HOUSE OF ASSEMBLY

Monday 24 May 2004

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

DESIGNATED ROAD RESERVES

A petition signed by 526 electors and residents of South Australia, requesting the house to urge the government to retain all designated road reserves in the state, was presented by Mr Snelling.

Petition received.

PUBLIC WORKS COMMITTEE: SOHO JOINT VENTURE DEVELOPMENT, TECHNOLOGY PARK

The SPEAKER: I lay on the table the report of the committee entitled SOHO Joint Venture Development, Technology Park, which has been received and published pursuant to section 17(7) of the Parliamentary Committees Act 1991.

QUESTIONS ON NOTICE

The SPEAKER: I direct that the written answers to the following questions on the *Notice Paper*, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 173, 226, 240, 262, 265, 269, 276, 287, 288, 296, 306, 311, 312, 315 and 322.

PUBLIC TRANSPORT

In reply to **Hon. M.R. BUCKBY** (23 February).

The Hon. P.L. WHITE: The cost-sharing agreement between the provincial cities of Port Augusta, Port Pirie, Port Lincoln, Murray Bridge and Mt Gambier and the government has been in place since the early 1970s.

In the early 1970s, the provincial cities requested assistance from the then Government to support passenger transport services for their communities. The passenger transport services being provided within the provincial cities at that time were of a low quality.

In order to improve the level of service and, at the same time, keep fares at affordable levels, the government agreed to fund two thirds of the net losses for the improved services. Councils committed to funding the remaining one third of the net loss.

I understand all parties agreed to the two third/one third funding split at that time. This historical agreement continues today.

The provincial cities play a prominent role in determining what services are delivered to their communities and how they are delivered.

PUBLIC TRANSPORT TICKET SALES

In reply to **Mrs HALL** (30 March).

The Hon. P.L. WHITE: A review of the current policy is unnecessary.

However, I am in receipt of your letter dated 5 April 2004, in which you ask that the Office of Public Transport (OPT) review its decision on your constituent's failed application to become a Licensed Ticket Vendor.

I am advised that the OPT has approved your constituent's application to become a licensed ticket vendor after taking into consideration your constituent's opening hours and the opening hours of other services in the area.

LABOR PARTY RAFFLE

In reply to **Hon. R.G. KERIN** (4 December).

The Hon. K.O. FOLEY: The Commissioner of State Taxation issued the following statement to the media on 23 January 2004:

Last year there were media reports and issues raised in both the SA and Federal Parliament concerning fund raising raffles or lotteries conducted by the Australian Labor Party in relation to the campaign for the seat of Hindmarsh during the 2001 Federal Election.

The SA Minister of Gambling wrote to me, requesting that RevenueSA as the Office responsible for the administration of the Lottery and Gaming Act 1936 give appropriate consideration to the issues raised.

I sought certain information from the State Secretary of the ALP. Following receipt of the information from the ALP and having further considered the issues I subsequently forwarded all information obtained by me to the SA Commissioner of Police for investigation. I took this latter course because of the limited investigation powers provided by the Lottery and Gaming Act.

Based upon the report provided by the Commissioner of Police and based on my own investigations there is no evidence before me to indicate any breach of the Lottery and Gaming Act or Regulations and consequently I have closed my investigation.

I have also advised the Minister of Gambling and the State Secretary of the ALP accordingly.

NATIVE VEGETATION

In reply to **Mrs HALL** (22 March).

The Hon. J.D. HILL: I am advised that:

The *Native Vegetation Act 1991* (the Act) and its regulations do not prescribe times during which bushfire hazard reduction is permitted. The Act prohibits clearance of native vegetation, including burning, except under certain circumstances, allowing for flexibility in the time of day controlled burning takes place. Native Vegetation regulations do not prescribe the time of day controlled burning takes place. Native Vegetation regulations provide mechanisms for District Bushfire Prevention Committees to address issues relating to fuel reduction, including preparation of a District Bushfire Prevention Plan, which must be endorsed by the Native Vegetation Council.

Whilst plans may indicate dates during which controlled burning is to be undertaken, the native vegetation legislation contains no limitations on the time of day the burning may be undertaken, nor is it one of the factors to be considered by the Native Vegetation Council in endorsing a plan.

Residents who need to burn off in bushfire prone areas are not limited by statute to those hours of 10 a.m. and 3 p.m., Monday to Saturday. Clause 4(d) of the *Environment Protection (Burning) Policy 1994* clearly states that the limitations on the permitted matter and burning times do not apply to fires on domestic premises for bushfire hazard reduction purposes.

However, such burning still creates smoke and other hazardous pollutants and should be minimised. The policy therefore permits it only subject to conditions issued by the local council, either in writing individually to residents or by notice in a newspaper or other publication relating to the area administered by the council.

It is the intention of the policy that councils advertise in a local newspaper, subject to CFS requirements and agreement, that domestic burning for hazard reduction may be done in a specified period (not exceeding 2 months), and under specified conditions. Those conditions may limit burning to blocks in particular areas of Council, blocks larger than a certain size, standing grass or piles of material less than a specified volume, days of less than a certain air temperature and wind speed as well as other relevant criteria.

It is unlikely a council would simply apply the general waste burning times of 10 a.m. to 3 p.m. Local CFS units are generally not available in working hours to conduct such burn offs or respond to alarms resulting from out of control hazard reduction burns.

The current legislation provides sufficient flexibility for owners of domestic premises to conduct bushfire hazard reduction by burning where alternatives are impracticable, but also ensures that local environmental conditions are considered. There is no need to review the legislation for that purpose.

OVINE JOHNES DISEASE

In reply to **Mr VENNING** (22 March).

The Hon. R.J. McEWEN: Prior to 1999, Turretfield Research Station (TRS) was believed to be free of Johnes Disease. In November 1999, TRS purchased twenty merino ewes from a stud in the mid north of the state. Subsequently, Johnes Disease was detected on this stud. As usual, all sheep sold from the newly found

infected property were traced forward, including those ewes sold to TRS. Johnes Disease investigation on TRS was undertaken in May 2001.

This testing provided direct evidence that Johnes Disease infection was now present on TRS. To prevent further spread, it was decided to sell all the ewes in the mob in which these introduced sheep had been running. Further tests indicated that the disease had not spread far in the short time it had been on the property.

To prevent further spread of the disease, Turretfield was placed under an Order (No. 6801) in June 2001. This Order required that—

- The sheep were to be confined to the property and that no sheep were to be allowed to stray.
- Sheep moved from the property were to go to slaughter only.
- No sheep were to be introduced to the property without the permission of the Chief Inspector of Stock.
- Any truck used to move sheep onto or off the Station was to be cleaned thoroughly before moving other sheep.
- Sheep were to be presented for re-testing as instructed by an Inspector of Stock.

The sheep were subjected to a pooled faecal culture test in February 2004. The results of this test will not be available until May 2004. If this test proves negative it is intended to remove the Order and the property will be regarded as likely to be free of Johne's disease.

Furthermore, the movement of farmers, their boots or their vehicles is not regarded as a significant risk factor in the spread of Johne's disease. Overwhelmingly, risk of spread is through movement of live, infected sheep and the restrictions by Order sufficiently address this risk.

MITSUBISHI MOTORS

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

Leave granted.

The Hon. M.D. RANN: All South Australians were saddened by last Friday's announcement from Tokyo that the Lonsdale engine plant will close from September of next year. Our thoughts are with the 650 workers and their families who will be affected by the gradual closure over the next 18 months. The Tonsley plant operation will continue and a new model will be produced there. I am told that $600 million will be invested in this new model. The loss of jobs from Lonsdale is not the fault of Mitsubishi workers or the local management of the company here in South Australia. The decision was made from Tokyo because the Mitsubishi Group has run up debts of about $14 billion worldwide as a result of difficulties in Japan and heavy losses incurred in the United States.

It is a decision which, as Federal Treasurer Peter Costello has said, is entirely outside the control of any Australian government. In fact, it is a tribute to Tom Phillips and Mitsubishi's entire South Australian work force that Mitsubishi will continue to operate and invest here in South Australia.

As I have advised the house previously, the South Australian government has taken every opportunity to underline the case for continued investment in Mitsubishi's Adelaide operations. This has included:

- the Deputy Premier's three visits to Tokyo this year, most recently to meet with the new Mitsubishi head Mr Okazaki last Monday, and I congratulate the Deputy Premier for all his efforts in this regard;
- my meeting this month with the head of Daimler-Chrysler's Corporate Development Division Dr Rudiger Grube, and written submissions to executives in Tokyo, Stuttgart and even Detroit; as well as
- constant contact with Mitsubishi's Australian Managing Director and Chief Executive Officer Tom Phillips.

It has also included a strong united front with the Howard government. I would like to pay tribute to industry minister Ian Macfarlane, who has worked so closely with the Deputy Premier, to the Prime Minister John Howard, as well as to the commonwealth's commitment of funds to labour adjustment and investment attraction for the southern suburbs. We are also grateful for the outstanding efforts of the Australian Ambassador to Japan, John McCarthy, and his staff. Mr Okazaki is on record at the weekend as saying that it was the strength of representations by the South Australian and commonwealth governments to the company that prevented the closure of the larger Tonsley plant and the loss of thousands of jobs.

It has been a thoroughly bipartisan effort that attests to the fact that, when we are united, we can achieve so much more. Thousands of jobs vital to South Australia have been saved, not just at Mitsubishi but also at components companies. For instance, in Germany I met with the executives from three components companies, including Siemens VDO, which would be substantially impacted on by any closure of Tonsley. The state government has three main priorities for the south:

- to find new jobs for those Mitsubishi workers at Lonsdale who will lose their jobs;
- to find a new operator for the Lonsdale plant; and,
- to find a new industry and/or major new businesses to establish in the southern suburbs.

The government is working to find jobs for the Lonsdale plant workers affected by this decision. We have established a rapid response team from the training and employment portfolio to work at the Lonsdale plant to help ensure that each affected worker receives individual advice on making the transition to another job outside Mitsubishi. The team has started work today, and I understand it will sit down with Mitsubishi management to plan its approach. The package includes career and personal counselling, help with finding placement in new jobs, priority access to new vacancies and so forth. As I announced on Saturday, the government will be establishing a register of Lonsdale workers.

Business SA and the Engineering Employers' Association have agreed to work with the government to help give us priority to placing the workers in new jobs. I said that our priorities for the south include finding new investors for the Lonsdale site. Well before last Friday's announcement and when DaimlerChrysler announced that it would not put more money into the Mitsubishi global restructure, the state government convened a high level advisory group to plan for possible closures or rationalisation. The group went through a range of scenarios, including the closure of Lonsdale, and it has provided valuable advice on the problems we now face.

The group will now explore future opportunities for the Lonsdale engine plant and will be conducting a worldwide search for companies interested in setting up at the Lonsdale site. The former President of General-Motors in Japan, Mr Ray Grigg, has agreed to chair this group. He was formerly a senior executive with General-Motors in Europe and earlier ran the Holden plant at Elizabeth, and members would remember him from a decade or more ago as a major player in industry in South Australia. His experience and knowledge of the global automotive industry is second to none, and his advice will be of enormous value to us in the coming months.

The group is reporting to the Deputy Premier, and we hope that the federal government will be part of it so that it can coordinate actions in partnership with the state and federal governments and Mitsubishi. The government's final priority is to broaden the economic base of southern Adel-

aide. In addition to recommitting the $35 million of state government assistance to Mitsubishi for the Tonsley operations, I announced yesterday a package to help broaden the economic base of southern Adelaide.

Industry in the south needs to be far more diverse, and we need to encourage the creation of more jobs within a broader base. I am committed to working in a partnership with the commonwealth, Mitsubishi and southern business and communities to grow jobs and new industry in the south. Northern Adelaide has been transformed in recent years by the turnaround in Holden and the growth of the defence industries, amongst others. I am confident that, if we work together over the next 18 months to two years, southern Adelaide can do just as well, and there will be more announcements on this front in the future.

PAPER TABLED

The following paper was laid on the table:

By the Minister for Employment, Training and Further Education (Hon. S.W. Key)—

Further Education, Employment, Science and Technology, Department of—Report 2002-03.

QUESTION TIME

HEALTH SYSTEM

The Hon. R.G. KERIN (Leader of the Opposition): Is the Minister for Health aware of any other situations within our health system that have been described as unsafe apart from the two cases that have been made public in the last three weeks at the Flinders Medical Centre and Mount Gambier Hospital?

The Hon. L. STEVENS (Minister for Health): I would be very pleased to hear of any concerns of the Leader of the Opposition in relation to safety in any of our health services or hospitals in this state. If the Leader of the Opposition has any examples of concern in relation to safety and quality in our health system, I ask that he let me know what they are.

The Hon. DEAN BROWN: Sir, I rise on a point of order. I refer to standing order 98. The question was quite specific, and we need a specific answer to that question as to whether the minister knows of any other cases—not whether we do but whether the minister does.

The SPEAKER: I understand what the deputy leader is talking about. I uphold the point of order. The minister will address the question.

The Hon. L. STEVENS: What I will say to the parliament is that any concerns that are brought to my attention to relation to safety in our hospitals will be dealt with by me, and if the Leader of the Opposition has something there, I ask him to let me know what they are so I can deal with them.

The SPEAKER: Order! The minister now seeks to debate the matter. If the minister does not have the answer, it is better that we move on.

SCHOOLS, BOOKS

Ms THOMPSON (Reynell): My question is to the Minister for Education and Children's Services. How is the state government helping government schools to upgrade their book collections, given the outstanding success of the Premier's Reading Challenge?

The SPEAKER: The Minister for Education and Children's Services—and, in this case, I presume the word 'collections' does not mean gathering books from the general public but, rather, those books that are part of the catalogue in their libraries.

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Reynell through you, sir, and I will indeed answer the question in the way in which you described. I also thank the member for her advocacy for early literacy and reading. We have been both gladdened and surprised by the enthusiasm with which the Premier's Reading Challenge has been received by students across the state. Perhaps the Premier is too modest to mention this himself, but he had set a target that more than half the schools across the state be involved in the challenge by the year 2006, and this goal has been reached within the first year of the Premier's Reading Challenge.

Clearly, in exciting the enthusiasm of young people, it is important that new and modern books be available in their libraries and, building on the success of this program, we have moved to invest $2.17 million in buying thousands of new books for preschools and primary schools across the state. The program will be operated such that each child will receive the equivalent of at least one book. In the smallest preschool or primary school that will equate to $300, but there will be up to $15 000 worth of books within each school or preschool library site.

This is an important way to attract children to the joys of reading within primary schools, because the enjoyment and habit of reading is one that is learnt early and it is important that the pre-literacy skills and literacy skills of children are increased before they actually attend primary schools. The project will work with teacher librarians and literacy modules within our schools to improve the opportunities for children to learn to read early, because we know every child's future depends on good literacy and numeracy achievement, and this $2.17 million fund will make a significant difference in every state preschool and primary school in our state.

HOSPITALS, MOUNT GAMBIER

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is also to the Minister for Health. Will the minister confirm that the report by Professor Stokes and Dr Wolff on safety at the Mount Gambier Hospital was sent to her by letter dated 15 March and that she then sent the letter to Mr Whitehead, chair of the hospital board at Mount Gambier, with a letter dated 5 May, more than seven weeks later?

