Ansett, Virgin has become the nation's second carrier, with enormous opportunities to grow. The announcement by Malaysian Airlines last week that it would increase services to Adelaide is a pointer to a brighter future if we can get this project up, and I am certainly pleased that at an initial stage Malaysian Airlines intends to increase its weekly flights from three to five, and would be interested in developing the market further should we achieve a multi-use new terminal.

The Managing Director of Adelaide Airport, Phil Baker, has been an untiring proponent of the upgrade and the multi-user concept. His outstanding efforts are to be applauded, and Mr Baker is also involved in negotiations with Virgin to bring that company on board. I am hopeful that tomorrow's meeting will substantially advance Virgin's progress for entry to the multi-user integrated terminal. If Virgin commits, it will be the breakthrough overcoming the final major hurdle to securing a start to construction, hopefully by the end of the year.

Adelaide is a city that deserves to have a first world airport, a world class airport. I am keen to see agreement as soon as possible within the next month, with work commencing soon, so that by the end of 2004, South Australians can at last enjoy the benefits of a world class airport, a $200 million new airport, integrating the domestic, regional and international terminals.

WHALE AND DOLPHIN PROTECTION

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

Leave granted.

The Hon. M.D. RANN: This morning I was informed that a southern right whale measuring about 13 metres in length has become entangled in an as yet unidentified material around its head. I have been told that whatever is entangling the whale, it has two floats attached to it. The whale is about 400 metres off Backy Point in the Spencer Gulf, near Whyalla, and its life-threatening predicament was first reported to the government at about 10 a.m. today.

The condition of the whale is now being assessed by air by a team from our national parks service. The team is now also assessing all available options to free the whale. National Parks and Wildlife has a team capable of rescuing this magnificent creature, and so does a group of whale-freeing experts from Western Australia. Depending on the best option to free it, one of these two teams will be called in as soon as possible.

Disentangling a whale in the open sea is notoriously difficult and dangerous because of the unpredictability of the whale's movements, particularly its tail. At present, officers from the National Parks and Wildlife Service, as well as the RSPCA and Primary Industries, are involved in the operation, and we will be keeping the house informed of the progress of the rescue operation. I want to make sure that everything that can be done to ensure that the whale is set free and does not come to any further harm is done. It will certainly have the full backing of the government in doing so.

While we are on the subject of marine animals, I am sure that it sickens most decent people in the community to see the way in which our Port River dolphins, one of the very few city-dwelling pods of dolphins in the world, along with Hong Kong, are being treated by certain gutless people. It is sad that there are a few miserable fools in our community who believe that it is acceptable to arm themselves with weapons and use defenceless, friendly, intelligence dolphins as target practice. Personally, I would like to see anyone found guilty of such a crime to be locked up. That is what they deserve.

Yet again today we see reports that a cowardly individual, or some individuals, armed with spear guns have again attacked two defenceless baby dolphins in the Port River. Dr Mike Bossley, from the Australian Dolphin Research Foundation, has worked tirelessly for many years with the dolphins to ensure that they are cared for and protected. He notes that the baby dolphins are particularly inquisitive and playful. Yet someone has seen fit to spear them with a four-pronged fishing spear. Fortunately, they are wounds only, and I understand that they will survive this time.

In June this year, environment minister John Hill and the then Acting Premier Kevin Foley announced the start of a consultation process with the South Australian community and with the local community down at Port Adelaide about the best possible way to protect the Port River dolphins.

A steering committee, chaired by Dr Bossley, has been set up to investigate the creation of a dolphin sanctuary, the first of its kind in the world. This committee is required to provide a report to the Minister for Environment and Conservation outlining options to manage the sanctuary by December of this year. The public has until 27 September to submit their comments to the Adelaide dolphin sanctuary steering committee.

It is because of the actions of a few that the creation of a dolphin sanctuary in the Port River and surrounding waters is becoming more important than ever. The government will move to double the penalties for anyone found to have harmed our dolphins and increase the fines from $50 000 to $100 000. We will also soon announce measures to reduce pollution in the Port River.

There are about 300 dolphins permanently resident in the Adelaide area, and over the past six or seven years they have been shot at with guns and arrows, speared, stabbed, poisoned and entangled in fishing lines. The dolphins and the environment in which they live deserve the best possible protection. The state government is committed to the creation of a dolphin sanctuary and is committed to doubling the penalties of those who seek to kill or hurt these creatures.

OMBUDSMAN'S REPORT

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

Leave granted.

The Hon. L. STEVENS: The Ombudsman's 'Final Report into the Treatment of Mental Health Patients—Shackling and Other Forms of Restraint' was released last Friday. This inquiry was initiated in November 2001 following revelations in the media about the use of security guards and the practice of shackling mentally ill and intellectually disabled patients in our hospitals. The report states that this occurred because insufficient support was made available to accommodate changes being undertaken in line with the National Mental Health Strategy, which involved the transfer of mental health emergency services from Glenside Hospital to other major metropolitan hospital emergency departments.

The report states that a significant increase in the number of presentations by mental health patients at emergency departments had placed undue strain on junior medical and nursing staff. It also states that respondents to the inquiry reported that they felt pressured because of overstretched medical and nursing staff in both emergency departments and wards to restrain patients who, in other circumstances, would not necessarily have been restrained.

These circumstances are another legacy of the former minister. The Ombudsman has recommended protocols for the use of mechanical restraints across our hospitals. These protocols cover: clinical assessment; time limits; the need for decisions to be made only by properly qualified staff; increased patient supervision; and accurate records of events.

The report also concludes that incorporation of the Ombudsman's directions regarding the use of restraints in our hospitals is a satisfactory approach to the treatment of the issues of concern and that the Department of Human Services has dealt with the key issues in the interim report. The Ombudsman said that his discussions with public hospitals left him with the understanding that the overwhelming majority of staff wished to see positive improvements to our mental health system and that staff will work positively to reform mental health services in South Australia. The reform of our mental health system is a priority for this government and the recommendations of the Ombudsman are being implemented.

HENSLEY INDUSTRIES

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

Leave granted.

The Hon. J.D. HILL: I would like to inform the house today of the latest developments involving the EPA and the action the authority is taking in relation to environmental concerns over a foundry operated by Hensley Industries at Torrensville. The site currently occupied by Hensley Industries, which is on the edge of the Torrens River at Torrensville, has been used by foundries for several decades. Residents on the opposite side of the river in Flinders Park, Underdale and Allenby Gardens have been affected by noise and odour from the foundry for much of that time. Residential development in and around the foundry intensified when the old Hallett brickworks at Allenby Gardens was redeveloped.

I have taken an interest in the problems with foundries for a number of years. In October 1999 I asked the then minister for environment a question about health and/or environmental complaints that had been received by the EPA concerning foundries. Since becoming Minister for Environment and Conservation I have asked the independent Environment Protection Authority to keep me fully briefed on these issues, particularly with respect to the Hensley foundry.

Inspections carried out by EPA officers have verified complaints by nearby residents and, as a result, the EPA imposed stringent requirements on the company. In particular, in November 2000 the EPA imposed a requirement that the company significantly reduce odour emissions by 1 December 2001. Hensley appealed this requirement at the Environment, Resources and Development Court but, in October 2001, a settlement was reached between the company and the EPA. With this settlement, the company agreed to meet its obligation to reduce odour levels by 1 July 2002.

However, in May this year the company advised the EPA that it was unable to comply with this requirement. The company advised that a concurrent EPA requirement for control of noise emissions was inhibiting its ability to meet the deadline.

I acknowledge the difficult balance the EPA must draw between its environmental responsibilities and the economic effects of its decisions. The Hensley foundry employs 157 people and has an annual turnover of about $17 million from exports within Australia and overseas. On the other hand, residents continue to be adversely affected by odour and noise, and the EPA is requiring Hensley to address these issues.

In view of the company's position, the EPA agreed to allow Hensley additional time until 12 August 2002. In July 2002, Hensley sought a further extension of time from the EPA. At its 4 July meeting, the EPA resolved not to further extend the deadline. I understand that, as a result, Hensley has decided to consider other options, including closing its operation, outsourcing and possible relocation to the cast metals precinct. The company asked the EPA to allow it to suspend the compliance works to allow time to carry out a feasibility study considering these options. At its meeting on 8 August, the authority considered the request. The authority is most concerned about the request to suspend these works. However, it is of the view that relocation within a reasonable time to the cast metals precinct would result in long-term benefits for all parties.

As a result, the authority has required Hensley to complete the feasibility study by 31 October this year. In the meantime, a management plan providing measures to reduce environmental impacts as much as possible during the study phase will be implemented. During the period of the study, Hensley will report monthly on the progress of the feasibility study to a community working group on which the Linear West Residents Committee is represented, and weekly to the chief executive of the EPA on process improvements. I am pleased to note that essential communication between the company and the Linear West Residents Committee has markedly improved in the last couple of months. If after completion of the study Hensley decides to remain at the Torrensville site, it will be required immediately to commence significant works to reduce the impact of odour and noise.

If the company decides to move (and one hopes that this is the case) its operations to another location, it will be expected to do so within a 12 month time frame (subject to the outcomes of the feasibility study); and during that period Hensley will be required to ensure that all reasonable measures are undertaken to reduce the impacts of its operations. The authority has made clear that it will act against the company if it does not comply with the EPA resolution.

QUESTION TIME

CONSTITUTIONAL CONVENTION

The Hon. R.G. KERIN (Leader of the Opposition): Will the Premier confirm that the state government has decided to take control of the proposed constitutional convention; and can the Premier assure the house that the process will now be bipartisan? Investigative journalism over the weekend led to a newspaper report which said:

The state government has moved to ensure it will control the planned constitutional convention.

Over the weekend, I was approached by a number of people expressing concerns that the convention process was becoming confusing and even farcical.

The SPEAKER: Before I call on the Premier to answer, can I again perhaps for honourable members' benefit remind them of standing orders 96, 97 and 98. That is what guides me, and it ought to guide all honourable members, not just the chair, in their preparation of the question and the explanation of it. The Premier.

The Hon. M.D. RANN (Premier): I am delighted to answer this dorothy dixer question. If the Leader of the Opposition would like to consult with the shadow attorney-general, he will find that the arrangements that have been discussed with him, and indeed announced on Saturday, include a bipartisan approach. Indeed, we hope that the Hon. Robert Lawson will play a central role in the deliberations, along with the Speaker and the Attorney-General, as well as backbench members from both houses of parliament. I hope that the Hon. Mr Lawson, along with the Speaker and the Attorney-General, will be involved in travelling from community to community in the lead-up to the constitutional convention planned in March or April of next year, as was announced at the constitutional conference organised by the University of Adelaide at the Art Gallery on the weekend to some acclaim.

FISHING, RECREATIONAL

Mr CAICA (Colton): Will the Premier advise the house whether the government intends to implement a general recreational fishing licence?

The Hon. M.D. RANN (Premier): I know there are many keen fishers on both sides of the parliament. There has been speculation in the media that the government is about to impose a tax or a levy on recreational fishers. As most members of the house will be aware, there have been press reports in the last few days speculating that the government will use the current review of the Fisheries Act as an opportunity to introduce a general recreational fishing licence. I would like to assure honourable members that the Treasurer's statement of 29 May this year remains government policy and will remain government policy. The government does not, I repeat does not, intend to introduce a general recreational fishing licence. We have vetoed proposals for a general recreational fishing licence. We have vetoed proposals for attacks on people who enjoy themselves with recreational fishing.

In the past, the opposition has repeatedly attempted to scare weekend anglers into thinking that the tax man will be at the end of every jetty in this state demanding payment before they can throw a line in the water. Perhaps that was their plan. Claims that the government plans to introduce these licences are just as reliable as the sightings of the Loch Ness monster in the Coorong.

CONSTITUTIONAL CONVENTION

The Hon. R.G. KERIN (Leader of the Opposition): Will the Attorney-General inform the house how many people have been appointed or co-opted to work on planning for the Constitutional Convention, where they will be located and to whom they will report? Newspaper advertisements appeared in the media—

Members interjecting:

The SPEAKER: Order! The honourable Leader of the Opposition has the call.

The Hon. R.G. KERIN: Newspaper advertisements appeared in the—

An honourable member interjecting:

The SPEAKER: Order! The Deputy Premier will not interject, especially after I have reminded the house that the Leader of the Opposition has the call.

The Hon. R.G. KERIN: Newspaper advertisements appeared in the media on 22 June calling for applicants for the positions of Senior Project Officer, Administrative Officer, Senior Legal Officer and Media Liaison Officer, who will report to the Speaker.

The Hon. M.J. ATKINSON (Attorney-General): Yes, those four officers will be attached to the office of the Speaker, and they will help organise the Constitutional Convention from the Speaker's office. After all, the Constitutional Convention is an initiative of the Speaker. It was in his compact for good government and it will be directed by a steering committee comprising me, the shadow attorney-general, two members of the opposition and two members of the government. The convention will be organised by that steering committee, presided over by the Speaker and assisted by four staff.

LAKE EYRE BASIN

Ms BREUER (Giles): Can the Minister for Environment and Conservation inform the house of what the government is doing to protect wetlands and the unique river ecosystems within the Lake Eyre Basin?

The Hon. J.D. HILL (Minister for Environment and Conservation): I acknowledge the member's great interest in this matter and I also acknowledge the shadow minister for water resources' great interest. He had an historic role in the establishment of the ministerial council that relates to this. The government recognises the unique values of the Lake Eyre Basin and its relatively pristine wetlands and river ecosystems. It is highly committed to the successful implementation of the Lake Eyre Basin Intergovernmental Agreement.

This agreement with Queensland and the commonwealth provides a basis to work cooperatively for better water and related natural resources management in the basin. Within the agreement there is emphasis on protection of river flows that maintain wetlands and river ecosystems. The government has committed additional resources to ensure the completion of the major research project entitled 'Environmental flow requirements for Australian arid zone rivers' (also known as ARIDFLO).