The Hon. L. STEVENS (Minister for Health): I am very pleased to answer the question, because I take very seriously the issues of services and improving services at Mount Gambier—which, of course, the deputy leader failed to do miserably. The report by Professor Stokes was received by me in mid March and was referred to my department for work. However, the issues raised by Professor Stokes were already being actioned—many of them before the report was even commissioned by me in December last year. My department and the hospital actioned the report as they were dealing with these issues. I would like to—

The SPEAKER: Order! The honourable the deputy leader.

The Hon. DEAN BROWN: Mr Speaker, my question was very specific. I asked the minister to confirm the date of

the letter of 15 March and also to confirm that she wrote to the chair of the hospital board on 5 May. The minister is now trying to debate the question, whereas in fact all I asked was that she confirm those two dates.

The SPEAKER: Whilst the deputy leader invites me to agree with the substance of the question—which I must—I equally must acknowledge that the deputy leader already knows the answer to the question that he has put to the minister in every other respect than that she may or may not have seen the correspondence. To that extent, the minister's duty, I guess, is to disclose to the house whether or not she saw the correspondence rather than engage in any debate about the subject matter compelling the authors of the correspondence to undertake that expedition. The honourable the minister.

The Hon. L. STEVENS: Sir, I want to start the answer again. The dates that the deputy leader has put forward in relation to receipt of the report are correct. The report was discussed with my chief executive in the first instance on 17 March. It is correct that the letters were written to the board in May, but the point is that the deputy leader is trying to infer by this question that I sat on the report and did nothing about the issues, which is completely wrong.

The SPEAKER: Order! I must disagree with the minister. That is debating the matter. The minister must not attempt to second-guess motive. No minister may do that. Without making undue and, perhaps in some people's minds unnecessary, reflection by inference on whether or not that was what the honourable member asking any question may have had in mind, it is not proper to engage in debate about what was assumed to be in the mind of the inquirer but to simply answer the question. The house, if it wishes to engage in these debates—as, I think, is in the public interest—ought not to do so under the guise of question time. It ought to do so through the process of debate and, in this instance, debates on issues of great moment on the day ought to be undertaken during that time that we in this place describe as the grievance debate.

ELECTRICITY CONTRACTS

Mr RAU (Enfield): Will the Minister for Energy update the house on the number of electricity consumers who have taken up market contracts?

The Hon. P.F. CONLON (Minister for Energy): There they go, sir, starting to make noise already because they know that it is good news on electricity and they simply hate that. They simply hate good news on electricity. They wrecked the system and they hate us fixing it. The news is extremely encouraging in terms of people transferring to market contracts and taking cheaper electricity deals. What we are seeing in recent months and since the introduction of a one-off $50 payment to pensioners to go to market contracts—something the opposition said would fail—is a remarkable turnaround in the market. The rate of change is as high as seen anywhere that competition has been introduced: something like an annualised rate of change—if it is carried through this year—approaching 20 to 30 per cent of customers; 3 to 4 per cent a month and growing. The level of interest is very high. In April preliminary figures indicated nearly 50 000 completed transfers with a further 23 000 transfers in progress. Within the first four months of the year we have actually achieved about 10 per cent of the market.

We came from very difficult circumstances in achieving those sorts of numbers. You would recall, sir, that we inherited a system from the previous government whereby, for pure greed to maximise return, they sold to a monopoly retailer—one single retailer. What we had to do was introduce new retailers and we have achieved that: there are at least five new retailers competing for customers in South Australia. We had to build that base and we had to do it all in a set of circumstances where the previous government had ignored the fact that competition is driven by dual fuel in the energy area and where it had done absolutely nothing about competition in gas. That is something we are working towards and after 28 July that will further accelerate the turnover in market contracts.

Interest has been extraordinary, and I know that the member for Giles would know the keen interest in the electorate in finding out about electricity deals and in finding out how to best make use of the government's rebate. We funded the Council on the Ageing to provide advice and were so overwhelmed by the response that we had to run three sessions—all of them very well attended—and we are going to follow them up for people who could not attend those. This is an extraordinary achievement and is very good news in the very difficult set of circumstances that we inherited. We are climbing out of the black hole that the previous government created, the black hole of their privatisation. We are getting people onto market contracts and are giving them cheaper electricity. We are doing what the opposition said the market would do but what it never did under them—it completely failed to do that. We did it in circumstances that they said would not work. They have gone quiet on that side, because they hate good news, and this is good news.

HOSPITALS, FLINDERS MEDICAL CENTRE

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is again to the Minister for Health.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: Will the minister indicate when in 2003 she was first informed that the emergency department at the Flinders Medical Centre was unsafe, and increasingly unsafe?

The Hon. L. STEVENS (Minister for Health): I am pleased to be able to clarify some of these matters around the Flinders Medical Centre emergency department because, of course, the issues related to the Kennedy report and the descriptions of the emergency department as being unsafe are based on a false premise. I have already answered this in a previous question in the house in relation to the Kennedy report, and I just want to reiterate that to the house.

The Hon. DEAN BROWN: I rise in a point of order. I am not asking about the Kennedy report. I am asking when was the first time she was told that the emergency department at the Flinders Medical Centre last year was unsafe.

The Hon. L. STEVENS: I will be very pleased to do that. The issues in relation to the overcrowding, which is the issue in relation to safety at Flinders Medical Centre, are directly related to overcrowding in that emergency department. I was first informed about concerns of the hospital board, who run that hospital, in about July last year, that overcrowding, because of the enormous numbers of people pouring into that emergency department, was becoming a concern. Immediately at that point, Flinders Medical Centre's board and management were directed by me through my department to take whatever steps were necessary to ensure safety in that

emergency department. I know that they then opened a number of extra beds—

The Hon. DEAN BROWN: I rise on a point of order. Again, I come back to standing order 98. I asked a very specific question about when the minister was first told. I think she has now answered that question saying it was July last year, and she should no longer debate the question.

The SPEAKER: Order! That is no more or less debate than the material that I believe the minister was about to put before the chamber, to which I make the same observation as I have made earlier in this question time and on previous occasions.

ABORIGINES, EAR INFECTIONS

Ms BREUER (Giles): My question is to the Minister for Health. What steps are being taken to address an alarming rate of middle ear infection amongst Aboriginal children in the state's remote areas?

The Hon. L. STEVENS (Minister for Health): I thank the member for Giles for this question and her for her interest in the health and welfare of Aboriginal people and Aboriginal children in particular. I also thank her, because middle ear infection, if left untreated, can have very serious consequences indeed. For example, if the condition becomes chronic, it can lead to encephalitis, and it can also lead to meningitis. This condition is well detected and controlled in the general community, and it is often easily treated by general practitioners with antibiotics but, in remote parts of South Australia, early intervention is limited.

It has been estimated that non-Aboriginal people have about three months of middle ear infections between the ages of 2 and 20 years. By comparison, studies show that Aboriginal young people can expect to have 32 months of infection over the same period. This can have major implications for their health, their development, hearing, speech, language development and ability to learn at school. The government is partnering with the Royal Australian College of Physicians and a range of Aboriginal controlled health services across the northern part of South Australia to address this issue.

The project is aimed at raising community awareness, implementing effective screening and treatment protocols and training Aboriginal health workers and other health providers. Under the leadership of Dr Nigel Stewart, a senior rural paediatrician based at Port Augusta and also, I might add, a member of the new board of the Women's and Children's and Child Youth and Health new organisation, it will be rolled out in the coming months. The outcome of the program will be earlier and more appropriate identification of middle ear infection, and better management and faster healing of this condition. This is a tangible and practical project that will have a very positive and immediate impact on the health and wellbeing of Aboriginal children.

HOSPITALS, QUEEN ELIZABETH

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is again to the Minister for Health. Will the minister confirm that it took six weeks to announce the pending closure of the Queen Elizabeth birthing unit once the five obstetricians announced their resignation?

The Hon. L. STEVENS (Minister for Health): First, there is no impending closure of the obstetrics section of the Queen Elizabeth Hospital. I think that the deputy leader is getting muddled up with his own time as minister for health in this house. There is no impending closure of maternity services at the Queen Elizabeth Hospital.

The Hon. DEAN BROWN: I rise on a point of order Mr Speaker. There was no attempt whatsoever to answer the question.

The SPEAKER: The deputy leader is mistaken. The minister has pointed out to the house that the maternity services for birthing at the Queen Elizabeth Hospital have not been closed.

OLARY RANGES, SIGNIFICANT SITES

Mr SNELLING (Playford): My question is to the Minister for Environment and Conservation. What is being done to protect and interpret sites of environmental, historical and geological significance in the Olary Ranges near South Australia's border with New South Wales?

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for the question and his great interest in this issue. I am very pleased to announce to the house that just last week the government purchased a significant property in South Australia's Olary Ranges. It was the 730 square kilometre Bimbowrie property, which lies to the west of the South Australia-New South Wales border, some 30 kilometres north of the Barrier Highway at the township of Olary, and borders the southern edge of the Strzelecki Desert.

The property, which cost $2.36 million, includes several heritage buildings, not the least of which—and I would think the member for Mawson might be interested in this—is the field centre used by legendary explorer, Sir Douglas Mawson, for his research on the geology of the Olary Ranges. It is a great achievement by the government, of course. The field centre is still used today by researchers from the University of Adelaide and other research institutes.

The station contains interesting geological features, particularly the unusual Willyama complex, which continues to be the focus of interest from educational institutions and amateur geologists. Other heritage buildings and landmarks on the property include six old shepherd huts, the Antro woolshed, the Bimbowrie post office, stables and a blacksmith shop at Old Boolcoomatta. Both homesteads are also well preserved.

The Hon. G.M. Gunn interjecting:

The Hon. J.D. HILL: I thought the member for Stuart might be familiar with it. The Antro woolshed and the shearers' kitchen are listed on the South Australian Heritage Register and the Register of the National Estate, so there are significant heritage buildings there as well.

I am also advised that the property contains significant Aboriginal cultural items, which are still to be fully assessed. The station will provide a significant asset to the state and is expected to become the first national park in the Olary Ranges region. As such, it will form one of the core protected areas of the government's NatureLinks strategy for that part of the state. There are five state level threatened ecosystems on the property, and the purchase increases the number of ecosystems represented in the South Australian reserve system by three. This is a very important purchase on behalf of the state government and will contribute significantly to the protection of South Australia's cultural and natural heritage.

HOSPITALS, PUBLIC

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Does the Minister for Health have a major problem with being open and accountable to the public about major issues within our public hospitals?

The Hon. L. STEVENS (Minister for Health): I did not hear the question.

Members interjecting:

The Hon. L. STEVENS: No.

PETROL PRICES

Mr KOUTSANTONIS (West Torrens): My question is to the Minister for Consumer Affairs.

Members interjecting:

The SPEAKER: Order!

Mr KOUTSANTONIS: Will the government support moves to introduce a fuel watch system in South Australia and, if not, why not?

The Hon. M.J. ATKINSON (Minister for Consumer Affairs): The member for West Torrens is a petrol head, so he has a legitimate interest in this question. The Hon. Nick Xenophon, much the most accomplished member of our parliament I think, proposed last week that South Australia adopt Western Australia's fuel watch scheme to address fluctuating petrol prices here in South Australia.

The Hon. Nick Xenophon also said that the Commissioner for Consumer Affairs should use his powers under the Prices Act 1948 to fix the maximum price of petrol. I have been advised by the Office of Consumer and Business Affairs that any attempt by the government to fix a maximum price for petrol under the Prices Act could have disastrous consequences for small petrol wholesalers and retailers who already operate on infinitesimal profit margins. Any adverse changes in the supply of crude oil, the demand for petrol in Asia or fluctuations in the exchange rate would significantly increase the supply costs of petrol, which would result in the loss of South Australian small businesses and jobs.

Fuel watch is a fuel-monitoring service created by the Western Australian government in January 2001. Fuel watch gives consumer 24-hour advance notice of retail petrol prices. By law, petrol retailers must notify fuel watch of their next day's retail fuel price for each fuel type by 2 p.m. Prices are changed by the retailer at 6 a.m. and remain unchanged for 24 hours. Members should bear in mind that fuel watch was introduced in Western Australia by a Labor fair trading minister because the volatility of the petrol market was worse in Western Australia than in other state, including South Australia.

Members opposite may be interested to know that the Labor opposition first proposed introducing the fuel watch system to South Australia in 2001 because we thought it was a good idea and good for consumers. However, all the organisations we spoke to counselled against it.

Mr Brindal interjecting:

The Hon. M.J. ATKINSON: The RAA is not convinced that the Western Australian model would benefit South Australian motorists and, on behalf of the Liberal Party, the member for Unley says that we were wrong in 2001 to propose what we did. The most recent results of petrol monitoring across the nation indicated that Western Australian motorists are paying slightly more on average for petrol in the regulated environment than South Australian motorists pay in our current unregulated environment.

Mr Meier interjecting:

The Hon. M.J. ATKINSON: I take up the interjection of the member for Goyder, who asks how much less we would pay under the fuel watch scheme. Clearly on behalf of the Liberal Party, the member for Goyder is sceptical of the fuel watch proposal.

Mr Meier: How many cents a litre would it be reduced by?

The Hon. M.J. ATKINSON: The member for Goyder asks how much less—

Mr Meier: I think it would be zero.

The Hon. M.J. ATKINSON: The member for Goyder is not in favour of the fuel watch scheme. We will pay due regard to what the member for Goyder says because this is an inclusive government that will take into consideration the views of the opposition. The ACCC said in a December 2002 report that Western Australia's fuel watch system had adversely affected independent operators who tend to use price as their main tool for getting an advantage over the large oil companies. I know from friends of my late father, who was involved in the motor trade, that petrol retailers often make nothing on their sales of petrol. All they do is loss leader to get customers to come into their service stations to use their garage and mechanical services or to buy products at their grocery outlet.

Mr Brokenshire interjecting:

The Hon. M.J. ATKINSON: No, the groceries are not cheap, as the member for Mawson interjects. But it is on the groceries or the garage and mechanical services that they are making their profit and putting bread on the table, not on the sale of petrol. My point, and I think that the member for Mawson agrees, is that for petrol retailers their margins on petrol are infinitesimal. One of the last things that the government (or, I am sure, the Hon. Nick Xenophon) wants to do is hurt smaller, independent petrol retailers. The government is concerned about doing what it can to protect South Australian consumers from sustained high petrol prices.

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: Funnily enough, for the information of the member for Bragg, in reply to questions ministers are allowed to comment: it is only in questions that you are not allowed to comment. If the Hon. Nick Xenophon brings his proposed bill to me and convinces me that both consumers and small business would benefit from his proposals, I would be more than happy to give him a good hearing. After all, it was our idea.

HEALTH, MEDICAL INDEMNITY

The Hon. R.G. KERIN (Leader of the Opposition): Will the Treasurer remove the government's 11 per cent stamp duty on medical indemnity contracts and, in doing so, encourage more obstetricians to South Australia? There is a shortage of obstetricians in South Australia, and one who wrote to *The Advertiser* on 18 May said that, when medical indemnity moved from discretionary cover to fully-fledged insurance cover, the government saw an opportunity to apply 11 per cent stamp duty for the first time and this has led to even higher premiums, causing more obstetricians to give it away.

The Hon. K.O. FOLEY (Treasurer): I have no intention of commenting on whether or not we would remove any taxes, given that we have a budget coming down later in the week, and my standard position there is not to comment. I

remind members opposite that on the issue of taxation they are on very shaky ground, given that their cabinet of the day introduced into this state the emergency services levy.

The SPEAKER: Order! The honourable minister now seeks to debate the proposition.

The Hon. K.O. FOLEY: I do not think that members opposite are in a strong position to be lecturing me. The issue of the obstetricians is clearly an issue of national significance. As acting premier a week or so ago I had to deal with the issues of the maternity services at the QEH, brought about by a policy failure at national level to sufficiently claim obstetricians. I do not believe that the lack of obstetricians (although I stand to be corrected) is an issue necessarily of insurance, particularly given, from what I am advised, that in the public hospital system we actually cover the public liability insurance of our obstetricians. If that is not correct, I am happy to be corrected. The issue of the quantity or availability of obstetricians clearly rests with the federal government's ability to train sufficient obstetricians. It is simply not sustainable that we do not have obstetricians in our public hospitals because of an 11 per cent tax on insurance. I think that is a nonsensical argument.

MEMBERS' TRAVEL

The Hon. R.B. SUCH (Fisher): My question is directed to you, sir. Are you satisfied that the travel rules applying to us as members of parliament are appropriate and operating satisfactorily, and are you aware of any significant breaches of the travel rules?

The SPEAKER: Order! Questions to the Speaker are out of order. However, notwithstanding the fact that the question is out of order and, in order to prevent any misunderstanding there may be of the real position, at this point I will immediately make a statement about it. Unquestionably members of this chamber know that we have stringent rules governing travel as it relates to members. Members probably also know—to the discomfort of some—that the rules must be complied with and that it is not difficult to comply. I can report no breaches to the chamber. The scheme is in no sense similar to the kind of ambiguities that have been raised in other jurisdictions.

If members and the public at large bother to check on the internet they can find their travel reports that have been submitted in a timely manner. Should anyone seek an example of the kind of report which ought to be furnished, apart from the report to which I have referred previously as submitted by the member for Flinders, they should look at the more recent reports, say, of the member for Croydon, the Attorney-General. In doing so, the public who may be curious will be reassured. Not only must the application for such funds from the public purse comply with stringent conditions but also the reports themselves must provide valuable information in the public interest that enables a better understanding of the issues not only by the honourable member but also by the public who are represented by that honourable member and anyone else who may be interested in that subject. The member for Bright.

MITSUBISHI MOTORS

The Hon. W.A. MATTHEW (Bright): My question is directed to the Minister for Administrative Services. Given the Premier's request to South Australian business to give priority for employment to the Mitsubishi Lonsdale plant workers, what is the government's policy on the priority of the government's purchase of Mitsubishi motor vehicles for the state government's fleet?

Members interjecting:

The Hon. M.J. WRIGHT (Minister for Administrative Services): Members who interjected are correct: this question has been asked previously. The details of my previous answer are still the same, that is, if one looks at the numbers of Mitsubishi cars that are purchased and compare them to what is bought at present in the market it is much higher. If we are able to do any better than that, taking into account, of course, the rules with regard to procurement and agreements with various governments, obviously, we are happy to do so. We are mindful of that. Off the top of my head, I think the last time I was asked this question about Mitsubishi cars we were running at about 18 to 19 per cent for the 12-month period.

In regard to how much stock is there, that is a little higher—I think around about 22 per cent. As I said, if there are ways in which government can look to improve that situation, provided we meet the requirements with regard to procurement, we are always on the lookout to do so.

WATER RESOURCE MANAGEMENT

Ms RANKINE (Wright): Will the Minister for Urban Development and Planning give the house details about the state government's involvement in research into water resource management?

The Hon. P.L. WHITE (Minister for Science and Information Economy): I thank the honourable member for her question, and I thank her for her interest in these issues. Indeed, I acknowledge the honourable member's presence last week at the announcement of important new research news in terms of the state's contribution to research into water management.

I am pleased to advise the house that the South Australian government, in conjunction with a national network of Australia's leading universities, research organisations, water authorities, TAFE and the federal government, has won the bid to establish an international centre of excellence in water resource management here in South Australia. The state government has invested $630 000 in this national project, which is worth $9 million when private and federal government funding is included.

The new centre will build on Australia's international profile in water research management by improving collaborative working relationships among the South Australian water industry cluster and the research and education community; delivering education and training programs through distance education, study tours and online delivery; establishing key demonstration sites based around initiatives such as the Virginia Reuse Scheme and Mawson Lakes initiatives; helping to attract international students and skill capabilities to the state; and providing a base for future investment in South Australian research in this area.

The new commercially focused centre epitomises one of the aims of the government's state strategic plan and our 10-year vision for science technology and information by concentrating efforts on sustainability, fostering creativity and building capability and infrastructure. I am pleased that the interim board will include eminent scientist and co-chair of the Premier's Science and Research Council and chair of the Sustainability Round Table, Professor Tim Flannery. In all, 16 organisations from around Australia will be participating in the centre, including financial contributions from all

three South Australian universities. This is a significant achievement for the state, and I congratulate all participants with respect to this strategically important asset for South Australia.

TAXATION

The Hon. I.F. EVANS (Davenport): My question is to the Treasurer. Given that the federal budget papers indicate that South Australia's gain from the GST tax reform deal would be $130.9 million for the year 2004-05, how does the Treasurer justify his claim that the federal budget figure is wrong and that the benefit is supposedly only $27.4 million?

The Hon. K.O. FOLEY (Treasurer): The comment I made after the federal budget was handed down was correct (and that was on advice from Treasury): that there was an increase in GST money (I have never denied this), and we are seeing GST flowing through to the states in a positive sense earlier than had been projected, and we are now off of budget balancing assistance earlier than we thought. But, of course, you then have to balance that off with the net effect; you also have to take account of what is called the five-year methodology review of horizontal fiscal equalisation. I know that I do not need to go into any explanation of that, because all members would be well aware of just exactly what it means.

The SPEAKER: No.

The Hon. K.O. FOLEY: I am happy to give you a briefing after question time, Mr Speaker, on the full details of the methodology review into horizontal fiscal equalisation, dare I be ruled out of order for debating, or some other matter. The truth is that, when it was adjusted for that effect and some other minor adjustments, there was a net benefit to the state of a much smaller amount. That was on the advice of Treasury and is a true reflection of the net effect of increased GST when you take into account other factors, such as the five-year methodology review.

The Hon. I.F. EVANS: Sir, I have a supplementary question. Is it true that, since the introduction of the GST, South Australia has prepared tables on behalf of all states and the commonwealth showing the impact of the tax reform on each state?

The SPEAKER: Is that really supplementary?

The Hon. I.F. Evans: Yes, sir.

The Hon. K.O. FOLEY: I am happy to take the question, Mr Speaker. Each state takes various responsibilities, I am advised, on modelling various aspects of commonwealth-state financial relations—in particular, in this case, as referred to by the member, with the GST. I am happy to obtain a detailed answer for the member about what work we have done on that issue.

HOMELESSNESS

Ms BEDFORD (Florey): Will the Minister for Families and Communities explain how the state government is working to reduce homelessness in the inner city, and say what specifically is being done to help Adelaide's frail, aged and prematurely aged homeless population?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I acknowledge the honourable member's strong commitment to the most vulnerable sections of our community. I know she takes a special interest in these issues. The state government has announced an additional $4.5 million contribution to establish, in a partnership with Anglicare, a new facility for prematurely frail and frail aged homeless people in the inner city. There are two very serious issues in relation to homelessness in this state: one is the supply of sufficient accommodation that provides adequate shelter (that is obviously something that this initiative speaks to); and the other is the question of the provision of services to people who are in either accommodation of that sort or, indeed, existing public housing tenancies or other places, be they boarding houses or supported residential facilities. We know that homelessness can be prevented if we can sustain people adequately in their own homes by providing them with the support services that they need.

The last budget provided $12 million towards initiatives which were directed at the Social Inclusion Board's 14-point plan in relation to homelessness. The sort of programs that have been identified are those which seek to fill gaps in existing service provision. That is the essence of the social inclusion approach and, in this case, it is focusing on: programs to assist tenancies across the state to become more successful for those people who are identified as at risk of becoming homeless; better support for homeless students; ensuring that people with mental health problems, when they are discharged from hospitals, are discharged into safe places where they are getting the necessary back-up; and ensuring that there is an outreach service to homeless people to retain their capacity to remain in boarding houses. Also, it is very important that prisoners returning to the community have appropriate outreach services so that they can make a go of getting back into the community.

We know that homelessness is a long-entrenched and difficult issue to grapple with. We have seen the success of the 40 bed facility (Ian George Court) that I opened a couple of weeks ago, and we were encouraged by the role that Anglicare can play in assisting. When one goes to the various support services in the inner city and speaks to the workers who deal with homeless people, they report a marked difference in the health and welfare of people who are in some stable form of accommodation. It makes a massive difference in terms of stabilising mental illnesses, dealing with drug and alcohol issues or just receiving the basic medical attention that they need. Basic issues such as nutrition are much easier to stabilise if you are in a place that you can call your home. This is a massively important element of the state government's social inclusive initiative and will make an important and serious contribution.

PROPERTY VALUATIONS

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Administrative Services. Why is the government preventing property owners obtaining details of the new valuations assigned by the Valuer-General and applicable from 1 January for certain purposes? On 20 May the government gazetted notice of general valuations of all homes in 116 local government areas with effect from 1 January 2004. In past years property owners have been able to obtain details of valuation increases under provisions of the Valuation of Land Act as soon as they are gazetted.

The Hon. M.J. WRIGHT (Minister for Administrative Services): The government is not stopping that.

UNDERGRADUATE MEDICAL PROGRAM

Mrs GERAGHTY (Torrens): My question is to the Minister for Employment, Training and Further Education.

What is the government doing to address the issue of South Australians gaining access to the University of Adelaide's undergraduate medical program?

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I thank the member for Torrens for her question. I know this is an issue that concerns many in this chamber. I also note that each year we hear reports of highly qualified South Australians who are unable to gain a place in the undergraduate program. The reality is that the University of Adelaide medical school was part of the national market for undergraduate medical places. The selection process to get into medicine, coupled with the complexities of this national market, does not make for simple remedies for the problems as they occur.

Although I do share the concern which is the substance for such stories, the long term effect may well contribute to the shortage of medical practitioners in this state. These concerns are currently the subject of a working party convened between the Department of Further Education, Employment, Science and Technology and the Department of Human Services. The working party is reviewing a number of matters, including South Australian year 12 performance in the University of Adelaide selection process for admission to undergraduate medicine, the undergraduate student retention for the duration of the program, the retention of medical graduates in South Australia and the graduate destination for those who do not remain in South Australia. In relation to these issues, it is part of the working party's job to come up with a range of strategies to attract and retain medical graduates in South Australia. Unfortunately, there are no quick fixes, but we will certainly be working through those issues.

There are some who advocate the use of quotas to guarantee places for South Australian students. Even if this was legally possible or academically desirable it would be more than five years before they could graduate as doctors. Even greater time is required for those doctors to develop in their areas of speciality in medicine. Once the working party has completed its work I will discuss the options with the health minister, the University of Adelaide and Flinders University with the intent of improving the number of medical graduates taking up positions in South Australia. I would like to put on the record my appreciation for the cooperation that we have received for this review, particularly that extended by the University of Adelaide medical school.

WINE INDUSTRY, REBATE

Mr VENNING (Schubert): Will the Treasurer assure the wine industry that the state government will not remove the cellar door rebate? The removal of the cellar door rebate would nullify all the advantages given to the industry by the abolition of the wine equalisation tax.

The SPEAKER: That is the first point the honourable member would make in a debate. The honourable member is entirely disorderly. It is not an explanation of the question at all: it is simply debating and seeking to justify a position in relation to it.

The Hon. K.O. FOLEY (Treasurer): I will get a detailed response for the member, but I can say that the initiative that was announced by Treasurer Peter Costello in his recent budget was, in fact, after a sustained period of lobbying by the wine industry and, indeed, by this government with the federal government. With the wet tax reform, we had enlisted the support of other states where we could. In fact, I raised the matter informally with state treasurers at the recent treasurers' meeting in Canberra prior to the meeting the following day with Peter Costello, where we were prepared to offer up our component of the cellar door rebate to assist the industry if the federal government was equally prepared to put up a provision to provide that total quantum of relief.

So, I will get a detailed answer for the member specifically highlighting the initiatives of the Premier through the Wine Industry Forum, which initiatives led to this government taking this matter up on behalf of the wine industry. I have met with the Winemakers Federation at least once on this matter, and it was a concerted effort by the smaller states, in particular, to the federal government which led to the reform that we saw announced the other night in Canberra. But I am happy to get more detail and elaborate or clarify further where needed.

WINE INDUSTRY, SAFETY

Mr CAICA (Colton): My question is to the Minister for Industrial Relations. While we are on the wine industry, what steps have been taken by Workplace Services to address workplace safety issues in the wine industry?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I thank the member for Colton for his question. I am pleased to report that there has been close collaboration between the government and the wine industry looking at workplace safety. In September 2003, Workplace Services put forward a submission to the heads of workplace safety authorities for the development of a nationally consistent checklist to assist the industry in auditing safety standards. The proposal also identified Workplace Services as the lead agency with responsibility for coordinating the national approach. This was accepted, largely because all governments agreed that it needed to have a nationally consistent approach to occupational, health and safety regulation, and that of strategic enforcement.

During 2002 and 2003, Workplace Services' occupational health and safety inspectors carried out 100 audits of grape growers. The audit program continued during the 2004 vintage season. By May of this year, 53 night audits had also been undertaken in the Barossa, McLaren Vale, Clare and Langhorne Creek areas. During these audits—

An honourable member interjecting:

The Hon. M.J. WRIGHT: I have, actually—20 improvement notices were issued. Another 50 audits will be conducted before the end of the financial year. Workplace Services has publicised the outcomes of these audits to industry through information sessions held in the Barossa and McLaren Vale and by placing articles in various wine industry publications. These efforts will continue throughout the audit program. Workplace Services has forged strong relationships with key stakeholders involved in the wine industry, and they include the South Australian Wine and Brandy Association and other national producers and suppliers to the wine industry.

BARLEY, COMPETITION PAYMENTS

Mr WILLIAMS (MacKillop): Will the Minister for Agriculture, Food and Fisheries confirm that he is considering recovering $2.9 million of potential national competition payments from the South Australian barley industry?

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): I thank the member for MacKillop but,

as he well knows, the $2.94 million has nothing to do with the state government. The $2.94 million is a figure that the federal Treasurer has come up with—presumably by licking his finger and sticking it in the wind, as there is no other basis for it. He has come up with three similar figures for chicken meat, liquor licensing and barley. The three figures placed by the federal treasurer on the South Australia government, as a consequence of national competition policy in relation to what are considered to be anti-competitive practices, have resulted in the federal Treasurer coming up with a figure—

Members interjecting:

The SPEAKER: Order! The minister has the call.

The Hon. R.J. McEWEN: Thank you, Mr Speaker; I appreciate your protection. The federal Treasurer is choosing to hit South Australian tax payers by $12 million in total—$2.94 million in relation to barley—and it is my view that we should work with the industry to convince the federal Treasurer that this is an outrageous impost on South Australian tax payers. I have another view and, interestingly enough, I noticed recently that in their reply speeches none of the opposition put $3 million to protect the single desk in South Australia as their highest priority. So, if they now want to say there is $3 million of our tax payers money, to protect—

Mr WILLIAMS: I rise in a point of order regarding relevance. I have asked the minister whether he will confirm that he is considering recovering $2 million from the South Australian barley industry. I do not know what he is going on about, but I—

The SPEAKER: Order! I understand the point of order; there is no necessity for the member for MacKillop to debate it. I uphold the point of order. The minister is clearly debating the position in which the South Australian government finds itself. If the minister is unable to confirm or deny that, we should move on.