The Department of Water, Land and Biodiversity Conservation runs this project in collaboration with the Queensland EPA, the Queensland Department of Natural Resources and Mines, the University of Adelaide and the University of Melbourne. The department and collaborating partners have all contributed financially to the project. The commonwealth has also provided funds from the Natural Heritage Trust through its environmental flows initiative.

The ARIDFLO project is perhaps the largest scale environmental flows research project in Australia with 50 sites ranging across a large part of the vast Lake Eyre Basin. The project has collected the most detailed aquatic biota dataset ever collected for arid zone rivers in Australia. This in itself is a major achievement. One of the key outcomes of the project will be the development of a much better understanding of the relationship between flows and biological responses. Hydrological models and hydrology-ecology models (developed as part of the project) will assist this understanding. This knowledge will greatly assist the development of policies and activities to be implemented under the Arid Areas Catchment Water Management Board and the Lake Eyre Basin Intergovernmental Agreement.

HOSPITALS, QUEEN ELIZABETH

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is directed to the Minister for Health and concerns the MRI machine at the Queen Elizabeth Hospital. Will the minister advise the house whether she has now read the business plan for the purchase of the larger MRI submitted by the Queen Elizabeth Hospital in March this year?

The Hon. L. STEVENS (Minister for Health): On 13 August I made a very detailed ministerial statement on this issue and tabled advice from the Crown Solicitor. I advised the house that this matter has been referred to the Auditor-General, and that is where it rests.

Members interjecting:

The SPEAKER: Order!

HEALTH CARE AGREEMENT

Ms CICCARELLO (Norwood): My question is directed to the Minister for Health. As the Australian Health Care Agreement will expire on 30 June 2003, will the minister tell the house about the process and progress of preparations for the negotiation of the next agreement?

The Hon. L. STEVENS (Minister for Health): I thank the honourable member for this very important question. The Australian Health Care Agreement on funding arrangements between the state and the commonwealth is due to expire on 30 June 2003. On 5 April 2002 state, territory and commonwealth health ministers agreed upon a process for the renegotiation of the agreement which will look at health outcomes and not just only funding issues.

As part of this process, reference groups led by a partnership of experts with clinical and bureaucratic expertise (reporting to the Australian Health Ministers Conference) have been established for the following significant areas: preventive, primary, chronic and acute models of care; connections between aged and acute care; collaboration on work force training and education issues; connections between hospital funding and private health insurance; improving indigenous health; improving mental health; improving rural health; quality and safety; information technology; research; and ehealth. The reference group will report to health ministers in September 2002, and I am confident that this work will be invaluable in the lead-up to negotiations for the new funding agreement.

HOSPITALS, QUEEN ELIZABETH

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is directed to the Minister for Health and it concerns the MRI at the Queen Elizabeth Hospital. Will the minister advise the house when she expects the Auditor-General to complete his investigation into the purchase of the MRI machine at the Queen Elizabeth

Hospital; will she guarantee that she will read and publicly release the report as soon as it is received or make it publicly available if parliament is not sitting; and will she also let parliament know when she has finished reading the business plan report on the purchase of the MRI?

The Hon. L. STEVENS (Minister for Health): I am surprised that the deputy leader has nothing else on which to focus. The Auditor-General—

Members interjecting:

The SPEAKER: Order!

The Hon. L. STEVENS: —has received all the information in relation to this matter, and I understand that he would be progressing through it as quickly as he can. As I have said to the house on a number of occasions, I will read the report with interest, and of course it will be made public.

MATTER OF PRIVILEGE

Mr BRINDAL (Unley): I rise on a matter of privilege. In Saturday's *Advertiser* a member of this house is described as quoting those who have criticised him as 'ignorant and stupid'. In the same article, when asked about the right of members of parliament to be able to exercise their right of free speech, he is also quoted as saying 'They should shut up.' The matter of privilege I raise is this: under the standing orders last week you, sir, in relation to members casting direct reflections on each other, said that all members of the house were entitled to protection. I ask, therefore, whether all members are entitled to the same protection. For instance, under the standing orders, would it be in order for a member to seek appropriate protection if a member is referred to by another member as being ignorant and stupid? In addition, equally the most important of all our privileges is freedom of speech. Is the privilege of freedom of speech and freedom for the best possible construction to be put on all our undertakings equally available to all members of this house, or is it just reserved for a privileged few?

The SPEAKER: I hear the member for Unley's remarks. I do not know where he wishes to take this. There is no substantive motion. If he wishes to discuss it with me after question time, I will be happy to do so, but he should bear in mind that, because my presence is sought elsewhere in yet another court, I will be available after 6 p.m. I would be pleased if he were to write me a short note indicating when he would like to talk to me. I call the member for Wright.

GOLDEN GROVE LAND

Ms RANKINE (Wright): My question is directed to the Minister for Government Enterprises. Will the minister advise the house whether he is aware of any plans by the City of Tea Tree Gully to develop the district sportsfield site at Golden Grove?

The Hon. P.F. CONLON (Minister for Government Enterprises): I thank the honourable member and pay tribute to the work that she has done on this issue. She is a very hard working and good local member, as all would know. It is also good to get a question that is not somehow about the Speaker. I think this mob need to get their minds elsewhere if they are to be a decent opposition. They really do need to lift their game. I am aware that the district sportsfield site at Golden Grove is vacant land which was set aside—

Mr BRINDAL: On a point of order, sir, I take objection, if the leader of the house was referring to my last question. I did not mention the Speaker at any time and, in saying that we should get on with the main game, I take objection and ask him to withdraw.

The SPEAKER: If the minister was addressing those matters, I regret that I was not paying attention. I was distracted by some other material just then. I simply tell the minister to get on with answering the question.

The Hon. P.F. CONLON: I will do that, Mr Speaker; thank you. It is very good to address a substantial issue. The land in question was set aside by the joint venture to provide much needed sporting facilities, and the need for those was identified in the early stages of the planning of this development. The land was gifted to the Tea Tree Gully council on this understanding. All members who were part of the previous parliament would be aware of the constant push by the member for Wright to have this facility completed. I know that her community is well aware of the work she has done to try to convince the Tea Tree Gully council to honour its commitment to provide these much needed facilities. Apparently, the member for Newland has some interest in this, but it is a little obscure.

I am aware that the Tea Tree Gully council has recently offered a significant portion of the district sportsfield site to the Golden Grove joint venture for a residential development rather than as a sporting complex. As I understand it, the council has offered to swap the district sportsfield land for land at Spring Hill that the joint venture intends to develop for residential purposes. This land at Spring Hill has long been earmarked for residential development and, indeed, the council approved the development of this site in 1999. More recently, there have been moves by some residents living near the land to have it retained as open space.

The joint venture has quite rightly rejected the council's offer of a land swap. It is of the view that it would not be appropriate for the district sportsfield to be developed for housing. The joint venture has consistently supported the use of this land for sporting facilities at Golden Grove which, as I understand it, are badly needed to cater for the large number of families and young people living at Golden Grove. I can assure the house that, while the member for Newland might have no regard for those people, the member for Wright does, and works very hard in their interests.

The joint venture has said it would be happy to sell the Spring Hill land to the Tea Tree Gully council if the council wishes to retain the land as open space. I understand that recently the council has indicated that it may agree to enter into an arrangement with the joint venture in which part of the land would be developed for residential purposes and part of it would be purchased by the council residents to be retained as open space. This outcome would address the concerns of residents who wish to retain the Spring Hill land as open space. It would also mean that the district sportsfield site can be used for the purpose for which it was intended, namely, to address the shortage of sporting and recreational facilities in a location which is close to public transport and which provides access to young people. It is a very positive outcome but one which the member for Newland does not appear to support; she does not care about the people of Golden Grove. Thankfully, the member for Wright does.

REFERENDA BUDGET

The Hon. I.F. EVANS (Davenport): Will the Treasurer advise the house what amount has been included in the budget forward estimates for referenda during this term of the government?

The Hon. K.O. FOLEY (Deputy Premier): I will be happy to provide that information to the honourable member at the earliest opportunity.

VALUATIONS, PROPERTY

Mrs GERAGHTY (Torrens): Will the Minister for Urban Development and Planning explain the process by which, on receiving their rates account, an aggrieved landowner can seek an explanation from the Valuer-General justifying these increases? I understand that residential valuations completed by the Valuer-General for 1 July 2002 have shown significant increases.

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): This no doubt addresses the recent public debate about the question of rates that we have seen. The Valuer-General undertakes more than $1.5 million site and capital valuations on an annual basis.

An honourable member interjecting:

The Hon. J.W. WEATHERILL: No; his office does about 15 per cent personally, but the rest are done by looking at sales data across the whole state. The current valuations for residential property obviously reflect the strong property market. Land owners who are dissatisfied with or wish to query their valuation can contact the Office of the Valuer-General and in particular the customer services centre. The customer services centre operators can assist the caller with a range of information, including rating and taxation evaluations, market trends and also, if necessary, the objection process. Trained administrative staff are employed in the centre, ensuring that callers have a personal point of contact. Qualified valuers supervise them, and they are also available, should that become necessary.

In the last financial year, 10 500 calls were taken and, of that number, only 4 000 went through to the next objection process. While that seems as though there has been a substantial reduction and that people may be satisfied, I am keen to find out exactly what is happening through that process, so it is my intention to attend the customer services centre and listen to the way in which that process is carried out and, if necessary, take a few calls myself. The other half of this equation is council policy. Members would be aware that rates do not necessarily flow on automatically from the valuation: it is a question of the way in which councils apply the policy.

The recent 1999 amendments to the Local Government Act provided a range of policy tools for councils in the way in which they go about the rating, and there are also measures to ensure that, where there are anomalies or hardships, they can apply them and ensure that there is some relief. I am writing to councils asking them to tell me how they have applied those policies so that they can be reviewed, and I must say that I was interested to see the reported comments of the member for Light, who helpfully suggested that there might be one flat fee—

The Hon. M.R. Buckby: No, I did not suggest that. That is quite misleading.

The Hon. J.W. WEATHERILL: Okay. His remarks were, 'If I live in a house that is worth $300 000 in Gawler, I will pay significantly higher rates than someone who lives in a house that is valued at $100 000, yet we both receive exactly the same services.' I do not know what else—

The Hon. P.F. Conlon: It sounds like he wants to charge a flat rate to me.

The Hon. J.W. WEATHERILL: It sounds like a flat rate to me. What needs to be pointed out is that a range of policy measures exist in the act, but there is one direction in which this government will never head, and that is down the Thatcher poll tax route. We will not be striking a flat rate across the board. What is implied by that suggestion is that those people who are paying less at the moment will go up to the average. That is what it means. It means that people in modest properties will be paying a lot more taxes. That will never be a policy of this government.

STOCK THEFT

The Hon. G.M. GUNN (Stuart): Can the Minister for Police advise the house of the discussions he undertook to have with the Commissioner of Police concerning stock thefts in northern South Australia? The minister will recall that on 16 May I raised this matter with him and he undertook to discuss it with the Commissioner. The minister would also be aware that the federal justice minister today called for a national approach to this problem and is seeking the cooperation of all states, so I ask the minister to comment on that suggestion, as well.

The Hon. P.F. CONLON (Minister for Police): I thank the member for Stuart for the question.

The SPEAKER: Order! The Minister for Government Enterprises will answer the question rather than comment.

The Hon. P.F. CONLON: This is a good question, which is very much like the member for Stuart. The member for Stuart would recall, and I hope he received it, that I sent him an answer in writing about this. I recall doing so because the first draft referred to it as 'sock stealing' and I thought that was probably not what the member was interested in, so we subsequently changed it to 'stock stealing'.

I must confess that it was some time ago, because we in our office are very prompt in answering questions, so I will have to refresh my memory. I am happy to take it up again with the Commissioner, and I think the answer contained an explanation of the resources that had been addressed to the issue. I am not aware of the comments of Senator Ellison, but I am happy to look at them, discuss it further with the Commissioner and bring back another answer, either in this place or a written answer.

ROADS, BLACK SPOT FUNDING

Mrs PENFOLD (Flinders): Can the Minister for Transport advise the location and amounts of the 60 per cent rural allocation of black spot funding for projects in country areas? An article in the *Advertiser* on Thursday, 1 August, listed projects funded under the black spot program which totalled $2.19 million, stating that 60 per cent was going to the country. However, closer inspection reveals that 61.2 per cent of the funding listed has actually been allocated to projects within the metropolitan area, and not rural areas. The committee representing the people using the Lipson-Ungarra Road have asked for this black spot funding to complete the

last few kilometres of their very busy road and are particularly interested to know where this money is going.

The Hon. M.J. WRIGHT (Minister for Transport): The announcement of the state black spot program is the first time that any government has ever announced such a program. This is part of this government's road safety package. In addition to the $3.5 million allocated to the state black spot program, $1.7 million is going into shoulder sealing. Why do we do it? Because on my advice, with respect to safety and getting maximum value for our effort, this is where we should be applying the money.

With regard to the specifics of the member's question, I am happy to come back with the detail. I have said previously that 100 per cent of shoulder sealing would be going to country areas and, in addition to that, as my memory best serves me, I have said that at least 50 per cent of the money allocated for the state black spot program would be going to country areas. A range of projects has been announced with respect to where that money will be spent. I am happy to get the detail for the member and will provide it as a matter of urgency. If she would like a personal briefing as to where money is being spent on every individual state black spot project, I am sure we can organise that straight after question time.

INDEPENDENT GAMBLING AUTHORITY

Mr BROKENSHIRE (Mawson): My question is directed to the Minister for Gambling. Given the report in the media over the weekend, why did not the government appoint a South Australian as Presiding Member of the Independent Gambling Authority, but instead has chosen to fly in an interstate person to oversee this important authority? By your leave and with the concurrence of the House, I wish to explain my question.

The SPEAKER: Are you sure you need to?

Mr BROKENSHIRE: Well, I would like to, Mr Speaker. The Independent Gambling Authority has an important role, as all members of parliament would agree.

The SPEAKER: That is just the reason why I asked you the question. I am sure the minister understands that it has an important role. Explanations are not an opportunity to comment, and they waste time. The minister.