The Hon. R.J. McEWEN: Mr Speaker, what I am prepared to tell the house is: I do not see it as a high priority for South Australian taxpayers to recover the $2.94 million.

Members interjecting:

The SPEAKER: Order! The minister has the call.

The Hon. R.J. McEWEN: In detailed discussions with the industry I have indicated to them, after also having discussions with National Competition Council representatives, that should the industry value the single desk and wish to protect it in the face of this impost from the federal government they can choose to pay $3 million.

The SPEAKER: Order! The honourable member is now debating the question. The honourable leader of the opposition.

CHICKEN MEAT INDUSTRY

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Agriculture. Given the previous answer from the minister, will the same apply to the chicken meat industry?

Mr Brokenshire: Yes; what are you doing about it?

The SPEAKER: Order! I was unable to hear the question that the leader asked. The honourable Leader of the Opposition—

Members interjecting:

The SPEAKER: Order! The honourable Leader of the Opposition will repeat the question.

The Hon. R.G. KERIN: The question was to the Minister for Agriculture and it was whether, given the answer on barley, he intended to have the same attitude towards the chicken meat industry, with their suspension of an NC payment as well.

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): The issue with the chicken meat industry is quite different. I believe that in negotiation with the National Competition Council we may be able to, with a further amendment to the act, actually satisfy National Competition Council requirements in relation to anti-competitive—the nature of that bill, and therefore we can avoid the penalty.

GRIEVANCE DEBATE

MITSUBISHI MOTORS

The Hon. W.A. MATTHEW (Bright): I rise today in relation to the announced closure of the Mitsubishi Lonsdale plant with, regrettably, a loss of 650 jobs, a plant that is in my electorate, and also the loss of a further 350 jobs at Mitsubishi's Tonsley plant. When one reads the media announcement that was released by Mitsubishi Motor Corporation on 21 May, we can see how insignificantly Australia is fitted into their world scene. Within that press release the mention of the closure of the Lonsdale plant was but one line of a four-page statement. That in itself reflects and reinforces the fact that these closures are not the fault of the Mitsubishi Motors management, and nor are these closures and job losses the fault of the employees. These matters are well outside of the control of anyone in Australia and, indeed, very within the control of this global company that has announced an $US843 million loss for the 2003 financial year. That is an enormous loss and there are signs of more to come and the company clearly had no choice but to make changes to its operation in order to reduce those losses. On page 2 of the press statement it says:

> To reduce total production capacity by 17 per cent, the company will finish production at its Okazaki plant in Japan to consolidate its three domestic assembly plants into two. MMC will also wind down operations at its engine manufacturing plant in Australia in 2005.

That is the one line that I mentioned that spells out the fate for the Lonsdale plant. While there was certainly celebration by those Mitsubishi employees at the Tonsley plant, the 2 400 of them who will retain their jobs, the fact remains that 1 000 South Australians are about to lose their jobs at both Lonsdale and Tonsley—1 000 South Australians who will not be taking income into their family households. In many cases, these South Australians are the only income earners in their household. They have children to support and they have mortgages to pay. It will mean 1 000 fewer salaries going into the South Australian economy, and the flow-on effect of that could have significant consequences for the southern area.

This is a significant and catastrophic job loss. I would go so far as to say that, in my almost 15 years in parliament, this is the single largest job loss from any single employer that I have witnessed. Indeed, it may actually be—and this will need to be further checked—the single largest employment loss from an employer at the one time in our state's history. The significance of this cannot be overlooked. While certainly we can be pleased that at this time 2 400 jobs are

safe, there is still much to be done to find those 1 000 people the work that they so richly deserve.

This decision affects a number of members in this chamber. As well as myself as member for Bright, it affects my colleagues the member for Mawson and the member for Finniss, and the three of us have been lobbying our federal colleagues on opportunities for the southern areas. It also affects government members from Kaurna and Reynell and the Green Party's representative in the chamber, the member for Mitchell. I am sure that all of us are equally concerned about the effect of this, and I hope that we can work together in a bipartisan manner to ensure that we get the possible outcome.

I commend the federal government for its immediate $50 million response, and its structural adjustment package is welcome. I believe that it will assist. I also welcome the state government's announcement of a $5 million incentive package. I know that the state government has had difficulty in the past with incentive packages, and I encourage the Treasurer to look at this sort of package for other areas. I am not convinced that it will be enough in the first pass, and I trust that the Treasurer has put sufficient flexibility in the budget so that, if further funds are needed, the opportunity will be there to obtain them.

Of significance is the $6.5 billion Royal Australian Navy frigate contract. South Australia must get this shipbuilding project. It now looms as the single most important industry to attract to this state. This state has four federal cabinet ministers in ministers Minchin, Vanstone, Hill and Downer. Our parliamentary colleagues are batting for South Australia, and this will be a test of their influence, also. It matters not one jot what the Labor government of Victoria says. This contract is vital for South Australia and, frankly, if this government cannot achieve it with the assistance it has from our federal colleagues, then woebetide South Australia. I welcome the announcement that must occur from this government of the successful acquisition of that project, for it is the single thing that will help get back those 1 000 jobs in another sphere.

Ms THOMPSON (Reynell): I rise today to express my support for Mitsubishi and its workers and I express my sympathy to those who will not be able to continue in their work with that company. I also indicate my concern for the families who are already starting to worry about their future because their income is dependent on the downstream industries. They do not yet know what their future will be. It has certainly been a very difficult time for all involved with the vehicle industry in the south, and now the Lonsdale workers and their families face a very challenging time.

I express my thanks to the Deputy Premier and the federal minister for industry for the hard work, commitment and skills that they took to the task of trying secure as much of a future as possible for Mitsubishi in the south. As the Premier has said, we were extremely well served by them and also by the Australian Ambassador and the Director of Mitsubishi (Mr Tom Phillips). I also want to add my commendation for the union officials and other staff and management at Mitsubishi, who worked very closely together to provide Mr Phillips with the scenarios that he was able to present to his leaders in Japan so that we could ensure that we put forward our best case. It is now up to all South Australians to get behind Mitsubishi and really put Mitsubishi at the top of the list when making their car purchasing decisions. I have a Mitsubishi, and it has been an excellent car. I can commend it to all.

The Hon. W.A. Matthew interjecting:

Ms THOMPSON: And it does work well on bumpy roads. I have taken it over many dirt roads in the country. The commitment to the south by both state and federal governments is much appreciated. The community spirit and skills of the people in the south and their tradition of working together now has the backing of both governments, and this offers hope that we will be able to turn this adverse occurrence into an opportunity for the south. We do need a broader spread of industry in the south, a broader spread of skills and a broader spread of opportunities. We are all going to need to work together to achieve those, from large business to small business, TAFE and schools, to make sure that we have a broad skills base so that we have excellent jobs on our door step.

What we need to do at present is also show our care for those who have been affected. Children in particular need our consideration at this time. I know that children of families affected by decisions about job futures worry greatly. This is likely to come out in all sorts of ways at school and in the community, and it is up to us as the adult members of the community to support those children at this time of difficulty.

Today I have spoken with the two directors of education in the south and, at my request, they have put out a message to all schools in the area asking them to be alert to any issues to do with children of Mitsubishi families and offering support from the divisional social workers if they are required.

Similarly, I have spoken with members of the City of Onkaparinga's community services division, who are alerting the community and neighbourhood centres to the need to be available to provide services to people who just want to drop in and have a chat and a cup of tea. Indeed, I encourage community members who are concerned about their future, and just want someone to have a little talk to, to make use of those excellent community facilities. The South Side Christian Church has made special provision for its counselling services to be available to provide different levels of support to affected Mitsubishi workers and their families. We want to ensure that there is a bit of support for people early in a period of worry, and not allow the situation to build up. We know that families that are already under stress can find greater distress at this time, and we want them to use the services that are available.

Time expired.

HISTORY WEEK

Mr SCALZI (Hartley): Last Friday evening (21 May) I was privileged to represent the Leader of the Opposition (Hon. Rob Kerin) at the launch of 'An Adelaide Snapshot 1865: Townsend Duryea's Panorama', a display of photographs of Adelaide, and the launch of South Australia's History Week. I was very impressed with the display and what has been able to be achieved by this inaugural History Week. I also note that this week overlaps with Reconciliation Week. As a member of the South Australian Reconciliation Council with the member for Florey, we are holding a function in the Old Chamber.

It is important to acknowledge that we have an indigenous past and an indigenous history which must be acknowledged in History Week. I would like to bring to the attention of the house the Proclamation of South Australia in 1836 by the

then governor John Hindmarsh. The following excerpt really sets South Australia apart from the other states:

> It is also, at this time, especially my duty to apprise the colonists of my resolution, to take every lawful means for extending the same protection to the native population as to the rest of His Majesty's subjects, and of my firm determination to punish with exemplary severity all acts of violence or injustice which may in any manner be practised or attempted against the natives, who are to be considered as much under the safeguard of the law as the colonists themselves and equally entitled to the privileges of British subjects.

South Australia is unique. Members must recognise that when New South Wales was proclaimed in 1788 the country was regarded as terra nullius. I thought that it was important to show this part of South Australia's history.

The Hon. M.J. Atkinson interjecting:

Mr SCALZI: Terra nullius, Attorney-General, means uninhabited in Latin. I would like to commend the South Australian History Trust, its Director Margaret Anderson, its chair Phillip Broderick and all the volunteers for the amount of work that has gone into History Week. Also, I commend the 150 historical societies, the 200 museums and the thousands of volunteers who are involved in celebrating our history. I particularly mention June Laws and the Campbelltown Historical Society for its valuable work in this area and its involvement with the restoration of Lochend at Campbelltown.

It is important to reflect on the fact that South Australia has been first in many areas, and I just outlined the Proclamation. Of course, in theory, in 1857 Aboriginal adult males could vote and stand for parliament. They did not but they could have, and that is three years before the American Civil War occurred over slavery. I also mention that in 1894 we gave women the right to vote and to stand for parliament. South Australia also led the way with respect to Torrens title, land rights and equal opportunity acts. However, it concerns me—and it should concern the major parties—that we have not had a representative in this or the other chamber from an indigenous background.

We have an indigenous past and we must celebrate that, but we must do something about having indigenous representation in the parliament. I know that we did have an indigenous governor, Sir Douglas Nichols. Of course, the Liberal Party in Queensland appointed Senator Neville Bonner, and I commend the Democrats and Aden Ridgeway, but where is the representation from the major parties in 2004 as we go into Reconciliation Week?

AUSTRALIAN WORKERS UNION

Ms BEDFORD (Florey): I would like to speak about a piece of history that was created last week. Last Tuesday a parade was held at Mawson Lakes, and a pipe band led a group of people to the opening of a new building. The Australian Workers Union in South Australia dedicated its new office/training centre and garden in memory of former union official and much loved and respected comrade Andrew Knox, who was tragically killed during the attack on the World Trade Centre on 11 September 2001. The centre was officially opened by Andrew's brother Stuart in conjunction with the Hon. Patrick Conlon.

The centre and garden is part of a new South Australian headquarters for the AWU which are named in tribute of Jack Wright, a former member in this place, an AWU secretary and a former deputy premier of South Australia. The new building also pays tribute to AWU shearing legend Mick Young, who was also a minister in the Hawke and Keating governments. I understand that my comrade Jim Doyle (an AWU life member) was present and officiated at the opening and dedication of the new building with a well received speech about the importance of unions and solidarity.

A national AWU press release cited AWU Secretary Wayne Hanson as saying that the opening of the new headquarters of the South Australian AWU is a practical demonstration of the rejuvenation that the AWU has experienced over the past few years. Wayne said:

> We are immensely proud of this new facility, which will enhance the operations of the AWU for its members across South Australia.

AWU National Secretary Bill Shorten said that the dedication of the training centre to Andrew Knox was a fitting tribute to a man who, at the age of 29, had an impressive record of fighting for the rights of working Australians. Andrew was a person who was always available, even at the shortest notice, to assist in whatever way he could. We all miss his presence and passion, and I know that his parents Tom and Marion Knox are very proud of their beloved son being honoured in this way. I commend the AWU for providing this memorial so that all AWU members and friends of the union can continue to remember their comrade and all that he did for them.

The contribution of the union movement has never been more important than now, where here in South Australia we see the impact of the offshore Mitsubishi decision which has thrown hundreds of workers out of employment and left others facing huge decisions about their future. AMWU vehicle secretary John Camillo has been working very hard alongside the Premier and the Deputy Premier to ensure that this transition period looks after workers and their families. The real worth of unions is that they care first and foremost about the working people of Australia. I note that Wayne Hanson has made a timely suggestion about relocating the old Castalloy foundry to Lonsdale, which would give the residents of the western suburbs an opportunity for better and cleaner air.

Another example of unions at work was seen last Friday when the CEPU postal workers held a stop-work meeting to discuss negotiations around their new enterprise agreement. Australia Post is a very different organisation from the one that my father worked for some 25 years ago. Post offices are now franchised retail outlets that sell much more than stamps. Australia Post enjoys an internationally renowned reputation for efficiency because of the dedication and commitment of its workers. The federal government must retain the status quo to protect mail services for all Australians. This is not a situation where further privatisation will deliver any benefit.

The number of workers at Australia Post at my local depot at Modbury North on both day and night shifts has changed dramatically over the years. The use of casuals has increased and, while that has obvious useful applications for rostering, the corporate knowledge of a long-term postie is being lost, and this affects delivery at a community level. Dedicated delivery and employment arrangements that result in the further deterioration of permanent full-time jobs, take-home pay and working conditions is the nub of the current industrial action, and union secretary Noel Paul addressed the meeting, which was chaired by branch president Gerry Kandelaars at Trades Hall. This is an important struggle for these workers and members of the CEPU postal division, and the strength and solidarity within their union will play a vital role in the outcome.

CARER ASSISTANCE

Mr MEIER (Goyder): Last week I was contacted by a constituent who was very concerned that he was not able to obtain assistance for his 22-year-old mentally disabled foster daughter. My constituent had applied to Options some four years ago for a part-time carer in Kadina. During the past four years apparently his file had been lost on three occasions. However, he finally received news that a carer had been found in Kadina who could stay with his daughter during parts of the day and for four nights a week while she attended programs at organisations such as Wirrawee and Wallaroo Living Skills. That was the good news.

The bad news was that when my constituent approached Wirrawee and Wallaroo Living Skills he was informed that, unfortunately, they would not be able to take his daughter because no funding was available for her to attend any programs. His daughter is a 22-year old and can no longer be educated at secondary school.

I then contacted the Wallaroo Community Garden Project, which comes under Living Skills, and asked whether there was any chance that the daughter could come in. Apparently, she might be able to come in for a small period during one day but, in essence, I was informed that the Wallaroo Community Garden Project (Living Skills) has not had any funding increase for quite some years, and has been able to keep going by cutting back from its original four day a week program to a three day a week program. In fact, that program is run on Monday, Wednesday and Thursday from 9 a.m. to 2.30 p.m. It has 18 clients on its books, the consumer-staff ratio is one staff to four consumers, and there is a significant waiting list to attend the program.

This project comes under what is known as the Moving On program which began in 1997 and which is specifically designed to help school leavers with intellectual disabilities move on to the next phase in their lives and have interesting and meaningful things to do during the day. The Moving On program assists young people with an intellectual disability make a successful transition from school to adult life by providing a range of choices and an opportunity for individuals to continue their development and education.

It grieves me greatly that these people, who are amongst the most needy in our community, do not have their funding increased as it should be—in fact, as I said, it basically has not increased for quite some years, yet the needs have increased from the point of view that there are more on the waiting list. I urge the government to look at this. I am in the process of writing a fairly detailed letter to the minister. I realise it will be too late for Thursday's budget, but I would hope that the government may have seen its way clear to provide some funds anyway. Whatever the case, it needs to be addressed in the coming months, and certainly within the coming year, so that these people can be adequately provided for and the carers are not over-worked, which I believe is the case at present. I give them credit, because they do much voluntary work and are paid for only a small portion of the time that they offer these intellectually and otherwise disabled people. So, I plead with the government and the minister to re-evaluate the funding.

MITSUBISHI MOTORS

Mr HANNA (Mitchell): First, I make some comments in relation to the news from Mitsubishi on Friday of last week. My heart goes out to the workers and their families who are affected by the decision, which came from overseas, to close the Tonsley plant. Of course, shock waves will run through the entire Mitsubishi work force. There are probably about 150 workers at the Tonsley plant in my electorate, and several hundred Mitsubishi workers live in my electorate. I have learned from them over the last few years, but especially the last couple of months, the anxiety they have faced and their uncertainty when considering whether or not to buy another car, how to pay off the mortgage, whether to get a second job and the sort of day-to-day issues that families have to face. At least there is now some certainty in the Mitsubishi situation. The Lonsdale workers have 18 months or so to find alternative employment and I hope that, as there is natural attrition at the Mitsubishi Tonsley plant, some of the Lonsdale workers can be picked up and put in place there. It is good news, however, that Mitsubishi is here to stay, and I look forward to the new model Magna coming out in the not too distant future.

I turn to the topic of our so-called detention centres. I think that they can more accurately be described as concentration camps. The Human Rights and Equal Opportunity Commission published a report called 'A Last Resort' which was tabled in federal parliament on 18 May 2004. The report makes shocking reading and highlights the plight of children in these detention centres. It makes it clear that children in immigration detention for long periods of time are at high risk of serious mental harm. The commonwealth government's failure to implement the repeated recommendations by mental health professionals that certain children be removed from the detention environment with their parents amounts to cruel, inhumane and degrading treatment of those children in detention.

I will highlight some of the findings and recommendations of the report and thus of the Human Rights and Equal Opportunity Commission. We need to bear in mind that Australia is a signatory to the Convention on the Rights of the Child so, as a nation, we support that certain rights attach to children, no matter who they are or where they come from. Our mandatory detention system fails to ensure that detention is left as a measure of last resort.

The convention states that any such detention should be for the shortest appropriate period of time and subject to effective independent review. The convention insists that the best interests of the child must be the primary consideration in actions concerning children. The convention also states that children should be treated with humanity and respect for their inherent dignity. It states that children seeking asylum should receive appropriate assistance to enjoy, to the maximum extent possible, their right to development and the right to live in an environment which fosters the health, self-respect and dignity of children in order to ensure recovery from past torture and trauma.

The HREOC report makes it clear that our detention system fails in every single one of these respects. It is worth pointing out that although these children, and their parents for that matter, might be described as unauthorised arrivals, they are not illegal arrivals. There is no law against coming to our shores and asking for asylum.

Most importantly, the recommendations include that children in immigration detention centres and residential housing projects as at the date of the tabling of this report—that is, May 2004—should be released with their parents as soon as possible, but no later than four weeks after that.

Options are available to the minister, even within the current framework. Such options include transfer into the

community on home-based detention, the exercise of discretion to grant humanitarian visas, and the granting of bridging visas where appropriate reporting conditions could be imposed. In other words, there is no need for the horrible detention of these children and their parents.

Time expired.

PRIVILEGES COMMITTEE

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): I move:

That the time for bringing up the committee's report be extended until Wednesday 26 May.

Motion carried.

GAS (TEMPORARY RATIONING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 May. Page 2059.)

The Hon. W.A. MATTHEW (Bright): As the lead speaker for the opposition on this bill, I rise to offer the conditional support of the opposition to its passage. That conditional support is in relation to an amendment that was received at my office from the office of the minister on Friday. The amendment is in relation to the obligation to preserve confidentiality, and I will come back to that in a minute. This bill has achieved passage through the other place and it was through the other place that opposition concerns in relation to aspects of the bill were detailed, and the government has honoured its undertaking to address those matters of concern.

Essentially, this is a procedural bill that makes further provision with respect to temporary gas rationing under Part 3, Division 5 of the Gas Act 1997. It was introduced into the other place on 24 March, and it was intended at that time that the bill be quickly debated by the government and then brought through this house, while the Minister for Energy was away overseas, and to be in this house on his return. However, the opposition had to insist on slowing the pace of the passage of the bill to enable us to have time to consult. We have reminded the government that it has been a courtesy that has been extended to oppositions, certainly for many decades, that a bill, unless otherwise previously arranged, will sit on the table for a week to give time for that bill to at least be discussed with those who are affected by it. We recognised the import of the bill, however, and at least it was taken through to the committee stage in the other place, and that then left the time of non-sitting of the parliament for me as the opposition spokesman on energy to consult with industry.

These changes have been introduced following the explosion that occurred at the Moomba gas plant on 1 January of this year. As members are aware, this resulted in serious shortfalls of gas for the state and, had it not been for the fact that by sheer good fortune the SEA Gas pipeline was in the commissioning stage at that time, the state would indeed have faced a catastrophic situation. Further, TXU have a storage facility in Victoria and it is now a matter of public fact that they allowed their storage facility to be accessed by the new pipeline to ensure that gas was available to South Australia. The SEA Gas pipeline, therefore, played a significant part in ensuring that the state was able to continue to operate at relatively normal levels. Clearly, it was necessary for the government to place some restriction, particularly on larger industry users, but, importantly, household domestic consumers were not affected.

The dilemma is, of course, that in sourcing that extra gas from Victoria there are associated costs. Understandably, those companies that had taken the opportunity to source that gas—the purchaser from Victoria—and sell it to their customers here, wanted to ensure that they were able to pass those extra costs on to their customers. That is a reasonable business proposition and not one that any fair minded individual would object to, but, of course, it is also important that there are a number of safeguards in place. It is desirable that smaller customers will continue to be supplied and at prices certainly no greater than the maximum prices currently in operation.

Equally, it is important to ensure that disruption to larger customers is minimised and will not result in the retailer being able to make a profit on the cost of the additional top up gas that was secured. So, effectively the government has identified that there is a need to ensure that checks and balances are in the system and that no company can inappropriately profiteer from a repeat of the situation that occurred in January of this year.

Indeed, the government made a special regulation on 15 January—regulation 22 of the gas regulations, to support the continued supply of top-up gas via the SEA Gas transmission pipeline, on the basis that those affected customers who wished to take gas in excess of the quantity of gas that was available for supply to them under ministerial directions that were put into place to handle the situation from Moomba, would do so on terms and conditions that appeared fair and, in particular, at a price that did not allow an affected retailer to profit from the emergency situation. The opposition would agree that it was a fair and reasonable measure for the government to take at that time.

These amendments before us today make new investigative enforcement and recovery measures available to the government to encourage compliance with ministerial directions, given to ensure the most efficient and appropriate use of the available gas. The amendments, we note, provide the power to investigate whether large customers that are faced with increased costs for top-up gas over a period of temporary gas rationing have been unlawfully exploited or treated inappropriately. So, those are important safeguards to put in place. The bill as we see it, intends to put beyond argument that the minister can require information to be provided for the purpose of enforcement of the temporary gas rationing provisions in the act and regulations that relate to temporary gas rationing, including regulation 22 that I mentioned. The power to require information expressly includes the power to require a retailer affected by ministerial directions to conduct an audit of its compliance with the regulation and report the results of that audit to the minister.

As I indicated, the opposition requested of the government that the normal period for us to consult be honoured, and we wish to have the opportunity to consult with industry. I was disappointed during my consultation with affected industry to find that my provision of the bill to them was in fact the first time that they had been made aware of it. They expressed concerns to me in relation to the powers that were provided to government and, essentially, companies wished to be assured—

The Hon. P.F. Conlon interjecting:

The Hon. W.A. MATTHEW: If the minister is saying that he is consulting, it is different from what his colleague in the other place says, but he can come back and say this later. So, companies were concerned to ensure—and the minister would be aware—that these provisions will apply to a whole range of retailers; the gas market is being deregulated from 28 July of this year. A range of concerns were put by companies, particularly to ensure that any information that they provided would be protected. This was raised in the other place and, contrary to the minister's interjection, his colleague the honourable Paul Holloway in the other place put it on the record that the government did not consult in relation to this bill. He said:

> The government took the view that it was unnecessary to consult the gas companies about changes to the minister's powers to require information—an enforcement matter—particularly as the substance of these amendments was publicly foreshadowed before regulation 22 was made on 15 January this year.

The Hon. P.F. Conlon: We consulted with Origin.

The Hon. W.A. MATTHEW: If the minister, by interjecting, is saying that his colleague gave incorrect information to the parliament, he will certainly have the time during his wrap-up to correct what his colleague said in the other house. But his colleague was quite explicit that there was no consultation because the government publicly foreshadowed the amendments before regulation 22 was made. If the minister is saying that was the consultation well, fine; he can put that on the record, but his colleague said there was no consultation.

My colleague, the Hon. Rob Lucas in the other place, detailed the concerns that we received back from companies. He indicated, however, that we were prepared to facilitate the passage of that bill if the government gave an undertaking to draft an amendment placing an obligation to preserve confidentiality upon the minister and persons engaged in the administration of the act.

The Hon. Paul Holloway in the other place said, 'I have just spoken to the minister's adviser and he is happy to take that on board.' True to the word of the minister's adviser, that work was done, and on Friday afternoon at one minute past four I received a fax of the intended amendment. To enable the bill to pass through this house in as short a time as possible, I put on the record now that members of the opposition, having read that amendment, are satisfied that it answers the concerns that we put forward, and we are happy to take that very quickly through committee so that the bill can be amended to a state with which we are comfortable.

I cannot let this opportunity pass without making some mention of the SEA Gas project. That interesting project received some publicity in the weekend media following some freedom of information material that was obtained by the Hon. Angus Redford, my colleague in the other place. *The Advertiser* showed precisely the toing-and-froing between the minister's office and the people in government who were preparing the advertisements for the public opening of the SEA Gas pipeline by the Prime Minister. There was a fair bit of angst about this because the Premier was very keen to open the pipeline.

The Hon. P.F. CONLON: I rise on a point of order. I am struggling to know what relevance this has to the bill.

The ACTING SPEAKER (Mr Rau): The member is moving slightly from the focus of the bill. Perhaps he would like to move back onto it.

The Hon. W.A. MATTHEW: The SEA Gas pipeline is integral to this legislation because the bill has come to us after that pipeline was used during a period of gas emergency. I can understand the minister's sensibility in relation to this.

The Hon. P.F. CONLON: I rise on another point of order. I do not know how the honourable member can possibly know what my sensibility is. I just want him to talk about the bill. Can he please talk about the bill?

The ACTING SPEAKER: The minister has raised a point of order and I have indicated to the member that he should stick to the bill. SEA Gas is clearly relevant, but I think he is moving off to a dissertation on the enthusiasm or otherwise of the Premier to attend a particular function, which is not part and parcel of the SEA Gas matter. I think he understands that and should be able to get on with his contribution.

The Hon. W.A. MATTHEW: Thank you, Mr Acting Speaker. My colleague the Hon. Robert Lucas in the other place, during his contribution on this important bill, made some relevant references to the SEA Gas pipeline, which was opened by the Prime Minister on 15 March this year. The Hon. Rob Lucas referred to government claims that the pipeline was the consequence of government intervention that involved banging the heads of private sector companies to ensure that those companies worked together and built the resultant pipeline. Indeed, my colleague stated, 'I note that at various stages during the last two years, ministers'—

The Hon. P.F. CONLON: Is it appropriate to quote *Hansard* debate from another place?

The ACTING SPEAKER: I am not sure whether the honourable member for Bright is quoting from *Hansard*. I am advised that, if he is, that is not appropriate. If he is not, he may continue his remarks.

The Hon. W.A. MATTHEW: Thank you, Mr Acting Speaker. To paraphrase my colleague, he told the other place that the government claimed publicly at various stages over the last two years that they had banged together the heads of commercial operators to bring the rival bids together. My colleague then related that he was pleased that the Minister for Energy in an unguarded moment (the manner in which he described it) at a public function confessed that the government had not banged together the heads of any private companies.

My colleague the Hon. Rob Lucas has offered to advise members why the moment was particularly unguarded. But the simple fact is this: TXU has now a share in the SEA Gas pipeline. At the time this government came to office two pipelines were on the drawing board. All the approvals for the route of the pipeline had been signed off, and that was after many months of work with the native title negotiations that had to be worked through and the environmental considerations, and all that occurring after an advertisement for expressions of interest in building the pipeline.

As minister, I detailed to the house on a number of occasions the initial number of companies coming forward that wanted to build a pipeline, and I detailed as they progressively moved their bids through. At the time the election was held the number of proposals had moved from five down to two, some of those through amalgamation and, in one case, through the company moving out and no longer having any interest. The SEA Gas pipeline, still carrying that name, was one of those, and the principal parties involved were the company now known as International Power and Origin Energy; and the parties involved in the SAMAG

project at Port Pirie, of which our leader is such a strong advocate, also were involved in that early bid.

Duke Energy International was the company that wanted to build the other pipeline. I always said, and it is on the record, that we wanted to see that pipeline eventuate, and we knew that commercial considerations would dictate that being so. Of course, Duke Energy International has moved a lot of its operations from Australia and sold them off. The simple fact is that TXU, which was involved with the Duke project because it saw Duke as the source of its gas to its power station, involved itself to ensure that the two amalgamated into one.

The simple fact of the matter is that the volume of gas consumed by Torrens Island Power Station dictated the amalgamation of those pipelines. There was no government banging together of heads at all and, indeed, when the minister had the chance to speak at the opening he never, in the company of those people who had that knowledge and bore witness to what really did occur, had the courage to repeat those allocations.

The Hon. P.F. Conlon interjecting:

The Hon. W.A. MATTHEW: The minister would be well aware that 'colourful discussions' are very different from banging heads together. The Hon. Rob Lucas and I have received representations from a whole variety of people in the industry in relation to this claim that they banged together the heads of industry, and they all tell us that it did not happen.

The Hon. P.F. Conlon interjecting:

The ACTING SPEAKER: Order! To the extent that there is some provocation going on, that can be wound back a little and the interjections can die down a little so that we can hear the rest of this contribution.

The Hon. W.A. MATTHEW: Thank you, Mr Acting Speaker, for your protection, but I can assure you that I am not in any way challenged. But your ruling and maintenance of order from the chair is always respected. The simple fact of the matter is that it was market considerations that brought the amalgamation of two pipelines into one, and that was always going to happen. If one observes *The Advertiser* report that shows the way in which the advertisements changed in the lead-up to the minister's and the Premier's trying to get their face in an advert to make it look as though they had put this pipeline in place, just the mere changes to those adverts tells you how the—

The Hon. P.F. CONLON: On a point of order, sir, can the honourable member come back to the point again? We have a long legislative program and it would help if he talked about the bill.