The Hon. J.D. HILL (Minister for Gambling): Thank you very much, Mr Speaker. This is an important question, and I am glad to have an opportunity to talk about the IGA which is, as I understand it, an important body. On Monday 12 August, cabinet approved the appointment of Mr Stephen Howells to be the Presiding Member of the Independent Gambling Authority, and Her Excellency the Governor confirmed that selection in Executive Council last Thursday. Before I had a chance to let anybody know, the *Sunday Mail* picked up the story and published it on the weekend.

Mr Howells is a barrister based at Owen Dixon Chambers West in Melbourne. He has a significant national legal practice with a presence in South Australia. He was admitted to practise in the High Court and federal jurisdictions in 1986. Mr Howells has substantial litigation experience and meets the statutory legal requirements associated with being Presiding Member, including at least 10 years' legal background. In addition to Mr Howell's legal experience, he has a deep and committed understanding of social justice issues—

The Hon. M.J. Atkinson: A member of the Anglican Synod.

The Hon. J.D. HILL: —which will assist him to lead the authority in developing harm minimisation strategies to tackle problem gambling. He has, as the Attorney-General just said, been a member of the General Synod of the Anglican Church of Australia since 1994. He has been Chairman of the Melbourne Anglican Diocesan Clergy Appointments Committee since 1997. He is a legal adviser to various church and charitable bodies, including most major denominations. In addition, he has experience as a Presiding Member in hearing disputes. For example, he was the Presiding Member of the 2000 Australian Olympic Committee Review Panel in the martial arts section. His referees include the Hon. Justice Bleby, of the Supreme Court of South Australia, and Dr Keith Rayner, AO, former Anglican Archbishop of Adelaide and Melbourne.

The Hon. M.J. Atkinson: He was Primate of the Anglican Church of Australia.

The Hon. J.D. HILL: I will let the Attorney-General give his CV to the house. Before deciding to appoint Mr Howells, I did look at a number of other members of the South Australian bar and I consulted with people on both sides of the argument, the church's side and the AHA's. I have to say that I had difficulty in getting a consensus on the first two or three I tried. No doubt if I had kept trying through the South Australian bar, I would have found someone.

One of my colleagues suggested Mr Howells to me, and I tested him out. Both sides of the argument thought he would be a suitable choice. I talked to the Chief Executive Officer of the IGA, who knew Mr Howells and who also confirmed that he would be a suitable choice, and I met him myself and was assured that he was. In relation to the fact that he comes from Victoria, I say to the house that he brings two attributes: he will bring to the position the experiences of gambling reforms from the Victorian jurisdiction, and they are possibly in advance of South Australia; and secondly, he is not professionally engaged by industry interests in South Australia or hotel or club clients across Australia, which was another issue in finding somebody in South Australia.

From time to time governments do make appointments from other states. For example, Professor Anne Edwards, who is now the Vice-Chancellor of Flinders University, served as Deputy Chairperson of the Victorian Casino and Gaming Authority for over three years whilst she was Deputy Vice-Chancellor of Flinders University; and Wayne Stokes, an Independent Gambling Authority member, is a member of the National Capital Authority. So, those jurisdictions think that it is worthwhile having somebody from our state to serve on those bodies. In South Australia—

Members interjecting:

The Hon. J.D. HILL: It is not difficult to work out what questions the opposition will ask, so it is reasonably easy to get a thorough answer. For the benefit of the member, in South Australia the Chairman of Funds SA is a Sydney-based person, Dr Helen Lynch, and Carolyn Hewson and Sandra McPhee are currently on the board of SA Water, appointed from interstate by the opposition.

The Hon. K.O. Foley: Helen Nugent is the head of Funds SA.

The Hon. J.D. HILL: Helen Nugent, of course, is the head of Funds SA; I beg your pardon, not Helen Lynch. Certainly, the former Liberal government was no stranger to interstate appointments. A quick examination of state government appointed boards and committees reveals that 52 individuals listed as residing interstate were appointed to

boards and authorities in South Australia prior to March 2002. So, it is absolute arrant nonsense to criticise this person because he comes from Victoria. I know some of the legal fraternity in South Australia say that one of theirs should have been appointed. I say to the lawyers in South Australia that surely they are not suggesting that no lawyer from South Australia should serve on a board in another state, because that is what you have to say if you say that somebody from Victoria cannot serve on a board in our state.

Members interjecting:

The SPEAKER: Order!

MUNDULLA YELLOWS

Mr WILLIAMS (MacKillop): Is the Minister for Environment and Conservation concerned that the research institute at Knoxfield in Victoria, which his department has courted to take over the funding previously awarded to the Waite Institute for research into Mundulla Yellows, has no record of basic research, or publication of research papers in scientific journals? Is the minister further concerned that this institution, which uses others' published research to diagnose plant diseases, has recently settled out of court against a $300 000 damages claim for a misdiagnosis of a not uncommon disease in a potato crop in the Northern Territory?

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for his fifth, or perhaps sixth, question on the issue of Mundulla Yellows. I am sure he is finding my answers just as fascinating to listen to as I am finding them to give. The facts are that the government, with Environment Australia (EA), is progressing the appointment of a research body to look into the issue of Mundulla Yellows. As I have said to the member on a number of occasions, there were great concerns about the research program that had been in place prior to March or April this year. A review of that research was carried out and a decision was made to open it up for tender.

We are now going through an open tender process, and a range of bodies will apply for the research program. Since the member and others have raised this with me, I have instructed the head of the Department for Environment and Heritage to ensure that there is an independent assessment of the process in choosing the winning tender. In other words, I will have a third party review the process just to ensure that there are absolutely no doubts at all that the process has been done in a thorough, professional and fair manner.

WHALE AND DOLPHIN PROTECTION

Ms BREUER (Giles): Can the Premier give a progress report on the campaign to free Willy?

The Hon. M.D. RANN (Premier): I am very pleased to be able to inform the house that the whale is free. I understand that National Parks says that a private diver untangled the whale and it is heading far away from the area: it is free and well.

Members interjecting:

The SPEAKER: Order!

MUNDULLA YELLOWS

Mr WILLIAMS (MacKillop): I congratulate the Premier on getting back to the house so quickly after that dive. My question is again directed to the Minister for Environment and Conservation. Notwithstanding the minister's answer to the estimates committee that 'there has been a proper process of review of the research program' to a question on the tree disease Mundulla yellows; and, further, that it was unanimously held that there were problems with the research program, does the minister now concede that the unanimity to which he referred was not the case, and in fact the workshop held on 9 and 10 April this year to review the research program actually endorsed the primacy of the molecular research work as being carried out at the Waite Institute; and when will he release the record of that workshop?

The Hon. J.D. HILL (Minister for Environment and Conservation): I do not concede anything of the sort, and I will get advice on the workshop for the honourable member.

RECREATION AND SPORT FACILITIES

Mr HANNA (Mitchell): Will the Minister for Recreation, Sport and Racing advise the house what the government is doing about its pre-election commitment to review state recreation and sport facilities?

The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing): We are honouring that commitment. The planning for recreation and sport facilities does demand a strategic and coordinated approach. We need to have a statewide sport and recreational facilities audit so that we know what exists not only throughout metropolitan Adelaide but also country South Australia. This will provide valuable information, and it will form the first stage of a state sporting facility strategy. Such a strategy will ensure that sporting facilities are planned appropriately and meet community needs, and it will provide a framework for funding priorities.

We view this planning and policy framework as very important in moving forward in this critical area. The audit is predominantly a data inventory process and will require input from key stakeholders, including local government, recreation and sport peak associations. Other government agencies such as Planning SA and the education department will also be involved. A reference group comprising representatives of the LGA, Sport SA, Recreation SA, the University of SA, Planning SA and the Office for Recreation and Sport has also been established. The findings of the statewide facilities audit and the recreation and sport grants task force, which I have previously announced to the house, will provide valuable information to the government and will be a launching pad for moving forward.

We imagine that the target date for the completion of this audit will be mid November 2002. This audit and the other task force to which I have referred will interface nicely and will prepare the groundwork for next year with regard to the development of policy.

TRANSADELAIDE RAILCARS

Dr McFETRIDGE (Morphett): Can the Minister for Transport inform the house whether the government is continuing with the program of the previous Liberal government to refurbish various TransAdelaide railcars? If so, how many railcars will be refurbished and when are they due for completion?

The Hon. M.J. WRIGHT (Minister for Transport): I will take that on notice.

CONSTITUTIONAL CONVENTION

The Hon. W.A. MATTHEW (Bright): Can the Premier tell the house whether the President of the upper house, the Hon. Ron Roberts, will be one of the additional two government members who will be nominated to the steering committee for the Constitutional Convention and, if not, why not?

The Hon. M.J. ATKINSON (Attorney-General): The government representatives on the committee will be the member for Enfield and the Hon. Gail Gago.

REVENUE SA

Dr McFETRIDGE (Morphett): Can the Treasurer advise why Revenue SA uses one identification number for each client to administer such things as the emergency services levy and land tax and then is unable to cross match client details across departments? I have a constituent who is being penalised for late payment of land tax even after having notified Revenue SA of his change of address for the emergency services levy. This lack of communication across departments in this electronic age seems ridiculous. I am happy to forward the details of this particular case to the Treasurer.

The Hon. K.O. FOLEY (Treasurer): I do not know about any other member of the house, but the member spoke so quickly that I had trouble following the detail of the question. I will read it in *Hansard* and will be happy to get a detailed response to the member as soon as I can.

ROADS, REGIONAL

Mr BROKENSHIRE (Mawson): Given the acknowledged significant cut in overall rural and regional road funding and the minister's comment about shouldering in rural areas, can the minister advise what quality control he has for the money spent on road shouldering in rural and regional areas? Recently, some road shouldering was done along the main Victor Harbor Road from Willunga Hill. As it is breaking up significantly in many parts, I wonder what quality control this government has for the money it is spending on road reconstruction and development?

The Hon. M.J. WRIGHT (Minister for Transport): The opposition is always dirty when the government spends money in the country. This is a government for all of South Australia, and the member would know full well that Transport SA inspects the work that is undertaken, and that is the way they would undertake their responsibility in that regard. As to the specific incident to which the member refers, I am happy to come back with a more detailed answer.

PARTNERSHIP GUIDELINES

Mrs PENFOLD (Flinders): Can the Treasurer advise the house when the guidelines for public and private partnerships will be available, and will those guidelines cover the urgent requirement for a desalination plant on Eyre Peninsula which is necessary owing to the very low recharge to the aquifers expected this winter?

The Hon. K.O. FOLEY (Deputy Premier): The answer to the first part of the question is 'soon', and the second part of the member's question was, as I understand it, covered by my colleague the Minister for Government Enterprises during estimates. If not, we will have a look at the question in more detail and provide a more considered answer.

CITIZENSHIP QUALIFICATION

Mr SCALZI (Hartley): Has the Premier had any discussion with the federal government regarding citizenship qualifications for members of parliament? Members would be aware that the Premier strongly opposed the Citizenship Constitution Bill put forward by me in the last parliament prior to the election. Given that we are very much interested in constitutional changes, and that Article 17 of the 1948 Citizenship Act has been passed by the federal government, allowing members of the public to have dual citizenship, I would have thought that the Premier would discuss with the federal government his standing on that position.

The Hon. M.D. RANN (Premier): The answer is no.

ROADS, REGIONAL

The Hon. R.G. KERIN (Leader of the Opposition): Will the Minister for Transport now admit that, despite the rhetoric, there has been a large net cut in funding for roads in regional South Australia? The minister has on several occasions spoken of the government's new road safety initiatives. In fact, the Shoulder Sealing and Blackspots program allocations to regional areas represent a low percentage of funds which have been cut from other regional programs—such as, the Arterial Roads and Regional Roads programs and Outback Roads Maintenance—and that represents a huge net loss in funding for regional roads.

Members interjecting:

The SPEAKER: Order! When the leader has the call, other members will respect that fact. Conversations are possible, but bellicose barracking is unacceptable. The Minister for Transport.

The Hon. M.J. WRIGHT (Minister for Transport): No.

PARLIAMENT, TELEVISION CAMERAS

The SPEAKER: The member for Goyder.

Mr MEIER: Thank you, Mr Speaker.

Members interjecting:

The SPEAKER: Order! The member for Goyder has the call.

Mr MEIER (Goyder): Thank you, Mr Speaker. My question is directed to you. Will you inform this house what progress is being made towards installing television cameras in the house on a permanent fixed basis?

Mr Koutsantonis interjecting:

Mr MEIER: Listen and you might learn something.

Mr Koutsantonis interjecting:

Mr MEIER: No, I'm not. The previous Speaker, the Hon. John Oswald, undertook a study—in fact, I recall that he went to Western Australia (amongst other states)—to investigate the cost and feasibility of installing fixed cameras in this house. I believe, sir, that you also felt there was a need for fixed cameras. I wonder what progress has been made or whether any moneys have been allocated for the installation of such cameras in the near future.

The SPEAKER: I acknowledge that the chair is, in some measure, responsible to the house for such decisions. I have no intention of moving on that without consulting a representative of the government and the Leader of the Opposition or

his representative. However, my recommendation to them would be that we do this before Christmas. Subsequent to my occupancy of the chair, I have received advice from another quarter for a minuscule fraction of the cost of the consultant's opinion which I find (at best) worthy of no more than perhaps amusement. I believe this can be done quickly and without too much more fuss, thus enabling the proceedings to be broadcast on the internet.

GLENELG PEDESTRIAN CROSSING

Dr McFETRIDGE (Morphett): I will speak slowly because I know they are a bit slow on the uptake. Will the Minister for Transport say whether his department is undertaking any investigations in order to introduce a 'barn dance' style pedestrian crossing at the intersection of Jetty Road, Partridge Street and Gordon Street, Glenelg? A barn dance style crossing is where all traffic is stopped and pedestrians are able to cross in any direction, including diagonally across an intersection. The sequence of lights at this intersection is such that the first flow of traffic is west along Jetty Road and also right into Partridge Street from Jetty Road. Traffic from Gordon Street is able to turn left into Jetty Road on a green arrow. The next sequence of lights is from Gordon Street South into Partridge Street and a right turn from Gordon Street into Jetty Road. The next sequence of lights is along Jetty Road and east along Jetty Road to turn right into Partridge Street. The next sequence of lights is north from Partridge Street across Jetty Road into Gordon Street and also both left and right hand into Jetty Road. The next sequence of lights is that the green arrow allowing cars to turn right into Jetty Road from Gordon Street turns off, and traffic is then able to proceed both south from Gordon Street across Jetty Road and north from Partridge Street across Jetty Road. The pedestrian sequences associated with these vary and are, to say the least, frustrating.

Members interjecting:

Dr McFETRIDGE: We've only got another seven minutes to go. Many people unfamiliar with this intersection, including visitors and tourists, anticipate the green light for pedestrians and start to walk across, often being narrowly missed by cars, buses, trams and cyclists as they travel through this intersection.

The SPEAKER: Order! If I was a platoon commander I would have you as my machine gun, I can tell you!

The Hon. P.F. CONLON: Mr Speaker, I draw your attention to the extraordinary length of the explanation, and what audible bits I could hear seemed to be straying into comment. Further, I have never seen an opposition attempt to run down the clock.

The SPEAKER: Order! I have to say that I was wondering at the relevance of the question. Given the nature of the inquiry, it seemed more to me to be outside the scope of any minister and perhaps more sensibly directed to the CEO of the local government body in that area. However, I for the life of me did not see an end coming—it was circular. I am willing to be counselled in that respect by the member. If he can assure me that it is relevant to a state government minister, I will allow him to conclude his explanation, so long as he does not take until the end of the Melbourne Cup to get there!

Dr McFETRIDGE: Thank you, sir: I am glad for that guidance, and I assure the house that it is the responsibility of the minister. I will start the question again if you like, sir. I will go a bit faster this time, though.

The SPEAKER: No. I will allow the minister, whoever dares to accept responsibility, to answer.

The Hon. M.J. WRIGHT (Minister for Transport): I heard 'Jetty Road'. What was the other part—Jetty Road and where?

Dr McFetridge: I would be happy to oblige: the Jetty Road, Partridge Street and Gordon Street intersection at Glenelg. Shall I go through the sequence again?

The Hon. M.J. WRIGHT: No, that is enough. This does sound as though it is probably a local road and therefore a local government issue, but just in case it is not—and even if it is—I will get an answer for the honourable member. I am sure all members are vitally interested in this, so I will personally bring it back tomorrow, if possible.

The DEPUTY SPEAKER: I point out to the member for Morphett that, if he spoke a little more slowly, it would make it a lot easier for Hansard and for members.

WIND POWER

Mr WILLIAMS (MacKillop): My question is directed to the Minister for Industry, Investment and Trade. Will the minister explain to the house what he and/or the government are doing to attract wind farm component manufacturers to South Australia? Under the previous Liberal government, there was a close liaison between the government and several wind farm component manufacturers.

Mr Koutsantonis: Comment!

Mr WILLIAMS: It is not a comment—it is a fact.

The DEPUTY SPEAKER: Order! The member will ask his question.

Mr WILLIAMS: Thank you, sir. There was liaison between the government and several wind farm component manufacturers interested in setting up in South Australia. Last week, the media in the South-East of the state reported on the imminent development of a significant wind farm near Portland in south-western Victoria and quoted community leaders from Portland who were confident of attracting component manufacturers to Victoria.

The Hon. K.O. FOLEY (Deputy Premier): I can assure the member and all members of the house that the Department of Industry, Investment and Trade, soon to be known as the Office of Economic Development, is working very hard to secure wind turbine manufacture here in South Australia and has been talking to a number of companies in Europe. A lot of work is being done and we are very confident that, should a sustainable wind farm industry be developed in South Australia, we will be well placed to secure the manufacturing of it. I will be happy to get further comments and provide more explanation and briefing to the honourable member in writing.

DEEP-SEA PORT

Mr VENNING (Schubert): I direct my question to the Premier. When will the government announce whether a deep-sea port will be built at Outer Harbor, or is it considering another site? The Premier was asked this question some three months ago, and in his answer the Premier said that a major announcement would be made very shortly.

The Hon. M.D. RANN (Premier): Soon.

HENSLEY INDUSTRIES

The Hon. I.F. EVANS (Davenport): I direct my question to the Minister for Environment and Conservation. Further to the minister's statement to the house that Hensley Industries is considering three options, first, closing; secondly, outsourcing; and, thirdly, moving to the cast metal precinct, if they close, will taxpayer funding be made available for any shortfall in workers' entitlements? If they outsource, would they be able to outsource their work to other companies which are currently not meeting EPA requirements? If they move to the cast metal precinct, will the minister rule out taxpayers' funds being used to help them move to the cast metal precinct?

The Hon. K.O. FOLEY (Deputy Premier): That obviously comes under my responsibility as Minister for Industry, Investment and Trade—

The Hon. I.F. Evans: He made the statement.

The Hon. K.O. FOLEY: Exactly—as it relates to the environment and to the EPA. But, as the member for Davenport would know—

The Hon. I.F. Evans interjecting:

The DEPUTY SPEAKER: Order! The member for Davenport will listen in silence.

The Hon. K.O. FOLEY: As a former minister for industry, the member for Davenport should know that issues to do with incentives or the matters that were covered in his question sit properly with the industry minister. The answer to the question is that the Office of Economic Development is having discussions with Hensley to see what, if any, assistance can and should be made available. I would be happy to make the honourable member aware of it. I am not sure whether you sit on the Industries Development Committee.

The Hon. I.F. Evans: Yes I do, and it hasn't met.

Ms Thompson: It has met, and he wasn't there.

The Hon. K.O. FOLEY: The IDC has met, and you weren't there! We will get an answer for the member. When we get some information to provide to him, we will be happy to do it.

GRIEVANCE DEBATE

PARLIAMENT, PROCEDURE

Mr BRINDAL (Unley): Nothing is more important to the system of government than our ancient privileges, and foremost among those are the privileges of freedom of speech and the petition to the sovereign for a favourable construction, which petition, as the Attorney well knows, in the past has saved more than one speaker's head. Today I rose and took a matter of privilege under Standing Order 132, which provides that the Speaker may, with the concurrence of the house, defer a decision on a point of order or a matter of privilege. In my 13 years in this place on every occasion when a member has risen on a matter of privilege the Speaker has said he would study carefully that which was said in the house and would refer back to the house within 24 hours.

Mr Snelling interjecting:

Mr BRINDAL: The member for Playford interjects.

The DEPUTY SPEAKER: Order! The member for Playford will not interject. The member for Unley will ignore the member for Playford.

Mr BRINDAL: He might have understood more than I did. I will take your guidance, but I will need to read the *Hansard*, because I am bewildered as to what to do. The standing order clearly states that a member should rise on a matter of privilege, and it has been a tradition in this house that the Speaker would consider that which was said and then come back to the house and rule prima facie.

The Hon. M.J. Atkinson interjecting:

Mr BRINDAL: The Attorney-General says, 'Not if it's valueless.' If he were not so bemused with his own rhetoric the Attorney-General would realise that that is the exact time when a Speaker can say, 'This matter of privilege is valueless and I do not commend it to the house.' But that is not what the Speaker did today. He departed from what has been done on each occasion on which I have been present for the past 13 years—

The Hon. M.J. Atkinson interjecting:

The DEPUTY SPEAKER: Order! The Attorney-General will not interject and the member for Unley will address the chair.

Mr BRINDAL: I am bemused by it, because I think it touches on our conduct in this parliament and the parliaments to come. The Speaker is rightfully the custodian of the dignity of this house, and attaches considerable importance to all our rights and privileges. It is his right and, indeed, his duty to protect this place from members within the place (who are all, including the Speaker, only transitory in nature; we are here for a limited period of time, but the institution endures) and also to protect us from outside incursions such as are made in the media. In recent time the Speaker has rightfully ruled on matters pertaining to quarrels within this house that, if members have a quarrel or wish to raise matters concerning each other, they should do so, on a whole series of standing orders, ranging from 122 to 127. They include reflections on members, offensive words, and the whole set of standing orders under which we operate.

It is important to understand whether these rules are equally applied to all members. If I want to go out and criticise the member for Croydon, as is not often my wont, but as I suspect will become increasingly necessary in the years ahead, am I or am I not entitled to do so? If I am not, every member of this house needs to be fully informed of our rights and privileges. As I understand Speaker Lewis's ruling last week as it related to the Leader of the Opposition, if one member of this house criticises another member outside this house other than by substantive motion he may be guilty of a contempt of this house and named in this house and thrown out.

The Hon. M.J. Atkinson interjecting:

The DEPUTY SPEAKER: Order!

Mr BRINDAL: The member for Croydon—

The DEPUTY SPEAKER: Order! The member for Unley will not speak over the chair—

The Hon. M.J. Atkinson interjecting:

The DEPUTY SPEAKER: Neither will the Attorney and, if he does it again, he will be subject to some disciplinary action.

Mr BRINDAL: I will be most interested in the ruling, because it will touch not only on what every member of this house says or does not say in respect of the Speaker but also

what every member does or does not say in respect to every other member. If it is to be a rule that freedom of speech means freedom to debate freely and without malice in this chamber by substantive motion, then the Leader of the Opposition had better get outside and criticise the Premier, or vice versa.

The DEPUTY SPEAKER: Order! Before calling the member for Wright, it is my understanding that the Speaker will get back to the house after he has spoken with the member for Unley. Member for Wright.

GOLDEN GROVE LAND

Ms RANKINE (Wright): I would like to be able to stand here this afternoon and say that I was astounded to hear of the Tea Tree Gully council's proposal in response to my question to the Minister for Government Enterprises, a proposal to turn land transferred to the council, earmarked for sport and recreational facilities for residents of all ages, facilities that should have been completed over 10 years ago, in part at least, into a housing development. I should be astounded but sadly I am not; sadly this seems to be consistent action on the part of this council. They must think the community is as inept as they are and have as short memory as they do.

For years, our sporting clubs have been bursting at the seams. The Golden Grove Football Club has the worst facilities in the league. Little Athletics cannot get any other teams to come and compete with them and the Golden Grove Bowling Club has been reduced to playing carpet bowls in the local hall. The council entertained proposal after proposal. They were pie in the sky proposals, and it is no surprise that they fell over. But, lo and behold, last year a developer was keen to develop the site, and council dropped it. It was the cheapest proposal ever put before council members, but they said it was too costly. They discovered that the land was sloping and said that landfill made it inappropriate for grassed playing fields. Indeed, I quote from the Messenger dated 4 July, which states:

> At a special meeting held last week, council unanimously voted down the playing fields plan—saying the proposal was too costly and the land unsuitable. . .

Greg Perkin, the Tea Tree Gully CEO, was quoted as saying:

> Engineers' reports suggest strongly that movement in the unconsolidated landfill could occur, which could render the playing surface of ovals unusable.

But now it seems it is okay for housing. They want to do a deal not only on sporting fields but on Hills face land as well. So much for their environmental credentials and the claims that they want to look after the environmental concerns of people in Golden Grove!

This is not a surprise because it is not the first time that this council has come up with this idea. The idea to put housing on the site has been waiting in the wings since 1994. The majority of the population in Golden Grove is under 19. The sporting clubs are desperate for facilities, and young people are desperate for positive, active recreational activities. Council's actions in relation to this are disgraceful and contemptuous of our community.

I was delighted with the minister's assurance that the joint venture will not be a party to using for a housing development the sportsfield land that should have been a major recreational facility in our community. I am pleased that this was also the position taken by the previous government. Indeed, the Hon. Michael Armitage, when he was minster for government enterprises, wrote to me expressing his concern about the council's decision not to proceed with the development. I also had correspondence with the then minister for recreation and sport, Iain Evans, concerned that the council had allowed a $70 000 recreation grant to waver because it had not so much as turned a sod of soil.

I have to wonder what the council is playing at. Purportedly it wants to do a deal in relation to the sportsfield and Hills face land in order to acquire a small parcel of land at Spring Hill to keep as open space. I can understand the concerns of residents because it is a very pretty patch of land and those living opposite may not want it developed, but this is the same land which council approved for development in 1999 and which also encompassed the removal of 20 to 30 trees.

In 2000, the council told residents that nothing could be done about the development but, as the elections get closer, the councillors' concerns have increased. Nevertheless, in 1999 they approved the land for development, and in 2002 they passed a resolution saying that it was not suitable for development and that council staff discovered that there might have been a quarry on site; but, as of last week, it is okay again. It is as though they have a deal in their sights and it is okay again. It is time for this council to come clean. The sportsfield land was okay for 10 years as a proposal for playing fields; council looked at developing it for housing in 1994 but, when a developer was prepared to go ahead, it was not okay; but, now that council can make a quid out of the land, it seems that it is okay again. The same applies to the Spring Hill land—it was okay, it was not okay and it is okay again. The council is treating its residents contemptuously.

ALABRICARE

The Hon. G.M. GUNN (Stuart): I rise this afternoon to discuss a matter of importance to my constituents, particularly those people at Port Augusta who have severe physical and intellectual disabilities. I have been given a copy of a letter sent to the Minister for Education and Children's Services, signed by Amanda Blight, Nursing Manager for Alabricare, an organisation that has been providing such services. I quote from the letter, as follows:

> In November 2001 Alabricare took over the provision of a day options program for clients with severe physical and intellectual disabilities in Port Augusta. This program provides a range of different recreational activities to clients Monday to Friday each week. Alabricare has seven staff who reside in Port Augusta providing the supportive care. The program had been run from a residential address in Port Augusta at 55 Augusta Terrace, and at the time of our taking over the service we felt in the best interest of all concerned that it should continue to be run from this address.

The concern is that there is a proposal for the government to sell this property, which has been modified to meet the needs of this worthy organisation, and plans are afoot to further modify it. It is in an ideal location, and I suggest to the government that its value is not that significant in view of the good that is taking place through the services that are run by the organisation from this property.