The ACTING SPEAKER: I am not sure whether that is a point of order, but I think the member for Bright has heard the minister's observation and will get back to the substance of his remarks.

The Hon. W.A. MATTHEW: I think my point is made. The minister's sensitivity has been revealed, and it is understandable because he does not like it when we expose the facts of the matter in this place. I dare say he was not particularly happy when he saw the material given out under FOI. It is no wonder this government wants to restrict FOI in this chamber, because it revealed just how much spin this government will put into recreating history. As I indicated, the opposition supports this bill, but we did see it as necessary to correct some of the fictitious statements that have been made by the government in the recent past in relation to gas supply in this state and in relation to the expansion of gas supply.

The intent of the bill is a sensible one. We believe that the amendment that the government foreshadowed by sending it to us on Friday alleviates the concerns that we put forward in debate in the other place. The bill passed the other place conditional upon those being put forward, and I am confident that the minister will carry that through into the committee stage. One thing I have learnt in the almost 15 years of my time in this place is that there is always room for ministers to undertake action of their own and to take credit for it. I hope that during my time as minister I gave credit appropriately to many Labor members of parliament. Indeed, when I was first made minister I opened a number of capital works projects that commonsense would dictate even sometimes 1½ to two years after the election could not have been at the instigation of the Liberal government.

I always gave credit where it was due for those projects to those ministers. I believe that, in the true spirit of a sensible democracy, that is what is expected. I for one, when I see that not being reciprocated, will always stand up and indicate where it is not. I will, however, say that at the opening of the SEA Gas pipeline the minister did just that. He gave that credit where it was due and it was appreciated, just as I am happy to give the government credit for ensuring that the pipeline was seen through to its fruition. The government did have the power to intervene and block or change if it had wished, but it did not do so. I am always happy to give credit where it is due and also like to see it being given out where it has been earned. That is all I ask in this place, and I believe that is all any of my colleagues in this place would ask, just as I am happy to give credit to the government for putting together what I think is now a sensible bill with the amendment that has been foreshadowed. We look forward to its speedy passage through this chamber.

The Hon. P.F. CONLON (Minister for Infrastructure): I am grateful for the support of the opposition on this bill. It is not really surprising: it is very much commonsense. It was one of a great number of responses to the difficulties we faced as a state after the fire at Santos on 1 January. We acted to make sure that everyone who needed gas got it and that any shortages were balanced in the best need of the community, something that was done very successfully. I place on record the enormous goodwill and cooperation of the industry and the hard work of our bureaucrats. At a time when most people were on leave, our officers from Energy SA and from other places—from ICPC and from the industry—worked many very long days together. They did it uncomplainingly. Industry cooperated in an extraordinary fashion and the outcome was minimised. I would compare the outcome in South Australia to some others such as at Longford in Victoria and, even more recently, smaller problems in other states that have had far greater outcomes. It was a very good outcome.

This bill is in response to some regulations we made whereby we were asking Origin to continue to supply substitute gas to large customers out of SEA Gas, and it was paying more for the gas, but of course its contractual arrangements did not allow it to recover from its customers. It could have 'F.M.ed' its customers, which would have meant that they would not have got any gas, and that was not a good outcome. We worked to create a regulation that allowed Origin to recover some of its costs.

The point about not consulting on the bill is because we worked this out with Origin. We told Origin at the time how we would deal with the circumstances, and this is how we did

deal with them. Frankly, such was the cooperation and the work that I am very confident that this audit will not be required. I am very confident about the behaviour of people involved in it. I am confident that it will not be required. I am happy to move the amendments sought by the opposition—they do not achieve much but it does not do any harm. We are happy, in the interests of completing the legislation, to do that.

I will now refer to some of the points that were made. Can I say that the member for Bright has simply been prepared to repeat the usual grubby innuendo and untruths paraded by the Hon. Rob Lucas in the other place. I had thought that the Hon. Rob Lucas was starting to reconcile himself to opposition, but not so. Obviously, it is still gnawing away at him like a worm. It is leading him, again, to engage in innuendo and non-truths. It must be about the sixth time he has said something about me which I know to be untrue. This one was not particularly defamatory. It was just small range grubbiness. I have invited him many times to come outside and repeat some of the things he has said but, of course, he has not been willing to do that. He just engages in innuendo.

I am not surprised that the member for Bright—the only member I know sponsored by Solomon's—is prepared to repeat those sorts of grubby untruths in this place because that is his style. This is the bloke who got rid of his own Premier. This is the bloke—

The Hon. W.A. MATTHEW: I rise on a point of order, Mr Acting Speaker. We have sat in this chamber as the minister, first, starts to make derogatory comments about the Hon. Rob Lucas in another place. He is now turning those derogatory comments toward me. He has accused both of us of telling untruths, and I respectfully request that you ask him to withdraw.

The ACTING SPEAKER: What is the honourable member specifically asking the minister to withdraw?

The Hon. W.A. MATTHEW: The minister has accused both the Hon. Rob Lucas and me of frequently telling untruths. He has accused the Hon. Rob Lucas of telling untruths in the other house in relation to the government project that is part of the—

The Hon. P.F. Conlon: He is telling untruths about me.

The Hon. W.A. MATTHEW: Sir, if the minister claims that the Hon. Rob Lucas has told untruths about him, he should share with the house what those untruths are.

The Hon. P.F. Conlon: The ones you repeated.

The Hon. W.A. Matthew interjecting:

The Hon. P.F. Conlon: Well, what you claimed I said I did not say. It is untrue. What you have said is untrue. It is untrue. I was there. I witnessed it.

The ACTING SPEAKER: Order!

The Hon. W.A. Matthew interjecting:

The Hon. P.F. Conlon: You didn't; it is untrue. It is simply untrue. You're not telling the truth.

The ACTING SPEAKER: Order!

Mr Brindal interjecting:

The ACTING SPEAKER: Order! The member for Unley is out of his seat. I am advised that if there is a specific allegation of untruth it should be dealt with by way of substantive motion. However, I do not understand the member for Bright to have indicated that there was unparliamentary language, or something else, requiring a withdrawal. I think we are clear on the honourable member's objection. The minister has heard it, and I invite him to get on with his closing remarks.

The Hon. P.F. CONLON: To be absolutely clear, what I said was what was said by the Hon. Rob Lucas in another place, and what was repeated and paraphrased here by the member for Bright was simply not true. I cannot be any clearer than that. It was not true. But when I said that this fellow got rid of his own Premier that was true, and if he wants a substantive motion on that and if he wants to go to a privileges committee and hear evidence from people, we can do it. All you have to do is stand up and tell the parliament that I am not telling the truth.

The Hon. W.A. MATTHEW: I rise on a point of order, Mr Acting Speaker. Again, the minister makes unsubstantiated allegations about people. He accused the Hon. Rob Lucas in the other place of being grubby. He did not withdraw that. He accused me of getting my Premier, or something like that.

An honourable member interjecting:

The Hon. W.A. MATTHEW: Oh, he accused me of knocking off John Olsen. I must have more power than I am aware of if I have done anything like that. Unless the minister can put up material by way of substantive motion, I suggest that he get on with the job of getting this bill through.

The Hon. P.F. Conlon: I am telling the truth. I do not have to put up anything by way of substantive motion.

The ACTING SPEAKER: Order! I thank the member for Bright. The minister wants to get on with his contribution, and I think that we are all very interested to hear him.

The Hon. P.F. CONLON: I am more than happy to. It is a very good bill. I appreciate the support of the opposition, even if it comes with the usual trademark bitterness of the Hon. Rob Lucas in another place. The words 'banging heads together'—

The Hon. W.A. MATTHEW: I rise on a further point of order, Mr Acting Speaker. The minister is at it again. Now he is talking about support for the bill coming with 'the usual trademark bitterness of the Hon. Rob Lucas'. Those are the minister's words—'the usual trademark bitterness'. That is what the minister said.

The Hon. P.F. Conlon: So what?

The Hon. W.A. MATTHEW: So what? At least the minister is admitting on this occasion that he said it. *Hansard* has reported it, anyway. Sir, I ask that you pull the minister into line and ask him to withdraw his derogatory comments about the Hon. Rob Lucas and get on with the job of moving this bill through.

The ACTING SPEAKER: We are wasting a great deal of time on these points of order. It seems to me that the minister has not said anything unparliamentary about anyone. If he did so, there could be an invitation to withdraw. I do not believe that anything he said is unparliamentary. I think that he was about to come back to the main theme of his contribution and address the parliament on that, and I think that we should let him get on with that.

Mr BRINDAL: I rise on a point of order, sir. I am sorry but, in this case, the member for Bright was touching on imputation as to motive. Imputation as to the motive of another member, whether in this or another house, is improper. It does not touch, with respect, on parliamentary language: it touches on imputation to motive; and to talk about bitterness and to refer to members of another place is, under a number of standing orders, disorderly.

Mr Koutsantonis: Which ones?

Mr BRINDAL: Well, if the member for West Torrens is not intelligent enough to look them up himself the member for Playford can help him. That was the point made by my colleague the member for Bright, and I ask you, sir, at least

to see that the honourable member does not slur the few friends I have left in this place.

The ACTING SPEAKER: I am honoured to receive a point of order from the member for Unley, who is a past master at these things. However, I believe that there is no point of order. The minister, who was winding up to his penultimate contribution, I think, has been frustrated by these points of order, and he should be allowed to finish.

The Hon. P.F. CONLON: I just want to get on the record that it is very hard to understand the complaints of the opposition. I did recognise that the SEA Gas pipeline was started under the previous government. The words 'knocking heads together', from memory, were used not by me but by the Deputy Premier. It is simply not the case that it came about through commercial inevitably. During the time when there were two pipeline proposals, I had very full and frank interventions and discussions with the private sector. In fact, I referred to them at the SEA Gas launch.

I think that, on occasion when talking about SEA Gas and the industry in general, Len Gill and I have both referred to some of the colourful moments we shared back at that time. The only thing I have ever said was that we achieved a very good outcome together at that time. I understand the enormous feelings opposition members may have. They think that they were robbed at the election, that it was their pipeline and that they should have all been there, but, you know, you just have to get used to that. You have to accept it.

The member for Bright should go back to his web site where he has still got himself listed as a minister. He is still saying, 'We'll be back soon.' You have got to get used to it. The Hon. Rob Lucas has to accept it.

An honourable member interjecting:

The Hon. P.F. CONLON: I know. His time might come again, but I doubt it. We appreciate the support from the opposition. It is important, however, that I correct the quite incorrect and puzzling innuendo of the Hon. Rob Lucas on this matter. It is a good piece of legislation coming after some very good work in managing the gas crisis.

Bill read a second time.

In committee.

Clauses 1 to 4 passed.

Clause 5.

The Hon. P.F. CONLON: I move:

Page 4, after line 2—
Insert:
37AB—Obligation to preserve confidentiality
(1) the minister must preserve the confidentiality of information gained in the course of the performance of the minister's functions under this division (or regulations made for the purposes of this division), including information gained by an authorised officer under Part 6, that—
(a) could affect the competitive position of a gas entity or other person; or
(b) is commercially sensitive for some other reason.
(2) Subsection (1) does not apply to—
(a) the disclosure of information between persons engaged in the administration of this division; or
(b) the disclosure of information as required for the purposes of legal proceedings related to this division (or regulations made for the purposes of this division).
(3) Information classified by the minister as confidential under this section is not liable to disclosure under the Freedom of Information Act 1991.

This amendment was discussed during the second reading debate. I know that the member for Wright is a touch affected by a lurgy, and I am prepared not to talk about it much if he does not want to, because he would like to go home.

Amendment carried; clause as amended passed.

Remaining clauses (6 to 9) and title passed.

Bill reported with an amendment.

Bill read a third time and passed.

GAMING MACHINES (EXTENSION OF FREEZE) AMENDMENT BILL

In committee.

(Continued from 6 May. Page 2117.)

Mr GOLDSWORTHY: Sir, I draw your attention to the state of the house.

A quorum having been formed:

Clause 2 passed.

Clause 3.

Mr BROKENSHIRE: I move:

Page 2, lines 11 to 15—
Delete 'further provision for its continuance or substitution based on the proposals contained in the Gaming Machines (Miscellaneous) Amendment Bill 2004 (or those proposals as modified during the progress of the bill through parliament) comes into force' and insert:
15 December 2004 and then expires

As I have already indicated, the opposition supports this bill. However, the opposition has some concerns that the drafting is open-ended. It is unusual for legislation such as this not to contain a sunset clause and, given that it is important that further amendments be made to gaming machine legislation, irrespective of the conscience vote that will be held in the parliament, my colleagues and I believe that a time should be defined within the act. I therefore move this amendment, but I will not be speaking to the following amendments, because they simply follow on to address the amendment. I urge the parliament to support this amendment.

The Hon. M.J. WRIGHT: The government is happy to support the amendment moved by the shadow minister. We would hope (and I think, in fairness, so would the shadow minister and the opposition) that the larger bill that is to be debated at a later stage will get through the parliament as soon as possible. We have no difficulty with the date that the opposition has provided in its amendment, and we are happy to support the amendments moved by the shadow minister.

Mr VENNING: I want to add to what the shadow minister just said about the sunset clause, and I also want to make a general comment. In relation to the freeze, it concerns me that many small country hotels—one of which is the Palmer Hotel—do not have any pokies at all. It has been raised with me in recent days that the Palmer Hotel has changed hands and the new owner has realised that, without any poker machines, the hotel will no longer be viable. If the hotel is not viable Palmer as a town will die. There is no doubt, because we know that people are going past Palmer to Mannum and are playing the pokies there.

I wonder whether we can revisit this matter in the future or whether the minister could insert a provision in this clause that a hotel such as Palmer could apply for a minimum number of machines, say, even as few as five. Otherwise, small communities such as Palmer will die. If there is no way in—and, obviously, there is not—I cannot see what the alternative is. I hope that this matter can be addressed, if not during this legislation during subsequent legislation. It is of concern to me.

Also in relation to the freeze, the other side of the debate relates to the cutback, which we are debating later (it is different legislation but still involves poker machines). Many of my clubs will be in trouble, because they are right up

against it now. I believe that, when we first introduced poker machines many years ago, clubs and pubs should have been treated differently. It is even more evident now that that should be the case. I would certainly appreciate hearing the minister's comments.

The Hon. M.J. WRIGHT: I am happy to comment briefly on the points that have been raised by the member for Schubert. I think they are realistic points. They will, of course, be dealt with in greater detail when we deal with the bigger piece of legislation.

In response to the first question about Palmer, they will be able to purchase entitlements. They will have to get a licence to do so, as does anybody, and they will be able to purchase entitlements. So, if the bigger legislation was successful, they would be able to do that.

In relation to the other point that clubs and pubs should be treated differently, I guess that goes back, in part, and looks at history. The member may well be right and, when we deal with the bigger legislation, because this is a conscious vote for both major parties, people will need to make up their minds how they deal with that. I am happy to discuss this with the member privately and also go into greater detail when we deal with the bigger legislation. However, a number of elements that the government has included in the bigger bill address the difference between clubs and pubs and, in particular, at the forefront of my mind is Club One and also the locality rule, which is very important for clubs. People will have to think about those concepts and also other matters that they might want to countenance. I think from day one it has been a philosophical debate as to whether clubs and pubs should be treated differently—maybe they should have been.

Of course, in the bigger bill we have picked up all the IGA recommendations, and in the forefront of my mind in relation to clubs and whether they should be treated differently, giving them some advantage, is the locality rule which, as the member would know, relates to approximately three kilometres. We are removing that from the bigger bill, and that will be of advantage to the clubs; and Club One, which has a number of pointers to it, will certainly also be of benefit to clubs as well. Of course, the tax rates remain lower for clubs. But I think that is something about which we will have a genuine debate when the bigger bill comes through parliament.

Amendment carried; clause as amended passed.

Clause 4.

The Hon. M.R. BROKENSHIRE: I move:

Page 2—
Line 19—
Delete 'the relevant date' and insert:
15 December 2004
Lines 20 to 26—
Clause 4(2)—delete subclause (2)

I give notice that I will raise no questions relating to any of the other clauses.

The CHAIRMAN: They appear to be consequential amendments. Are you happy with those, minister?

The Hon. M.J. WRIGHT: Yes, we support them.

Amendments carried; clause as amended passed.

Title passed.

Bill reported with amendments.

Bill read a third time and passed.

PRIMARY PRODUCE (FOOD SAFETY SCHEMES) BILL

Adjourned debate on second reading.

(Continued from 29 March. Page 1731.)

Mr WILLIAMS (MacKillop): I indicate that I am the lead speaker on behalf of the opposition on this bill. The bill does a number of things, including repealing the Meat Hygiene Act 1994 and the Dairy Industry Act 1992 and replacing them with the Primary Produce (Foods Safety Schemes) Act which will allow food safety schemes to be set up to cover primary industries other than the dairy and meat industries.

I indicate at the outset that the opposition does not oppose this measure, although it does have some questions to put to the minister and also some concerns to raise. I believe that if we were in government we would probably review this; I think it would be ideal to review this in a couple of years' time to see how it is progressing.

One of my concerns, as much as a producer of primary product as a member of this house representing many other primary producers, is the cost impost that this might have on a range of primary industries. During every election campaign the major parties talk about what they will do to cut red tape and lower the cost imposts on business. I think this bill has the potential to tie up a lot of our industry with red tape and impose significant costs on a large number of industries. It is one of those bills which I think could be nirvana for the bureaucracy: it gives powers which, if used unwisely, would see a burgeoning of the bureaucracy in areas where I think it is questionable whether it is necessary.

I wish the minister was here, because I want him to address some of the matters that I raise. I suspect that a fair bit of the bill is lifted straight from the Meat Hygiene Act 1994 and, as I said, instead of being specific to just that particular industry, it allows for the setting up of schemes to cover any number of primary industries.

One of the things I would like the minister to address is why there is a need for this bill. In his second reading contribution the minister talked about what the bill is designed to do but he has not canvassed why the government thinks this bill is necessary. He has given no indication of what primary products and primary production systems pose health threats, and he has not made a case why we need to set up these primary produce food safety schemes, presumably across a range of industries. So, I would certainly like the minister to address that and tell the house, either in concluding the second reading debate or in the third reading debate, exactly why his department and advisers think there is a need for this measure.

One of the papers I have talks about the need to amend the Dairy Industry Act prior to the end of June this year because of national competition problems and, for the life of me, I do not know exactly what implications there are because of the Dairy Industry Act. That is a very simple act and I do not see how it could be causing any uncompetitiveness within the dairy industry. I would certainly like an explanation from the minister as to what potential problems we have there if we do not pass this.

In setting up food safety schemes the bill allows for accreditation bodies to be set up, and I presume that an accreditation body would be set up for individual schemes, and individual schemes for individual industries. So, we may see a plethora of these bodies, and this is why we would want

to review this after a couple of years of operation—just to see if that was the most efficient way of doing this. I can certainly see the wisdom in having separate schemes for separate industries because some industries are high risk, some are medium risk, and some have very low risk and, again, I am hoping the minister can come back and give us some indication of what he saw as high risk and low risk schemes and how many of these schemes he envisages being set up in the ensuing period. Certainly, in his second reading speech, he suggested that there may not be a necessity to set up a scheme for low risk industries.

There are a couple of things about the bill in general which concerned me. Over recent years there has been a practice of legislation passing through this parliament that reverses the onus of proof, and there are many examples of it. From a philosophical standpoint, that is something that disturbs me. I know that it makes it easier to administer acts of parliament if the onus of proof is reversed but if used it can put a huge burden and a huge cost onto individuals and small businesses. In clause 11(2)(d) the bill provides the powers for the setting up of the accreditation bodies which will basically administer the schemes to make sure that the schemes are adhered to. That one clause sets up the accreditation bodies, and they will be done by regulation under that clause. It talks about allowing for membership and it goes through all the procedural matters, including the functions, the delegation of powers, accounting, auditing and reporting of those bodies. Certainly, in the Meat Hygiene Act all those things are prescribed in the legislation rather than by regulation. Again, I am hoping that that allows for different types of schemes to be set up for different industries, ensuring that we do not have overbearing and unwieldy accreditation bodies for very low risk industries, and I hope that the minister can give me some assurances there.

Mr Goldsworthy interjecting:

Mr WILLIAMS: Yes. Another part of the act which I will talk about at this stage of the debate is clause 11(4). The Liberal Party has some concerns about the level of consultation that may occur as a result of this piece of legislation. The legislation—as I have been trying to point out—gives great powers for the setting of regulations. We see that a lot of the work done by this legislation will be done via regulation, and we have concerns about the amount of consultation that may occur with regard to the drafting and setting up of regulations. Clause 11(4) provides that before regulations are made the minister must refer the question of the establishment, variation or revocation of the scheme to an advisory committee established for that class of activities; consider any report presented to the minister by the advisory committee within the allowed period; and engage in consultion with relevant industry bodies.

I think that is a very worthy clause to have in the bill and I support that wholeheartedly, but it then goes on to say that the validity of any such regulations may not be called into question on the ground of any alleged failure to comply with this provision. So, is the government intending that there be consultation or not? I have grave concerns about that last statement because if we are going to have consultation then we do not need that. We should either have consultation or try to get away without having it in the bill altogether.

Now that the minister is in the chamber, I will just run through a couple of the issues which I have raised and which I particularly want the minister to address. He may address these in his concluding remarks to the second reading debate and may even satisfy my inquiries and speed up the third reading process. Certainly, producers have expressed concern about the potential costs and I know that, obviously, we expect that there will be higher costs in higher risk industries. The minister might talk a little about what he sees as high and low risk and what he sees as no risk and what the ensuing costs on producers may be, because that is a real concern. We have had representations from the apiarists', or beekeepers', industries expressing some of their concerns, and we want to know how the minister has met their concerns, if he has. We want to know what sort of consultation the minister will be having with various industry groups when he is drafting regulations. I guess they are at the nub of our concerns and are the questions that we would really like to have answered.

In saying that the opposition supports this bill, I will not lock our position in between here and the other place, because—depending on the answers that we receive to these very important questions—we may, indeed, modify that support between the houses. Having said that, I think I have put most or all of the opposition's concerns, and I will conclude my remarks there.

Mr VENNING (Schubert): I will keep my comments brief. I thank the member for MacKillop for introducing this bill, because I was not going to be here to do it today. I am pleased that he has done it, and he has done a good job.

The Hon. R.J. McEwen: I congratulate him on introducing it as well.

Mr VENNING: He has done it. I am congratulating him on doing it as well, but I have a difficulty, which may become apparent later on. Even though the opposition supports this bill, I am concerned at the potential imposts to a wide range of our industries across South Australia—a wider range than most members would appreciate. This bill will touch on so many of the food preparation areas, not just the basic ones that we can think of such as meat preparation and bakeries, etc. It goes right across the board.

The potential to tie up the decision makers in our industries is huge, particularly when we get bogged down in red tape. Every government that comes into power has a policy of cutting down bureaucracy and reducing red tape, but instead we see that the opposite happens, because we are all led by the bureaucracy. We lose the battle with them and we end up with more and more paper, blinded by science. Some of the people that this will most affect will be particularly concerned, and I have butchers and apiarists ringing me complaining about all the so-called book work, saying, 'We have not had a problem: why all these changes?'

So, this is, I believe, further power to the bureaucracy, all those decision-makers—all those inspectorates running around the countryside—and we have got to be very careful. This bill is lifted from the Meat Hygiene Act 1994, a bill which, in opposition, I supported amending in the last sitting week of this parliament. It makes you wonder whether our doing that means that the minister expects it to take some time to pass the parliament, so that was fixed as an interim measure only. I presume that is why. If that is the answer I am not phased about that.

The member for MacKillop raised a question, and I have always said in this place that, when we bring in legislation, you have got to ask the question: why? Is there an epidemic out there? Have we had problems? Why are we bringing in legislation; is this legislation for the sake of legislation? Are there any case studies the minister might like to quote to the parliament? Are there any case studies to show that we need to address this situation by legislation? Have we a problem? Is there a concern out there? We had the Garibaldi matter many years ago, and that has been addressed with the meat hygiene legislation. That sort of thing can happen. If we had

a potential threat like that hanging around I would fully support any legislation that dealt with it.

There is also a need to amend the Dairy Industry Act due to the national competition policy. As discussed with the minister just a few minutes ago, if we need to attack the national competition policy, we need to do that, because it is affecting so many of our industries, whether it be the barley industry, the dairy industry, or any other industry. I think it is grossly unfair for us to turn around and put a further impost on the dairy industry at this moment, because surely it has troubles enough. They are certainly on the bones of their backside. I do not think the industry can remember a worse time, given that we have foisted upon them deregulation and increased hygiene standards and, of course, the national competition policy is certainly affecting them very badly. So, whatever happens in this legislation, if it affects the dairy industries I will be very concerned.

The member for MacKillop did mention the beekeepers and I have had regular contact with apiarists. They have rung me with concerns about who will control and pay the bureaucrats and the inspectorate that will go with this legislation. We know that the beekeepers appreciate flexibility. They need to be able to move their bees around the countryside very quickly as the seasons change. They do not need to be making applications and clearances and everything else before they can do so. One beekeeper, Mr Ken Grossman, who is a leading apiarist in South Australia and who has been a pathfinder in many of the modern ways of honey making, lives in Crystal Brook. He has certainly revolutionised the industry, making the industry very clean and giving it a very good record. Why, then, does he see fit to ring me up, very concerned about what this bill may bring?

I have to admit that I temporarily cannot put my hands on the file. We have been out of here a couple of weeks and I cannot remember the exact detail of Mr Grossman's concern with me, but I will find it tonight and look at it and, if I am able to make a comment when it comes back from the other place, I will. We cannot have overwhelming legislation which, in other words, chokes people out. Before people want to do the most simplistic of things, they have to make an application and everything else, and then, of course, we know that penalties in most of these areas are pretty severe.

If we keep on going like this, some would say we will all end up eating sterile food. In the old days, we ate food prepared in a less hygienic manner, as the member for Stuart would know. We have both eaten sheep which were dressed in the shearing shed and which hung there for days, or even under the mallee tree, with all the natural atmospheric vermin that seemed to come past and inspect the meat and whatever. Some would say that it added to the flavour. It certainly did not affect my health—at least, I do not think so—or the member for Stuart's. That sort of thing is absolutely taboo nowadays, but you wonder whether we are overreacting in many areas.

We can reflect back on the situations, like the Garibaldi incident, that we do not want to see again. But, in most instances, we do not want to put legislation out there that will affect everybody for the sake of the very few who do not do the right thing. Sure, we need regulations there to catch those people who do that, but we do not want smothering legislation to affect everybody else. We do need basic food standards, but we cannot go over the top. I am concerned about many of the changes that can be made with this legislation by regulation. That always worries me. We in this house pass legislation, and we know what is in there, but often the teeth, the bite and the sting—the matters that we get the phone calls about—are in the regulations and we know nothing about that until we get the phone call. We come back and the minister says, 'I had better check that.' Sure as eggs, the regulations have changed, and this has caused the angst amongst our constituents.

I will get the phone calls. No doubt other members will if we get this wrong, particularly for the like of Mr Ken Grossman, the Klemm family and others involved with the dairy industry and so many others out there in my electorate who are in the food preparation area. In particular, this can even include wineries because, under the terms and the definitions, wines are listed in food and beverage. They would also in some areas come under this legislation. I would be very cautious, and I do not know when the minister expects this to come back from the other house—obviously, in a fair while, because we did that legislation last week. The opposition supports the basic principles of this bill but is concerned about the implications and costs and who will pay those costs.

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): I thank the members for MacKillop and Schubert for their comments in relation to the bill. I think a number of the matters that the member for Schubert ranged over are way beyond this bill. Some of them actually go back to the Food Act and others are beyond what we are trying to achieve here. So, I do need to reassure him that there is nothing in here that is draconian or beyond what the industry is presently asking for. In particular, in relation to the dairy industry, obviously, because of the risk management systems already in the dairy industry, from their point of view there is nothing new here, and for three years they have been encouraging us to do this. Back to the questions that the member for MacKillop asked, obviously, the high risk areas will have accreditation. There will be mandatory schemes there, as there have been, and those two are obviously dairy and meat. That arrangement has been in place for some time.

This provides elsewhere that food safety arrangements are the way we intend to go, if there is any risk at all. The best example of that is shellfish for which, as part of the licensing arrangement, there is a risk management scheme in place. We do not see this as anything more than the industry saying that, for a number of reasons, they may wish to put in place a scheme—a food safety arrangement of some sort, whether that be an accreditation scheme or an authorisation. The member for MacKillop asked whether I saw any schemes in the pipeline. The second reading speech alluded to the fact that at a national level some standards are being developed over the next few years, and that could well be a stepping off point to have a scheme at a local level. The ones that are alluded to there are poultry, dairy (which we have got covered), eggs, seed sprouts and mint which, again, we have got covered.

The key element of the act—and the member for MacKillop did allude to this—is consultation, that is, . consultation with industry, recognition of industry food safety systems or a variety of the most appropriate one for the industry concerned, the ability to accredit businesses—that is important—and the ability to manage the delivery of audit services. Again, we are not specifying the audit's service; we are saying we need to manage that, but we do not need to know what audit service you choose if you go down this path. Importantly, there is the ability to implement food safety systems to underpin access to markets. That might be one of

the main reasons why industry says, 'We would like to put a scheme in place,' because a market has said, 'We want some reassurance around the safety of this product.' We do not know what markets are likely to say that but, if they do and industry comes to us and says, 'We would like to do that,' then, obviously, we would move down that path.

I do have to reiterate that we are on about minimum regulations here. If it is low risk, then that is what it is. If it is low risk and the industry is not saying to us that they need to put a scheme in place—either a risk management scheme or, under some extreme circumstances, a mandatory scheme—then it will not be happening. This is just saying that here is a framework that you can use if, for one of those elements that I have suggested, you need to put in place a scheme to manage some of the risks around safe foods.

Mr Venning interjecting:

The Hon. R.J. McEWEN: Again, as we said in the second reading speech, cost recovery will only be there for what industry directly requires. There is a fundamental philosophy underpinning this that actually says if it is public good, public pay, if it is private good, private pay. So, yes, the only element from this scheme that industry would pay for are those elements that directly relate to that industry, and obviously that is going to add value to the product anyway. Do not lose sight of the fact, though, that it sits underneath the Food Act 2001 and that is where, if something goes badly wrong, it is picked up. So, the Nippy's matter, as the member for Schubert mentioned earlier, would be picked up obviously at that level, not in this scheme at all.