I understand that governments must be cautious in making assets available at limited cost to organisations. However, I believe that the people who provide these services to clients who have severe physical and intellectual disabilities are very special people in the community and they provide outstanding service; therefore, we should help and support them as much as possible. I urge the minister to look quickly and favourably at this suggestion, as it would be difficult for these people to find a suitable alternative location when it is established.

These people have limited resources. I do not believe the money that the government would get for this would compensate in any way those who are receiving this assistance. I am of the view that, in the long-term best interests of the community, the government should make this available permanently to this organisation. The government could retain ownership of it or transfer it to the local council or someone else, but commonsense dictates that the Sir Humphreys in the organisation should not have their way. I know from my involvement with other governments that you usually get a pretty sensible response from the minister, but then you get an adviser saying, 'Well, minister, are you aware. . . '. They show no compassion or understanding, but at the end of the day commonsense prevails.

The second matter I want to raise today is that, as a farmer and as a person who believes in the rule of law, I feel we would all be appalled at the actions of Mr Mugabe and his colleagues in Zimbabwe who have torn up the rule book and are evicting people who have provided employment and food for the community in Zimbabwe. If Mr Mugabe wants to take over those farms, he should do it in a lawful manner and compensate those farmers through due process. At the end of the day, it is appalling that democracy has been destroyed in that country, which had such hope when it obtained independence from the United Kingdom. I have no problem with the government wanting—

The Hon. M.J. Atkinson: You were in favour of Ian Smith's unilateral declaration of independence in 1965.

The DEPUTY SPEAKER: Order! The Attorney-General is out of order.

The Hon. M.J. Atkinson: Was that a yes?

The Hon. G.M. GUNN: I beg your pardon?

The DEPUTY SPEAKER: Order! The Attorney-General has been cautioned already. The member for Stuart.

The Hon. G.M. GUNN: I am aware of a great deal of what took place prior to that, and I have taken some interest in the matter. At the end of the day, the rule of law should be maintained and the long-term democratic interests of all citizens in Zimbabwe should be protected, and they should not be subject to the will of the state imposing upon them.

The DEPUTY SPEAKER: Order! The chair allows members to finish their sentence. Some members are taking a bit of liberty with that. The member for Florey.

SCHOOLS, MUSIC FESTIVALS

Ms BEDFORD (Florey): I would like to report two significant events which occurred last week and which are highlights of the musical year for the South Australian schools that we all represent in this chamber. The first was the Musicorp Band and Orchestra Festival. This is held annually at the Adelaide Town Hall and it was the fourth time that I have been able to attend and watch one of my local schools compete, that is, Modbury High School, which always does a terrific job.

The competition was ably and amiably hosted this year by Don Hopgood, a person well known to members in this place, in the absence of Gary Bishop, who has been synonymous with the competition since I have been attending. Unfortunately, Gary had a stroke last year and is undergoing further intensive rehabilitation in Sydney which prevented him attending the competition this year. So everyone sends their best wishes to Gary.

I am not able to report in great depth with regard to the improvement in the standard of the bands this year, as the house was in session. It is the first time I have experienced the clash, which resulted in my racing backwards and forwards during the competition. I was limited to hearing only three bands of the over 70 bands that performed during the three days. If anyone has had anything to do with music, you can imagine that 20-piece bands moving on and off the stage at such regular intervals, whilst running on time, is a fairly good achievement.

Each of the schools I heard did a great job with the set piece and the further two free choice pieces. When you consider the turnover of the students in each band, resulting in different levels of experience on each instrument, it is a real credit to their musical directors. They are doing a fantastic job. I am happy to report that Modbury High School achieved a third placing in each of the three categories that it contested. Congratulations go not only to the students but also to Mr Reg Chapman and Ms Shirley Robinson in coaching, or should I say coaxing, such fine performances from the musicians.

The second event which backed up on the Musicorp competition this year—and it is the first time that has happened—was the Art of Jazz, which highlights performances at the Norwood Town Hall with well-known musicians. It gives the students the opportunity to perform with people such as James Morrison and Don Burrows. Judy Potter is the Director of the Carclew Youth Arts Centre, which is responsible for putting together the Art of Jazz.

It was the seventh Art of Jazz showcase and, while all of them have been special, this was the third time that Don Burrows and his keyboardist Kevin Hunt have been involved. They provided an excellent opportunity for young musicians not only to perform with them but also to learn from them and from their experience. This year the inaugural Art of Jazz Professional Development Day was held at the Marryatville High School, which is of course a special focus music school. All the participants received valuable musical training, including teachers and students, with the opportunity to participate in the practical workshops with all four of the guest artists.

Not only did Don Burrows come down with Kevin Hunt, but also appearing was Ben Gurton who, at 27, is a product of the South Australian music scene through the Elder Conservatorium. With them was Rob Chenoweth, who is well known throughout the Adelaide music scene. The Art of Jazz is made possible by the support of the government of South Australia through Arts SA. I cannot stress how important it is to have that funding. It is almost impossible to maintain a music program in schools without this extra activity supported by government funding.

They also note in the program that Tenison Woods College in Mount Gambier was involved, and I notice that the member for Mount Gambier has not raised his eyebrow yet. They particularly thanked the jazz directors down there. I travel down each year to the Generations in Jazz festival, which is a wonderful competition.

Mr McEwen: Tenison will be in that next year, too.

Ms BEDFORD: They will be in that? That will be good. They will give us all a run for our money. Some 21 bands were involved over three nights in the Art of Jazz. It is one of Adelaide's best kept secrets. It is terrific jazz for a very small cost. The catering is done on the evening by the Ross Smith High School. So there is plenty of interaction between the schools. Again, the schools play three pieces each, and to actually see your kids or your own students getting the thumbs up from someone of the calibre of Don Burrows, and

to see their faces when they realise they have actually nailed a terrific performance, is absolutely fantastic. Of course, the place is packed with parents, and each of the kids has developed a wonderful rapport with the others. I commend this jazz showcase to members.

EYRE PENINSULA NATURAL RESOURCE MANAGEMENT GROUP

Mrs PENFOLD (Flinders): I wish to draw the attention of the house to the very good work being done by the Eyre Peninsula Natural Resource Management Group and the people on the associated bodies. The Eyre Peninsula Natural Resource Management Group was established in 1999 following a series of community meetings across the region in 1997-98. It is an incorporated community managed peak regional body that aims to provide leadership, direction and coordination of natural resource management on Eyre Peninsula.

This committee is also recognised as the interim integrated natural resource management body for the region under the proposed state legislative administrative arrangement. It is the body responsible for the development of the region's accredited natural resource management plan under joint state-federal government agreement to access future natural heritage trust program funding. The group comprises eight community members with expertise and skills in one or more of biodiversity, land, water, coastal and marine management, and agriculture, tourism, mining, aquaculture and fishing industries, local government and Aboriginal community and culture.

The group also maintains representation from key government and regional bodies including the Department of Environment and Heritage, Department of Primary Industries and Resources, Department of Water Resources, Eyre Regional Development Board and the Wangka-Wilurrara (ATSIC) Regional Council. All members must fulfil a range of essential criteria in addition to their specific areas of expertise and skill, and all must be members of the Eyre Peninsula community.

In addition, the group boasts strong and close linkages to the Eyre Peninsula Catchment Water Management Board, community Landcare officer network, Coastcare, individual local councils and a host of other key groups and stakeholders in the region. These linkages are critical if we are to avoid duplication and be effective with our human and financial resources over our large but sparsely populated area. There are estimated to be in excess of 200 contact people, paid workers and community group members whose job it is to know who does what and where.

The group currently manages in excess of $1 million worth of funding for natural resource management projects across Eyre Peninsula, from salinity, vegetation and catchment management, addressing soil erosion, acidity and water repellents, through to managing native grasslands and other threatened flora and fauna. In the next few days, the Eyre Peninsula Natural Resource Management Group will attend the national Landcare awards in Canberra after winning the state title under the 'Community Group' category this year, and I congratulate them on their success.

On the employment front, the group is also doing its bit for the region and the state, employing a trainee in natural resources on an annual basis. So far they have had a 100 per cent success rate with their trainees securing full time employment in the natural resources field upon completion of their traineeships. The Eyre Peninsula Natural Resource Management Group is a good example of an integrated approach to natural resource management on a region-wide scale.

In my view it suits particularly well Eyre Peninsula's small population scattered over such a large diverse area to have this body to help pull all the pieces together. No one organisation can provide this diversity. I am hopeful that this organisation will be accommodated within the plans of the new government. These groups are too valuable a resource to lose, and further clarification of the future of regional natural resource management groups by the new minister would be appreciated.

ASYLUM SEEKERS

Mr HANNA (Mitchell): I was impressed with the editorial in the *Weekend Australian*. The editor, through the editorial column, expressed a range of views about asylum seekers, and it is worth repeating those views in this parliament today. The article states:

> Most asylum seekers are decent people. They deserve decent treatment. But in cases where claims take months to process, the government should consider other ways of monitoring asylum seekers. Moreover, detention of children is problematic and excising parts of Australia to create different classes of refugees raises questions about our international commitments. The Pacific solution is a costly case of overkill and, despite all efforts, hundreds of rejected asylum seekers remain stranded at taxpayers' expense.
>
> Just as the government should recognise our duty to act decently towards asylum seekers, so should refugee advocates accept the need to scrutinise their claims closely. There is nothing to fear because most asylum seekers processed both here and by the UN are found to qualify as refugees. Most on the Tampa and the 'children overboard boats' did and, at the time many of the now rejected Afghani asylum seekers fled their homeland, they were indeed facing persecution. Only the Taliban's overthrow undermined their claims. Remember, too, the circumstances from which all boat people are fleeing—poverty, war and an uncertain future for their children.
>
> While not excusing lies or crimes, the real criminals are the smugglers who prey on desperate people. Asylum seekers should be treated decently while their claims are assessed quickly and fairly. Those few who are rejected should be deported, where possible, to deter other rorters. But genuine refugees deserve our protection and respect until it is safe for them to return home. If that never happens, they should have every chance to contribute to this land of opportunity. Australia is a nation of immigrants who came here seeking a better life.

Those remarks reflect a slight change in the wind in relation to public attitudes towards refugees and media comment about the issue.

If we go back about a year, there is no doubt that racism was rampant in the community, and the events such as the *Tampa* boat incident and the subsequent 11 September attack in New York simply fuelled the flames of racism and gave John Howard the opportunity to win a federal election based on the dark side of the Australian people. Since then, gradually there have been a number of stories about refugees, portraying them as human beings, not demons, as they were widely painted in the lead-up to the last federal election campaign.

Although I think that more stories will come from Woomera and other detention centres and from the refugee communities within Australia over time, I am afraid that the next federal election will also be decided essentially on that issue of race. Whether it be John Howard or Peter Costello leading the Liberal Party federally at the time, I have no

doubt that race will be their best card politically, and they are ruthless enough to use it.

I take this opportunity also to mention the case of Akram Al Masri, an asylum seeker who, some eight or nine months ago, decided to sign a piece of paper stating that he wished to be returned to his original homeland. However, like hundreds of others in the detention centres for asylum seekers, there are real political and physical difficulties in expatriating these people. Mr Al Masri was one of those whom it was impossible for the Australian government to return.

People in that situation are worse off than prisoners in Yatala, Long Bay or Pentridge in two ways: first, their conditions are much worse and, secondly, they face indefinite detention. At least prisoners under our criminal law system know that there is an ultimate release date. However, there is no such date for the asylum seekers, particularly those who are in limbo and for whom it is impossible to achieve a safe return to the place whence they came.

Most of the people in that category are from Iraq, some are from Afghanistan and some are from the Palestinian lands. However, the decision of the Federal Court on Thursday 15 August to release Mr Al Masri because of the circumstances of his detention is an historic decision. It is a testament to our common law human rights, and it was the ancient writ of habeas corpus (which I translate as meaning 'deliver up the body') which led to this justice being dispensed.

So, it is at a time such as this that I celebrate the human rights that are protected by our common law, and I lament the gradual statutory erosion of those common law rights.

STATUTES AMENDMENT (BUSHFIRES) BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935 and the Criminal Law (Sentencing) Act 1988. Read a first time.

The Hon. M.J. ATKINSON: I move:

That this bill be now read a second time.

Currently, a person who sets a bushfire in South Australia could be charged with arson. The offence of arson is contained in the Criminal Law Consolidation Act 1935. The offence is contained within the more general offence of damaging property by fire or explosives (section 85). It is a form of criminal damage, that is, arson is criminal damage caused by fire.

The maximum penalty for arson is life imprisonment where the value of the damage caused exceeds $30 000. Where the damage exceeds $2 500 but does not exceed $30 000, the maximum penalty is imprisonment for five years; where the damage does not exceed $2 500, the maximum penalty is imprisonment for two years.

There are significant problems with a system of criminal damage offences where seriousness is determined by the value of property. These include:

- the monetary value, and hence the significance of the amounts, changes over time unless the amounts are amended on a regular basis, and these have not been;
- the value of the property may not be a fair indication of the harm done, especially where there is danger to life and other property;
- the value of the property damaged may not be a fair indication of the loss actually resulting from the damage; and
- where the charge is 'attempt', assessing the value of the damage that might have been done to the property is a most speculative and difficult exercise.

In the case of the lighting of a bushfire, these arguments apply with even more force. First, in the case of lighting what turns out to be a bushfire, the damage involved—for example, burning of hectares of bushland or loss of endangered species—may be impossible to ascertain or quantify; secondly, the monetary value of the property may not be a fair indication of the public and private non-valued cost of the damage, including the role of volunteers in controlling and extinguishing the bushfire.

Bushfires in an Australian environment require special treatment because of the peculiarly strong possibility of indiscriminate harm being done to people, property and the environment. A recent example of such an eventuality is the extensive damage wrought by the bushfires in New South Wales between late October and Christmas 2001 in which 100 homes, 15 factories and 14 commercial premises were destroyed. According to reports, the insurance industry suggests an approximate financial loss of $70 million and the estimated cost to the rural fire service also of $70 million.

There are offences under the Country Fires Act 1989 designed to prevent the occurrence of bushfires. These include restrictions on the lighting of fires during the fire danger season, as well as the offence of endangering life or property by lighting a fire during the bushfire season in circumstances where the fire endangers, or is likely to endanger, the life or property of another.

However, this offence has limited application and carries a minor maximum penalty of two years' imprisonment or $8 000. Since it was established in 1991, the Model Criminal Code Officers Committee has undertaken work on a large number of chapters of the Model Criminal Code with a view to developing uniform criminal laws in Australia.

In January 2001, the Model Criminal Code Officers Committee released its report, 'Damage and Computer Offences', which proposed a separate bushfire offence. The commonwealth Attorney-General has written to state and territory Attorneys-General urging the adoption of the model criminal code bushfire offence. The bill proposes a redrafted version of the Model Criminal Code Officers Committee proposal.

Part 2 of the bill proposes to amend the Criminal Law Consolidation Act 1935 by the enactment of a serious offence of doing any act which causes a bushfire, intending or being reckless as to whether or not the act causes a bushfire. In this context, recklessness is intended to bear its common law meaning; that is, advertence to the possibility that a bushfire may result, and taking an unjustifiable risk by acting with that foresight. It is proposed that the maximum penalty be 20 years' imprisonment. A bushfire is a fire that burns, or threatens to burn, out of control. I seek leave to have the remainder of the second reading explanation and the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation

It should be noted that this offence does not apply to fires, whether they threaten to burn out of control or not, which only damage the property or vegetation on the land of the person who caused the fire or the land of a person who authorised or consented to the causing of the fire. The reason for this is that the proposed

offence concentrates on fires that spread to vegetation or property on land that is not owned or occupied by the person who caused the fire.

This offence is aimed at widespread conflagration. There is a general defence aimed at protecting those who fight fires by, for example, controlled burns or backburning aimed at controlling a bushfire.

Part 3 of the Bill proposes to amend the *Criminal Law (Sentencing) Act 1988* to provide that a sentencing court, when determining the sentence for an offender guilty of arson or causing a bushfire, should have regard to the need to give proper effect to bringing home to offenders the extreme gravity of their offence and to exacting reparation from the offender for harm done to the community.

I commend the bill to the house.

Explanation of Clauses

PART 1—PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

Clause 3: Interpretation

These clauses are formal.

PART 2—AMENDMENT OF THE CRIMINAL LAW CONSOLIDATION ACT 1935

Clause 4: Insertion of s. 85B

New section 85B (Special provision for causing a bushfire) is to be inserted in Part 4 of the principal Act which deals with "property" offences. The new section provides that a person who, intentionally or recklessly, causes a bushfire is guilty of an offence and liable to be imprisoned for 20 years.

A bushfire is defined as a fire that burns or threatens to burn out of control causing damage to vegetation, whether or not other property is also damaged or threatened.

The "bushfire" offence is not committed if the bushfire only damages property on the land of the person who caused the fire or of a person who authorised or consented to the act that caused the burning. Nor is it an offence if a bushfire is the result of operations genuinely directed at preventing, extinguishing or controlling a fire.

PART 3—AMENDMENT OF THE CRIMINAL LAW (SENTENCING) ACT 1988

Clause 5: Amendment of s. 10—Matters to which a sentencing court should have regard

Section 10 of the principal Act sets out the matters to which a sentencing court should have regard when determining the sentence for an offender. This clause proposes to add a further matter to be taken into consideration in the case of arson or causing a bushfire. In those cases, a sentencing court should have regard to the need to give proper effect to a primary policy of the criminal law. That policy is to bring home to such an offender the extreme gravity of the offence and to exact reparation from the offender, to the maximum extent possible under the criminal justice system, for harm done to the community. Examples are given of ways in which this objective may be achieved.

The Hon. D.C. KOTZ secured the adjournment of the debate.

PRICES (PROHIBITION ON RETURN OF UNSOLD BREAD) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 July. Page 885.)

The Hon. D.C. KOTZ (Newland): This bill speaks for itself in terms of what the amendments seek to do as well as the regulations.

The Hon. M.J. Atkinson: Thank you for being so helpful as to point that out.

The Hon. D.C. KOTZ: I thought you would be pleased with that. In the 1980s, there was some considerable controversy about the return of unsold bread. However, this practice was outlawed in the prices regulations of 1985, which made several provisions that were accepted by the industry at the time. In 1999, the second reading speech pointed out that the regulations at that time were due to be remade because of the 10 year expiry rule and, once again, there was no opposition from industry to the remaking of the regulations. At that time, however, the legal advice obtained identified that parts of the existing regulations that related to the sale or to the return of bread could possibly be outside the regulation-making power of the Prices Act of 1948, due to the fact that the regulations were due to expire and there was no time to amend the act, which would have broadened the regulation-making power and, in those circumstances, obviously have accommodated the regulations.

The regulations have since been redrafted as the Prices Regulations 2001 in a manner that was within the power, to the extent that it was possible to have the same effect. However, there was a risk that the coverage of the new regulations was not identical to that of the 1985 regulations and, as I have previously stated, all the stakeholders at that time had agreed that these were necessary and certainly beneficial to the industry. In particular, though, there was a concern that the current regulations do not prohibit the sale or return of bread products when there is no financial relief or compensation; and accordingly, under those circumstances, there is some risk that the practice of returning unsold bread could re-emerge if these regulations were not to be remade under the existing bill.

The bill seeks to amend that regulation-making power in the act and, once this has been achieved, it is intended that the current regulations will be replaced with regulations identical to those which existed in the period 1985 to 1999, and which had obviously, as I have stated, operated throughout that time without any complaints from industry. It is for all those reasons and the fact that this bill had lapsed previously that the opposition is quite happy to support the bill and the regulations.

The Hon. M.J. ATKINSON (Attorney-General): I thank the member for Newland for the opposition's endorsement of the bill.

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

AIR TRANSPORT (ROUTE LICENSING—PASSENGER SERVICES) BILL

Adjourned debate on second reading.

(Continued from 10 July. Page 710.)

The Hon. M.R. BUCKBY (Light): A bill extremely similar to this bill was introduced by the Minister for Transport in the previous government to address the concern that, as a result of the collapse of Ansett Airlines and a number of regional airlines that Ansett operated, those airlines would not continue and therefore regional air services in South Australia would be operated by a number of operators and, while there is a limited trade in this particular area, whether or not they would remain viable was a major concern.

So, I reintroduced that bill in May of this year, and I am pleased to see that the Minister for Transport has brought it in because it is important to address this particular situation. What is proposed in the bill is that under a tender operation a single operator can be chosen by the government to ensure regional air services and, with that in mind, that that single operator should then be able to operate on a viable basis. It is important to maintain these services to regional South Australia, and it is a significant step particularly when granting the licence to one operator because you are, in effect,

delivering a monopoly situation to that particular operator. The guidelines and regulations that that operator has to conduct the business have to be carefully thought through, in particular in terms of the pricing of the services offered.

There are some changes in this bill which were not in the previous government's bill in relation to the commonwealth air safety group and measures which are required for that, and which I think are a good addition. One only has to remember Whyalla Airlines, the tragic accident there, the safety procedures that were in place and the fact that flotation gear was not available for passengers of that aircraft; that if they crashed they would be able to put on a life jacket and survive. That was, I believe, an anomaly in what was operating at that time. So, this particular measure adds to the bill.

This bill gives the minister some additional control in terms of: ability to raise questions; in reporting to the minister; and, once the advertisement has gone out for a tenderer, that the minister is able to change some of the conditions if he or she so wishes. So there are a couple of questions there for the minister in the committee stage. In addition, there are areas that need further clarification within the committee stage. Some states, such as Queensland, New South Wales and Western Australia, chose to replace commonwealth regulatory powers with powers of their own. But South Australia, under successive governments since the time that the commonwealth powers were changed, has preferred to allow market forces to sort out which routes will be viable and which routes can operate in South Australia.

This is a very competitive industry, particularly for regional routes, as it is one where there is limited trade and, as a result of that, competition between operators could mean that, if an operator becomes unviable, a service to a particular region could be terminated. That, I think, would be a severe disadvantage for regional and Outback South Australia. So this is an important piece of legislation to ensure that that air transport is available to those areas.

Another area I noted was that the minister could look at the adequacy of services that are being delivered to a particular regional area in determining whether a licence will be granted to that route or not. So, I will be questioning the minister on what is defined as an adequate service. Is it a bus service? What is meant by an adequate service? We can thus be assured that those people in regional areas will have a good service and will be able to communicate with Adelaide and with other places. I will not delay the house, because the opposition supports this legislation. It is legislation that will ensure there is a viable service operating to regional South Australia, and I will take advantage of the committee to further question the minister.

The Hon. M.J. WRIGHT (Minister for Transport): I would like to thank the shadow minister and the opposition for their support for this bill. The shadow minister highlights a number of very relevant points with respect to it. He is aware of the importance of a bill of this nature because it is important to provide legislation that will support regional South Australia. This is all about trying to find ways of doing that. The shadow minister talks about the competitive nature of the industry, and that is definitely the case. In the lead up to this bill, on behalf of the government, I consulted very widely with industry and I think it would be fair to say that the industry is very supportive of this bill and it is, as the shadow minister said, an important piece of legislation.

The shadow minister has foreshadowed that he will ask questions in committee, and I welcome that opportunity and therefore will not go back over my second reading speech. But it is a relatively simple bill. Parts 1 and 2 set out the process, and the declaration will only be made when certain criteria are satisfied, and that needs to be in the public interest. Part 3 specifies the requirement for a route service licence to operate a declared route. Part 4 deals with the circumstances under which the route licence holders may appeal decisions of the minister. Part 5 contains the normal provisions of a bill of this nature.

As the shadow minister has said, there are some differences between this bill and the one which was introduced as a private member's bill on the other side of the house. I do not think that there are any significant differences but the shadow minister has highlighted a couple. I guess it would be fair to say that the major difference is in regard to subsidies. I think from day one when coming to government we have signalled that we do not believe that there is a function for government in regard to direct subsidies.

So, this bill that we bring before the house is a genuine attempt at finding a way of supporting regional South Australia. We know, just as the opposition knows (and I appreciate the shadow minister acknowledging it), that air transport is extremely important to those country areas, more so as you get farther from the metropolitan area. So, we hope that this bill and subsequently when it becomes legislation will provide a stimulus, and we hope, as does the opposition, that this will provide a mechanism for regional South Australia which, of course, is such an important part of our state. We need to find ways, where we can, to provide that potential and we feel that route licensing is a step in that direction. Beyond that, of course, once the legislation is in place, it then will be for the industry to address that, and let us hope that the legislation will be the stimulus that is needed for certain air routes around South Australia. I would certainly like to thank the shadow minister and the opposition for their support for this important piece of legislation.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. M.R. BUCKBY: Is subclause (1)(a) included to satisfy competition policy principles, or is there some other reason for its inclusion?

The Hon. M.J. WRIGHT: The shadow minister is correct: clause (4)(1)(a) is there to satisfy national competition policy.

The Hon. M.R. BUCKBY: Paragraph (c) provides:

> . . . the steps that may need to be taken to promote or encourage the efficient operation of air services within the state. . .

What steps might be needed to encourage or promote efficient operations? What does the minister have in mind?

The Hon. M.J. WRIGHT: This provision is about the conditions of the licence. The way to encourage efficient services is through the conditions of the licence.

The Hon. M.R. BUCKBY: What will happen if a licence is granted but it is found that the operator is having trouble operating viably? The minister has stated that subsidies will not be granted by this government. What plans does the minister have in mind? If under this single route licence someone reports to the minister that their business is failing, what action does the government intend to take?

The Hon. M.J. WRIGHT: The shadow minister refers to the fact that a licence is granted but that potentially it may

operate with difficulty and that a business could fail. The bill provides an opportunity to vary licence conditions, and the operator can also apply for licence conditions to be varied. That is the framework, as the shadow minister would be aware. Beyond that, it would depend on the circumstances. There would be a judgment call and, in part, perhaps a political call, because the shadow minister is correct in saying that the government, unlike the opposition, has ruled out subsidies because, philosophically, we do not believe that there is a role for the government to provide direct subsidies for air transport.

Going back to what I said initially, there is the potential to vary licence conditions. Hypothetically, a case may be made to support a range of market related circumstances. The capacity is there for the minister to do that. In addition, there is provision for the operator to make direct application for licence conditions to be varied. Again, presumably that would be based on market circumstances. There could be changes in population, economic conditions or a variety of situations, which I will not go through today for obvious reasons. So, that capacity exists.

The Hon. M.R. BUCKBY: Has the government settled on a licence fee for operators that will be adopted?

The Hon. M.J. WRIGHT: There is provision for a licence fee, but it is not planned to charge a licence fee. There would be limited application for what we are talking about, as the shadow minister would be aware. It is not in our thinking to charge a licence fee.

Clause passed.

Clause 5.

The Hon. M.R. BUCKBY: Under clause 5(4)(e), How will the minister define what is an adequate service to a regional community? Paragraph (e) provides:

> . . . the adequacy of alternative transport services that are available. . .

Could that be defined as, for instance, a bus service that operates on a daily or a weekly basis?

The Hon. M.J. WRIGHT: I do not think there are any firm criteria with regard to that. This is something that would be determined in close discussion with the local community whilst taking account of its needs. For example, it might depend on where a particular community is located and what its services are. Health services is a good example of what would form the basis of discussions. It would depend upon the individual circumstances of a particular route. There are no fixed criteria, but something would need to be worked through closely in discussion with the local community.

The Hon. M.R. BUCKBY: Would the minister be looking at those routes that have been operating in the past and the sort of passenger numbers using those routes in determining which routes will operate under this system?

The Hon. M.J. WRIGHT: The honourable member's question is not an easy one to answer: it depends on how far back you go, and the further back you go an argument could be made that some of those routes have gone simply because economically they were not able to survive. If you go back to the most recent one—Cleve-Wudinna—where the service was withdrawn, that is a route that we could get back up and running, but I could not be certain of that. This is market driven, but I would hope that the priority would be in part to ensure that existing marginal routes are sustained and, if we can get other planes in the air for other routes (for example, the Cleve-Wudinna one that I just cited), that would be a bonus. Beyond that, realistically, as the shadow minister would be well aware, it will depend upon economic circumstances and will be market related. It is difficult to say what may get up and running as a result of the legislation. It is not for me to rule anything in or out, because it will be market driven, and this will provide some basis of greater strength in the market as to which routes will get up and running.

The Hon. M.R. BUCKBY: Will the minister explain the reasoning for including clause 5(12)? Does he have in mind an example where a minister will take action that is different from the publication of information in this area?

The Hon. M.J. WRIGHT: This is about the declaration of routes and about publishing circumstances of the route, and it provides an opportunity to change the gazetted notice as to how the declaration may occur. You may do that for broad reasons, but it may well be that you become aware of additional information which requires that change. That could work to the benefit of the operator or the customer. It is hard to predict what it might be, but it provides that opportunity to change the gazetted notice as to how the declaration may occur because additional information has become available.

Clause passed.

Clause 6 passed.

Clause 7.

The Hon. M.R. BUCKBY: Why has the minister included the words 'or by notice given in accordance with the regulations' in subclause (5)?

The Hon. M.J. WRIGHT: I believe it is simply a drafting item saying that, if it is not covered in the regulations, I can do it by notice, so it gives that other option.

Clause passed.

Clause 8.

The Hon. M.R. BUCKBY: I refer to paragraph (g), under which the minister requires the provision of reports and other information. How often is he expecting the operator to report to him, and what other information might he be seeking from the operator?

The Hon. M.J. WRIGHT: In regard to the first part of the question, it is imagined at this stage that it is probably quarterly or thereabouts; I do not think we have put any prescriptive timing on it. Discussions about that would have to take place. With respect to the shadow minister's second question about other information, we are looking at some areas that may well provide some detail to the question. Some examples are fulfilment of licence conditions, fares, schedule of flights, number of passengers and supporting information. That is the basis of it.

Clause passed.

Remaining clauses (9 to 26) and title passed.

Bill reported without amendment.

Bill read a third time and passed.

CO-OPERATIVES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 July. Page 639.)

The Hon. D.C. KOTZ (Newland): I rise on behalf of the Opposition to support this bill, which was introduced last year and lapsed at that time, I believe mainly because industry consultation was difficult. The purpose of the bill is one that the Opposition supports, and that is to make amendments to the Cooperatives Act 1997. The act provides for the incorporation and regulation of cooperatives and aims to promote cooperative principles of member ownership,

control and economic participation. It also incorporates provisions that are consistent with the cooperatives legislation of other jurisdictions and to facilitate interstate trading and fundraising by cooperatives.

Following the commencement in 1997 of consistent cooperatives legislation in the eastern seaboard states and South Australia, Queensland initiated proposals for amendments that had been found necessary during the course of administering this legislation. These amendments to the Queensland Cooperatives Act commenced in March 2000 and have been used as a model for the proposed amendments to the South Australian act. In addition, a small number of amendments are included that have been or are proposed to be made by other jurisdictions.

However, the key features of the bill include provisions to allow greater flexibility for cooperatives by removing the consent of the Corporate Affairs Commission to permit trading cooperatives to make the information for prospective members available at the registered office of the cooperative and also at other offices under section 72 of the act.

The act allows a cooperative to have rules to require members to pay regular subscriptions. An amendment effected by the bill will permit the calculation of a member's subscription to be based on the member's patronage. For example, a cooperative can introduce a rule that would require those members who use the cooperative more than others to pay a larger subscription. A provision is to be included which will place expelled members on the same footing as inactive members regarding repayment of share capital, and this will allow the amount paid up on the member shares to be applied as a deposit, a debenture or a donation to the cooperative if the member consents.

Section 144 of the act includes a requirement that a disclosure statement must be provided to a member prior to the issue of shares to the member. The bill also corrects some deficiencies with this requirement so that its operation will apply only to the first issue shares to members, clarifying that a disclosure statement will require approval by the Corporate Affairs Commission consistent with other disclosure requirements of the act and permitting, as an alternative, the use of a formation meeting disclosure statement, provided that its contents are current. Any significant changes after the release of a disclosure statement would require the lodgment of a new document that reflects the current situation.

The bill also includes the application of certain Corporations Act provisions that are designed to provide protection for the members of cooperatives in relation to the first issue of shares and the issue of debentures. They concern restrictions on advertising and publicity, experts' consents, holding moneys on trust and return of moneys where minimum subscriptions are not received. They are similar to the provisions that applied under the 1983 Cooperatives Act and, for example, are aimed at protecting intending shareholders where substantial minimum subscriptions set out in a disclosure statement are not achieved.

A provision has been included to provide further protection for members. For example, in the event of a consideration of takeover of a cooperative, the amendment (new section 180A) precludes from voting a member who has already agreed to sell, transfer or dispose of the beneficial interest in the member's shares. New provisions will also allow the concession afforded to companies so that a cooperative that has fewer than 50 members may pass a specified resolution without a general meeting having to be held, if all the members sign a document that they are in favour of that resolution.

There is also a requirement for minutes to be entered in appropriate records within 28 days of the meeting to which they relate. Currently there is no time specified for the recording of minutes. This amendment will assist members of cooperatives to ensure that all records of meetings are available in a timely manner. Amendments are also provided in order to allow for more flexibility in the composition of the board of a cooperative. A provision is included which will remove the present requirement for a 3:1 ratio of member directors to independent directors. This ratio is included in the current act in furtherance of a cooperative principle of democratic member control. However, it can be impractical for cooperatives that require two or more independent directors giving rise to boards that are larger than desirable. The ratio is substituted in the bill with a requirement that member directors are to constitute a majority on the board, with provision for a cooperative's rules to specify that there be a greater number of member directors than a majority. This is supplemented by a requirement that the number of members directors for a quorum at a board meeting must exceed the number of independent directors by at least one, or a greater number if that is provided for in the rules.

In addition, as a practical and accountability measure and consistent with the requirements placed on a public company, the bill requires a cooperative, for example, one that might have a board that does not include any independent directors and is therefore not subject to the aforementioned restriction, to have at least three directors and for all cooperatives to have at least two directors who ordinarily reside in Australia.

A new provision will make it transparent that the provisions of the Corporations Act dealing with employee entitlements also apply to cooperatives. Currently it is not obvious that the provisions have applied to cooperatives since 30 June 2000, because they form part of a group of provisions of the Corporations Act so applied. The object of the provision is to protect the entitlements of a cooperative's employee from agreements and transactions that are entered into with the intention of defeating the recovery of those entitlements.

Last year, both New South Wales and Victoria amended their equivalent accounts and audit provisions for cooperatives, pursuant to their respective corporations consequential amendment legislation to reflect the changed terminology of the Corporations Act in relation to financial reports and audit. When South Australia prepared its Statutes Amendment (Corporations) Bill 2001, equivalent amendments were not made to the act, as I mentioned earlier, because at the time there was no opportunity to expose the legislation to industry comment.

The bill includes such provisions as are consistent with New South Wales, which includes the application of the Corporations Act provisions relating to a director's right of access to company books, an auditor's entitlement to notice of general meetings and to be heard at general meetings, and members' right to ask questions of an auditor at an annual general meeting.

The bill also provides greater clarity about the way in which a cooperative can distribute surplus or reserves to members by providing for shareholding to be taken into account on the issue of bonus shares or dividends, and provisions are included also to be able to give a greater degree of flexibility so that it is not mandatory that a

liquidator must provide security when winding up a cooperative on a certificate of the Corporate Affairs Commission.

In respect of ASIC's broader role of registration of auditors and liquidators, as an alternative to a security deposit to be held on registration, ASIC will accept an undertaking from all registered liquidators who hold practising certificates to maintain professional indemnity insurance. The bill follows this principle by allowing the appointment of a liquidator on the certificate of the commission to include a policy condition that the person must maintain professional indemnity insurance in respect of the performances of duties as liquidator.

The act currently applies a superseded provision of the Corporations Act relating to incurring certain debts, and the bill replaces this with the current insolvent trading provision applying to companies, and this will have the effect of placing a much more positive obligation on the directors of a corporation to prevent insolvent trading. Any proposal for a South Australian cooperative and an interstate cooperative to merge or transfer engagements must first be approved by special postal ballot of members.

The bill provides for further alternatives so that consent may be given to such a proposal proceeding via resolution. The 63 different amendments in the bill bring it up to date with other jurisdictions, with a couple of amendments relating to schedules 4 and 5 that are consequential amendments. In summary, the amendments are necessary to retain consistency with the cooperatives legislation of other jurisdictions and, for all those reasons, the opposition supports the bill.

The Hon. M.J. ATKINSON (Attorney-General): I thank the opposition for its endorsement of the bill.

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

AGRICULTURAL AND VETERINARY PRODUCTS (CONTROL OF USE) BILL

Adjourned debate on second reading.

(Continued from 16 July. Page 833.)

The Hon. R.G. KERIN (Leader of the Opposition): This bill has been debated before in this chamber, through to committee stage, and, knowing the history of this bill, I am aware that it has been a matter of much consultation among many people over a long time. It is an important piece of legislation. Over the years it was flagged that there would be greater and greater regulation, and, in response to that, in the late 1980s and early 1990s, the users of agricultural chemicals and the agricultural chemicals industry showed a lot of responsibility and made a very conscious decision that self-regulation was a much better way to go, on both a state and a national scale, than have governments impose regulations on them. They should be congratulated on that. It was at some cost to the industry that it took that track, and it was not without some opposition initially, but otherwise the industry would have been under threat.

Some of the products that have been used, particularly going back a few years, were potentially quite dangerous to the environment, health and trade, and over the last decade or so the farming community and users of agricultural chemicals have become far more responsible in what they do. As I said, they have been willing to put money into improving their facilities for storage and they have put time and money aside to do accreditation courses, and the like, and that has been a very responsible attitude. Sure, if they had not done that, big brother or government would have come down quite hard on them to ensure that they met their responsibilities, but it is not just about responsibility. Over the last decade or so, new technologies have made many of these products much easier and safer to use, and that has been a major development towards safeguarding all the things that may have been put at risk by the use of these products.

The products are extremely important to primary industries in South Australia. Without the use of these products, there is no doubt that our exports would suffer significantly. In fact, many of these products make the difference between whether or not agriculture is viable with particular crops and in particular areas. It is important that the industry has access to these products but it is just as important that they are used in a responsible manner, and the industry deserves a pat on the back for deciding to go down a very responsible track.

The bill contains the appropriate measures for the government to take if producers are not doing the right thing. The application of these products varies enormously. Animal health products, if not used in the right dose, are a danger not just to the animal but to the ultimate consumer. Crop protection products can do damage to the environment if not used properly and targeted correctly. You also have the health aspects of these products, as well as trade considerations. There is a lot of very sophisticated testing done these days for residues of these products which can be picked up in very small amounts. Incorrect usage will result in trade sanctions being taken and markets often lost. It shows how far we have gone when I recall the enormous locust plague that we had a couple of years ago, and over 1 million acres were sprayed. An enormous amount of testing of crops and animals that came out of that area was carried out, but not one exceeded any of the MRLs that were put on it. That shows that the producers, the people putting it out, have picked up on their responsibilities, and that was quite an amazing figure and one of which they can be very proud.

I would like to thank everybody involved in the development of this legislation. It has taken a long time, but it was important to get it right. It was important to make sure a balance was there, a balance that would protect all of those things I have spoken of. There has been a lot of work from people within the industry and the department. We have made sure that consumer representatives were involved as we went down the track of consultation. It has been a very good process over a long time, and I am grateful for the work done over time by the people in the department in arriving at what will serve us well for the control and use of agriculture and veterinary products in the future. I commend the bill to the house.

I am aware of a couple of amendments to be put. I have looked at those amendments and, although they are on the margin, I think it makes sense to include them. They clarify issues and the clearer it is, the better, and these amendments do that. We will support those amendments, and I commend the bill to the house.

Dr McFETRIDGE (Morphett): I support this bill. It is a complex piece of legislation. Certainly as the leader has just said, there has been a lot of input over many months, including many late nights. It is a vital piece of legislation for both the agricultural and veterinary chemical industries. The bill has six parts, 43 clauses and covers 27 pages, and one aspect that is very obvious to anyone who reads it is the increase in penalties. In most cases, $35 000 is the maximum

penalty. I for one would actually support the increase in the maximum penalty, but would hope that the process of enforcing this legislation will be one of education as well as the possible threat of imposing the penalties.

The history of the use of veterinary and agricultural chemicals is one that in some cases is a proud history. With the development of the veterinary industry, certainly the use of antibiotics has made huge leaps and bounds in the treatment of many diseases. Certainly the use of chemicals in fertilisers has enabled crops to be produced with extra vigour, supported by chemicals to control insects and fungal pests. Along with the numbers of chemicals developed, there has been a history of what would best be termed ecological disasters.

With respect to the history of DDT and organochlorines, I do not think any member of this house would not be aware of the residues that still exist, and as they rise to the top of the food chain they become more concentrated, having an effect on a number of both plant and animal species, particularly animal species. We have seen combinations of chemicals used in many cases, and the consequence of those combinations has been totally unknown. They have been combinations where someone has thought, 'That one works well, and this other one works great,' so they put the two together and see what happens. In my veterinary practice years ago we used to use a lot of strychnine—

The Hon. R.G. Kerin interjecting:

Dr McFETRIDGE: Not just the vets, unfortunately. By gee, farmers mixed a few cocktails out there. The use of strychnine and arsenic was a very common part of veterinary practice. In my early days I remember using good old nux vomica, a strychnine base that was used judiciously. It acted as a tonic. Nowadays we are seeing problems with antibiotic use and misuse, and under-dosing in some cases. In other areas the medication of stock feeds is certainly a problem. We are seeing multiple antibiotic resistance arising in humans which in some cases is being blamed on the use of antibiotics in the veterinary industry. I do not think this is the case in every situation but it is something we need to keep an eye on.

With respect to the bill, the comprehensive definition of 'veterinary product' is something I support. I had some 450 different items on my shelves, and to keep track of those was a nightmare. Once we had computers it was not so bad, but it was difficult making sure the drugs were correctly labelled, if they were being mixed by my staff, or importantly, that they were not past the use-by date.

With respect to Part 2 and the general duty of care, as I have said before about the contamination of DDT and organochlorines, for many years the burgeoning organic food industry is very aware of the residues in soils. Our multi-million dollar export business can be devastated by people who do not use antibiotics or other chemicals in their correct way. To have residual levels and withholding periods specified in this bill is something I wholeheartedly support.

Under the Agricultural Chemical Products, Part 3, Offences, Division 1, I have a little concern with regard to containers for agricultural chemicals products. It says that containers must at all times be labelled with a suitably marked label. That also refers to the name, concentration and active constituents. I have a little concern. What happens if you are making up a chemical that you intend to use that day, but it is carried over to the next day—I hope commonsense will prevail.

If you are using a bulk tank to spray a paddock, and you do not use it all that day but will use it the next day, I hope you will not be dobbed in by somebody and, under the letter of the Act, penalised. Certainly, when referring to a suitable container, it talks about a bottle or container that has been used for food or drink. We have seen many cases on farms where children drink out of what they think are soft drink bottles and that has led to horrible consequences.

I have spoken about the misuse of many veterinary products. I do have a little concern for vets who, when prescribing products, at the time will put the correct label on the product, and will explain to the person apparently in charge of the animal how the product should be used, the dose and frequency with which it should be used, and the route the drug should be given. Unfortunately we are not always dealing with geniuses out there, and sometimes mistakes are made. I would hate to think that veterinarians will be held responsible for this. I do not think that will be the case on reading the legislation, because there will be some transfer of responsibility to the person treating the animal.

Under the Veterinary Surgeons Act, if you are prescribing drugs, you have to have seen the animal within seven days. If you are on a remote rural property and you need antibiotics, you can get them from the vet, but if, say, you only need 60 mls of a 100 ml bottle of an antibiotic or long-acting penicillin, and then you hang onto the rest of that and use it within the correct period so the drug is not out of date, but you use it on another animal, both you and the vet could be in strife. That is something that may need looking at under another piece of legislation. That is something I have a problem with.

Certainly the minister in another place said he hoped a commonsense approach would apply. As it is at the moment, the vets have to have seen the animal within seven days. There could be an unintended hiccup there. I just hope that commonsense does prevail. When I have been on some farms, people come up and ask, 'Can I still use this on the horse, doc?' and they give you a tube of eye medication which is four years out of date! People under-use and misuse medications, so it is good to see the introduction of this legislation.

A veterinary surgeon must keep for two years a written copy of instructions under the legislation. Nowadays most vets are keeping computer records of any drugs that are prescribed. I do not see any problem, provided that the computer records are accepted as a legal record. The AFF had a problem with the responsibilities of the manager in relation to withholding periods, because the veterinary surgeon must give the person apparently in charge of the animal the drug with written instructions. As I have said, that is an area that could be misunderstood or misused.

With respect to Part 4, trade protection orders, clause 21, 'compensation if insufficient grounds for order', provides that the minister can review his or her orders, and the trade protection order could be rescinded if there were not sufficient grounds for making that initial order. That is putting Dracula in charge of the blood bank, because the minister has a conflict of interest: the minister has made the order and then he has to review it. I hope the conflict of interest can be dealt with correctly.

In relation to Part 5, Division I, I am pleased to see that there are no draconian clauses where officers can enter premises without seeking the permission of the owners. Most people who are running agricultural and veterinary premises, businesses, farms and riding schools, and so on, generally do not misuse chemicals and drugs. I would hate to see under any legislation, let alone this legislation, authorised officers

barging their way in at any time, and it appears that this bill does not allow that.

I wholeheartedly support the bill. There has been a litany of misuse of drugs, and it is unfortunate that such severe penalties as $35 000 must be in place. As I said, hopefully, education and not punishment will be the order of the day. I support this absolutely necessary legislation.

Mr VENNING (Schubert): I rise to support this bill. I can remember discussing this in the last parliament, so I am very pleased that this bill will eventually be passed. I congratulate the minister, particularly the former minister who is sitting in the house, for bringing this bill back, and also the former government, which sourced this bill. It is good luck that the former minister used to sell chemicals and I, of course, used to buy them. In fact, all the advice I received regarding chemicals was from the Hon. Rob Kerin, who started the company Kerin Agencies, which has done very well.

The advice given in those days was good advice, and I am afraid that the parliament's gain has been the farmers' loss, although I know the Kerin family, particularly Rob's brother Peter, has stepped into the void. Rob was an excellent farm chemical adviser, and certainly his advice was very valued. That former minister knows the game, and he is supporting this legislation. We appreciate members of parliament who have expert training and natural expertise before they come to this place, and certainly the Leader of the Opposition has that. I do not know whether the leader has kept that up, but I have never seen him back in Kerin Agencies since he has been in parliament. I know that I can be accused of being back on my farm, and occasionally when I walk into Kerin Agencies with my farm hat on I feel a little guilty, as I never see the Hon. Rob Kerin there.

As we know, over the years the misuse of chemicals has been very commonplace, particularly by people who are not experienced or trained. It was probably seven or eight years ago that we realised we had a problem in this respect. Today, thankfully, via legislation, education and training, misuse is almost a thing of the past. I say 'almost' because we still hear of crazy things happening, such as a farmer putting a can of chemicals on the back of his ute, not tying it on, roaring down the road, swerving to avoid a dog and the can of chemicals landing on the road.

Accidents do happen, but when you are dealing with some of these chemicals it can be a bad accident. Today, however, those incidents are so infrequent that it is a credit to all those responsible in the chemical trading industry, of which Mr Kerin was a member (I think he was national president at one time). We have come a long way, and legislation such as this is further proof that the responsible use of chemicals is paramount.

Sometimes in these sorts of discussions household chemicals can be overlooked. I could go into a laundry, or wherever garden chemicals are kept, of any city member of parliament and find some very bad chemicals. One I will name is Zero or Roundup, which has very scant instructions on the small plastic pack bought from, say, Bunnings, or wherever and is used by my family and friends who live in the city. The application that is used is usually four or five times the required strength; luckily, the active ingredient, glyphosate, is fairly docile. However, I have even seen Ban Weed and Banvel, which contain dicamba, which is not a safe chemical, in people's laundry cupboards in the city.

I think this is an area that we need to worry about, because these chemicals are poured all over the front lawn and are then washed into the gutter. This does not happen on farms because the strength of application is so low. Our city cousins should not be exempt from these regulations or from this sort of care, because accidents do happen.

I know that a lot of the bad chemicals, those with residue problems, are no longer available. However, I have seen DDT still hanging around—usually in the homes of senior citizens in Adelaide. The education program with regard to those chemicals should continue, and we should make sure that people hand in not only their old personal medicines but also their unused dangerous so-called garden chemicals.

I have a serious concern about the massive use of chemicals on the farm today. As the Hon. Rob Kerin knows, I think I was one of the first who, 30 to 40 years ago, started using these chemicals, but in those days they were only hormones—2, 4-D, Ester, a common chemical; it was all we had. However, the chemicals used today are so powerful that a small container the size of the standing orders of this place is enough to spray 80 hectares. You can imagine what sort of problem there would be if this sort of chemical were wasted or deliberately spilled, whether that be on a farm in the paddock or even around the home.

This is a concern, particularly with our new method of no-till or minimum-till farming, which is great for the soil because we are not stirring the hell out of it, but we are completely reliant on chemicals to kill the weeds that the tines and the shears are not able to. This works very well for now, but for how long? We have been working like this for only the last 25 years, so what will it be like in 25 or 30 years, particularly in relation to residues?

Today, the people who buy our food overseas are able to detect the most minute trace of a foreign element, whether that be cadmium or any heavy metal. Each and every season the standards are tightened up and, now they have the ability to test it, you can be assured that the standards will be changed to make it more difficult.

With respect to the GMO debate, I am concerned that people will say, in a blanket manner, 'I am against GMOs.' I am much happier to have bred plants that are tolerant to weeds or insects than spray these crops, particularly food crops, with these pesticides. I would much rather have a pea or a legume that is resistant to the weevil bred into it, rather than douse it with heavy rates of chemicals (which I will not mention), so that, hopefully, the stand aside dates are then abided by.

The GMO debate is a bit stilted one way. I certainly look forward to debating that when that measure comes in here, because I think we need to stand back from that argument and to look at the breeding practices rather than pouring on chemicals. However, we have done very well with chemicals. Chemical production in this state today is huge. With the aid of the research undertaken in the 1960s and 1970s, particularly by the department of agriculture and people such as Reg French and Albert Rivera (whom the leader knows very well)—all their research on roots diseases and use of chemicals—certainly we have come a long way and we are, without any doubt, some of the most efficient farmers in the world, and chemicals are a very important part of that.

However, I put up the caution flag saying, 'For how long can we continue doing this?'; that is, pouring on these chemicals when certainly some of them must leave residues in the soil. I am no greenie—I have never been accused of being a greenie—but I am not silly enough to say that we

should not at least be a little wary of what we have been doing. As I say, 30 years ago we only used hormones which left no residue: today we are using these pretty powerful potent chemicals. I certainly support this legislation today. We should never stop our education program in relation to this issue and this industry. The use of aeroplanes and the problem of spray drift is a big thing, and of course insurance companies love this area because spray drift is a very difficult thing to understand, but thankfully with education, people, particularly the advocates, are very aware.

I know that on our own farm we have a pretty high-tech outfit and we are able to apply chemical very correctly by use of satellite navigation and they even spray at night, because at night we have fewer spray drift problems. Therefore, more often than not, we spray at night by using satellite. We have come a long way, but the bottom line is still the same: chemicals are dangerous, we need to handle them responsibly and by legislation such as this, along with our education programs, I think we are succeeding. I support the bill.

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): Firstly, I thank members for their contributions to the debate and also acknowledge the work done on this matter by the Leader of the Opposition. The government wants to ensure that the risks associated with the necessary and productive use of rural chemicals are properly managed. The assessment of those risks is undertaken at a national level by the National Registration Authority, which is controlled by inter-governmental agreement and the relevant template legislation. The risk assessment assumes good agricultural practice by rural chemical users. South Australia's responsibility is to ensure that those risk assessments are given effect in this state, and therefore the bill indicates what constitutes acceptable behaviour to manage the human health, environmental and trade access risks successfully.

The development of the bill has taken account of national competition policy considerations, the desirability of greater harmonisation of control of use of legislation in the states and territories, a public desire not to be subjected to chemicals used by other people, and the need to abut but not overlap other South Australian legislation. The bill concerns itself with trade species—they are animals and plants for domestic use. Different risk mitigation measures apply. For the users of rural chemicals who do not exercise sufficiently responsible agricultural practice, the bill provides power to direct users in ways that prevent recurrence of adverse consequences. This can be either at an individual level or generally over a wider area.

On this matter, as was raised in the debate, there is a focus on training to manage the process. The bill provides flexibility for the state to require users of more dangerous rural chemicals to undergo competency training so that they are not a danger to themselves, other people, the environment or our trade prospects. The proposed amendment, which has been discussed, addresses a deficiency with the NRA definition of 'withholding period' and extends the provisions for withholding periods to include permits for off labelled chemical use. It will ensure that all time based instructions are observed when using chemicals in an authorised manner on trade products.

While the bill provides powers to control chemical use behaviour, it is mindful of the unusual nature of most chemical users' premises, and appropriate restrictions apply to authorised officers concerning their powers of entry. South Australia currently exports in the vicinity of $4 billion worth of rural produce annually. This bill seeks to ensure that such important trade is not jeopardised by misuse of rural chemicals or unacceptable levels of heavy metals. The government is intent on ensuring that the use of rural chemicals does not lead to unfortunate health or environmental outcomes. We wish to have a productive, healthy, clean and green state, and this bill will materially help us to achieve that. I commend the bill to the house.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. J.D. LOMAX-SMITH: I move:

Page 7, lines 1 to 4—Leave out the definition of 'withholding period' and insert:

'withholding period', in relation to a trade product, means the minimum period that needs to elapse between use of an agricultural chemical product or veterinary product and a particular activity in order to ensure that the agricultural chemical or veterinary product's residues in the trade product fall to or below, or will not exceed, the maximum limit that the NRA permits (see the MRL Standard).

Amendment carried; clause as amended passed.

Clauses 4 to 8 passed.

Clause 9.

The Hon. J.D. LOMAX-SMITH: I move:

Page 11—

Lines 3 to 5—Leave out all words in these lines after 'guilty of an offence if' in line 3 and insert:

(a) in the case of a registered agricultural chemical product used pursuant to a permit—a prescribed instruction setting out a withholding period for a trade product in the permit is contravened; or

(b) in any other case—a prescribed instruction setting out a withholding period for a trade product displayed on the approved label for containers for the product is contravened.

Line 7—Leave out subsection (2).

Line 13—After 'chemical product' insert:

or in a permit pursuant to which the registered agricultural chemical product is used

Amendments carried; clause as amended passed.

Clauses 10 to 15 passed.

Clause 16.

The Hon. J.D. LOMAX-SMITH: I move:

Page 14, Line 7—After (withholding period) insert:

'for the animal or a product derived from the animal'.

Amendment carried; clause as amended passed.

Remaining clauses (17 to 43), schedule and title passed.

Bill reported with amendments.

Bill read a third time and passed.

FISHERIES (CONTRAVENTION OF CORRESPONDING LAWS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

FISHERIES (VALIDATION OF ADMINISTRATIVE ACTS) BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

At 5.35 p.m. the house adjourned until Tuesday 20 August at 2 p.m.