With those few comments, Mr Acting Speaker, I think I have done justice to the issues that were raised by the member for MacKillop and the member for Schubert. I would say, though, and I did ask the member for MacKillop particularly about the apiarist industry and if there are some specific issues that are not picked up in this and we need to talk further with the apiarist industry, we will certainly give an undertaking that we will do that between houses. They certainly were not mentioned anywhere in the second reading speech. It certainly was not foreshadowed over the next few years that any national standards were being developed around honey. If there are things to do with that bit of honey, which is obviously the primary production bit, that we do need to talk about in this bill we will certainly have a look at it between houses, but nothing has been brought specifically to my attention.

Mr Venning interjecting:

The Hon. R.J. McEWEN: Okay—making sure that it sits within this particular bill. We are not dealing with national competition policy and red tape and bureaucracy and some of the other big ticket items that the member for Schubert actually raised; we are dealing specifically with a framework sitting underneath the Food Act 2001 as it relates to primary produce, food safety schemes, no more than that. With those remarks, I thank the members for their contribution and their support.

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

PASTORAL LAND MANAGEMENT AND CONSERVATION (INDIGENOUS LAND USE AGREEMENTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 February. Page 1214.)

Mr GOLDSWORTHY: Mr Acting Speaker, I draw your attention to the state of the house.

A quorum having been formed:

The Hon. G.M. GUNN (Stuart): I rise to participate in the debate on this piece of legislation, which makes considerable amendments to the Pastoral Land Management Act, and in doing so I indicate to the house that I am not the lead speaker for the opposition. Another colleague will be—

Mr Snelling: You should be. It should be you, mate.

The Hon. G.M. GUNN: I am sure that the honourable member would agree with my line of thought, being a very conservative member. I am sure that he will agree with the points that I am going to make. This bill came into the chamber as a result of an agreement with one pastoralist after a great deal of discussion and negotiation with Todmorden and with the government. A sensible and suitable arrangement was entered into which, in my view, will have wide-ranging benefits across the whole pastoral industry if it is applied sensibly, fairly and reasonably. It will give surety to pastoralists because, currently, a person of Aboriginal descent from anywhere in Australia can gain access to a pastoral property in South Australia. Under these amendments, that right will be restricted to those people who have a native title interest. That brings a lot more certainty to pastoralists, and Mr Lillecrapp has acted wisely and responsibly. He is a good pastoralist who has run that property in a very professional way. As a member of the Pastoral Board, he is very familiar with all the ramifications of this legislation.

We have been very well briefed by those people in the government, and I am pleased that the government has acknowledged the suggestion that I put forward in relation to noting on the pastoral titles that these agreements are in force. In the case of Todmorden, it may be for only five years, but in the future they may be for a more extensive period. With experience, there may be some changes and people will probably look to a longer term arrangement. However, if a pastoral lease is sold, it should be very clear to the next person who purchases it that the lease continues, and therefore there can be no misunderstanding in relation to that matter.

The minister will be moving a number of amendments which are not currently before the house. I want to briefly refer to them. I have a number of my own amendments which I will move, and I will be moving to suspend standing orders at the completion of this debate because, now that the act has opened up, a number of important issues need to be addressed. The assessment process is very important, and the ability of people to engage in other industries on pastoral land, such as tourism, needs to be clarified so there can be no misunderstanding. A very large number of pastoral properties in my constituency have engaged in tourism, and in my view they need not only certainty but more security, and the act should be extended even further. They should be able to freehold the land around the improvements they have made so that they can carry out further improvements in the future.

The first time we did that was when we allowed the Arkaroola sanctuary to freehold the land around those assets. I do not know whether the minister has been to Arkaroola. It is a very nice part of South Australia and I am sure that he and his family would enjoy a trip there. It is very rugged country. The government of the day, on my suggestion, was involved in doing that. At a later stage of this debate I intend to move that we place one more pastoralist on the Pastoral Board. I will also move that we exempt pastoralists from the

provisions of the Native Vegetation Act because what has taken place has proved to be an absolute outrage, as you would know, Mr Speaker. Your friend Mr Whisson has had a great deal to do with this and to impose—

The Hon. M.J. Atkinson: Are you going to divide on that amendment?

The Hon. G.M. GUNN: I certainly am. It was never the intention of the Native Vegetation Act to require pastoralists to have to make an application and gain approval to extend a pipeline. Only a fool would insist upon those sort of amendments. It was never discussed, but it has been sneaked in by a small, anti-farmer group which has infiltrated the department—not all of them, because there are some very good people there—and whose sole purpose is to make life difficult for pastoralists, miners, farmers, tourist operators and other people trying to make a decent living to pay taxes to improve the welfare of the rest of the people of South Australia.

One of these provisions deals with the rights of people to cross pastoral leases. During the time of the previous government, the then minister (minister Kotz) and I had a very strong disagreement about allowing a character with camels to go across one of the stations. Last week when my colleagues and I were at William Creek on a visit to the northern part of the state, he happened to present himself. He was not particularly interested in talking to me and the feelings were mutual, because my constituent, who ran a pastoral lease, was of the view that he did not want camels that could be infected with TB going across his TB-free accredited property. He took strong umbrage, as I did. Unfortunately on that occasion the minister took more notice of the Sir Humphreys in the department than of me, and we had interesting discussions in relation to that matter. It did not happen the second time. These matters must be clarified because pastoralists need certainty, and we are living in an age where we have to be able to guarantee the condition of products that we put on the market, particularly internationally. We have to be very careful.

Many of these provisions are long overdue in relation to the dates for returns, but one of the unfair features of the pastoral act which was passed at the instigation of minister Lenehan some years ago was the assessment process. The assessment process was conjured up for the benefit of the anti-pastoralist movement. They put in the provision that there would be these 14-year assessments which would be carried out by public servants. Unfortunately, many of the people they got to do the assessments had no knowledge of the pastoral industry and certainly were not in any way wishing to be reasonable or sensible in dealing with the pastoral industry. I was inundated with complaints from reasonable people who had been rudely dealt with and who said that they had unfair attacks made on them and there was a general policy to cut their incomes. I appeared with a constituent before the Pastoral Board, and it was a most interesting exercise. We went into a crowded room, and a huge number of people listened to what we had to say but, unfortunately, when they had their turn we were not permitted to be there. Nevertheless, on that occasion they set out, without any reason, to cut the ability of that person to make a fair and reasonable income.

The real problem is that you have an assessment process that is biased towards the department. In a free and decent society, where we should be fair, my recommendation to the committee is that the minister appoints one person and the Farmers Federation, on behalf of the pastoralists, appoints another so that when the Pastoral Board considers the assessment process it has two completely independent assessments, and that is fair and reasonable. It should not be these people straight out of that particular section at Roseworthy, who have never been in the real world, making these recommendations. Someone like the recently retired manager of Elders at Port Augusta would be a person whom the Farmers Federation could nominate.

A person with great experience and understanding not only in valuation but also in the real world of economic reality would give a fair and balanced assessment on behalf of the pastoralists. He has been involved in it all his life. Those people are there with the skills and they should be able to act on behalf of the pastoral industry. That is why I intend to move an amendment to that effect. In relation to my other amendment, that all leases should be continuous, we are long since past the time when people's leases should expire. If it is good enough to have continuous leases in New South Wales, brought in by a Labor government, it is good enough to do it in South Australia.

I am of the view that one of the things we on this side should have addressed in government was that course of action, and that is one of the mistakes that we made. It will happen next time, no matter what argument is put forward by public servants or anyone else. The government of the day will have trouble with me on its other legislation unless it fixes this matter.

The Hon. M.J. Atkinson: They'll get by without your support, Gunny. They'll get by without you. Life goes on.

The Hon. G.M. GUNN: There were times they couldn't get by last time without me.

The Hon. M.J. Atkinson: That is true. But they did, anyway.

The Hon. G.M. GUNN: Let me say to the honourable minister that, if he believes in fairness and commonsense, if he wants people to be able to make a contribution to the economy of the state, he has to give them a bit of security. It is just like the disgraceful manner in which people who want to freehold their blocks at William Creek are being asked to pay exorbitant amounts of money. It is a public scandal. If someone has a caravan park and a camping ground and has done a marvellous job on behalf of the travelling public, why should you have to pay $7 000 to freehold your house at William Creek? You ought to be given the land to go and live there! You would be doing good for the people. It is an outrage.

The minister has reluctantly agreed but, of course, he can agree but make sure that it does not happen by just jamming up the price—to pay $7 000 at William Creek. We should tick it up on the wall as a great effort, one of the outstanding examples of commonsense and compassion exposed by this government and its predecessors.

There are other issues in relation to the amendments. There needs to be another pastoralist on the board. We have someone from the Conservation Council. What contribution have they actually made to the productivity of the people of South Australia? You can read their contribution on the back of a postage stamp. It appears to me that that is why we have had this outrage with the extending of pipelines.

I was always taught that you took the water to the stock; you did not bring the stock to the water—and the shorter the distance they had to walk the better, not only for the stock but also for the country. If it was the other way around, I have wasted a huge amount of my meagre earnings throughout my life extending pipelines many kilometres. I remember some

years ago that one of the senior people on the Pastoral Board said to me, 'We have to encourage such and such a station to stop this business of having four troughs in the corners. We want them to extend the pipelines out.' I pose the question: we are wanting to shut down the free flowing bores in the pastoral areas. People are being encouraged and given money to extend the pipelines. For that program to continue, do they now have to get permission under the Native Vegetation Act because, as I read it, that is contrary to the act?

That is how silly the process has become. Therefore, we now have the opportunity to bring in these other amendments, because the indigenous land use agreements, if they are all managed sensibly and if people are prepared to give it a fair go, and if we find that some sensible changes need to be made, will be beneficial. We must ensure that we do not do anything that will make life difficult for the people in the pastoral industry. I remember a few years ago Mr Hill for some reason went on the ABC, before he was a minister, because we actually granted some remissions for their pastoral grants, and he criticised the then government and said that it happened at the behest of people like me in the right wing of the Liberal Party! I have always considered myself to be a moderate.

The Hon. M.J. Atkinson: And you are! You are a left wing socialist within the Liberal Party.

The Hon. G.M. GUNN: It is rarely that I have been called a socialist! I think the honourable minister is getting somewhat confused in his thinking. Sometimes the minister does get confused. Hopefully, he is not going to be confused when he agrees to these amendments and I will think that he is a good fellow, as will the pastoral industry. However, these provisions that we are dealing with have been a long time in coming. The act is not opened up very often, and that is why it is important that we consider a range of issues. This parliament is assembled not just to debate what the government has in mind but to debate what the parliament thinks is appropriate.

I have represented all the pastoral leases in this state and now represent 60 per cent of them, I suppose. There are more on the eastern side than on the western side, even though there are some wonderful pastoral properties in the electorate of the member for Giles. I do not know whether she has been to Commonwealth Hill and such places, but they are wonderfully managed pastoral properties, and there are interesting stories about how they were established. On another occasion I will be happy to relate to the house how, when talking to Tom Playford many years ago, he encouraged Mr McLachlan to go out and open them up and develop them, and did a lot of good for the people of South Australia because they have provided services.

We do not need to make life more difficult or have more bureaucracy than is absolutely necessary. We need to give these people certainty and appreciate that they are doing a good job. Some of these people have been suffering greatly, and I believe we should be reducing, not increasing, the pastoral rents for them during this difficult drought period. The government is flush with money from other areas. We are making life difficult—

The Hon. M.J. Atkinson: Yeah, yeah!

The Hon. G.M. GUNN: Come on. If the minister thinks that he is short of money he should just reflect back a bit.

The Hon. M.J. Atkinson: You love spending money, don't you, Gunny? You love spending money.

The Hon. G.M. GUNN: Look, I have spent a lot of my life out there earning money and paying taxes in the real world.

The Hon. M.J. Atkinson: What does the shadow treasurer think of your ideas?.

The Hon. G.M. GUNN: I am speaking for myself. I am making a very legitimate point. If the minister compares the position of this government and the position with which the Brown government was faced when it came to power, then, surely, he can recognise that this government's financial position is very different.

The Hon. M.J. Atkinson: We are adding up all your commitments. We are adding them up. You just made another one.

The Hon. G.M. GUNN: No, I made a suggestion. It is the role of government to set the priorities. It is the role of members of parliament to question the government, to challenge the government and to put questions to the government. That is the role of members of parliament. The Hon. Attorney-General—

The Hon. M.J. Atkinson: You are just pushing the keys on the cash register. Up it goes.

The Hon. G.M. GUNN: You see, the very difference between the honourable member and this side of the house is that we want to create opportunities and he wants to curtail them. We want to create opportunities and the Labor Party wants to curtail them. That is the difference. We want to create more, they want to distribute less. I am very happy to belong to a group that wants to create more, create opportunities, encourage initiatives and enterprise and improve the welfare of the ordinary citizens of South Australia by that process. I look forward to the committee stage.

Ms CHAPMAN (Bragg): I thank the honourable member for his calm and measured contribution to this debate. This bill is designed to facilitate the use of indigenous land use agreements, ILUAs as they are commonly known. The Liberal Party supports the concept of ILUAs and, consistent with that view, we will be supporting the passage of this bill. In order to understand ILUAs, it is necessary to provide some background history. In 1992 the High Court in Mabo v Queensland No. 2 held that traditional indigenous title to land did survive notwithstanding the colonisation of Australia.

The court overruled the doctrine of terra nullius, as is well known to members of this chamber. As a result of this decision, it was necessary to establish a statutory framework for identifying who has native title and for providing a mechanism for dealing with land which is the subject of native title.

The SPEAKER: Order! Is the member for Bragg the lead speaker for the opposition?

Ms CHAPMAN: That is correct, sir. The commonwealth parliament passed the Native Title Act (we all remember that), which came into law in December 1993. In December 1996 the High Court delivered its judgment in the Wik case, which concerned a native title claim over pastoral leases in Queensland. By a majority of four to three, the court decided that the statute which created pastoral leases in Queensland did not automatically extinguish native title. The decision meant that native title rights may co-exist with the pastoral lease although the rights of pastoralists prevailed.

Secondly, the court ruled that native title claims can proceed over pastoral land and claimants would have the right to negotiate under the Native Title Act. Thirdly, the widely-held assumption that native title was extinguished by the

grant of pastoral lease land was incorrect, and there was a potential for invalidity of government grants made after the commencement of the Native Title Act. Fourthly, the court did not, in fact, decide whether the Wik people actually held native title rights over the leases in question or what such rights would be. Those matters were left to be considered by the Federal Court.

In order to overcome the uncertainty created by the Wik case, the federal government adopted a 10-point plan, which included a number of significant amendments to the Native Title Act. One of those amendments was a measure to facilitate the negotiation of voluntary but binding agreements as an alternative to the more formal native title machinery. Eventually, the Howard government secured the passage of its package of amendments to the Native Title Act, and that package included provisions facilitating ILUAs, which are agreements between native title claimants and the owners and occupiers of land over which a claim is made.

The object of ILUAs is to allow parties to reach an agreement about indigenous issues without going through the expense and protracted process of a contested action in court. It is important that an ILUA cannot be forced onto any party. All parties must agree and the state government—which must be a party to any ILUA—must also agree. ILUAs are required to be registered with the Native Title Tribunal.

The power to make ILUAs was conferred by amendments made by the Howard government to the Commonwealth Native Title Act. A fact sheet providing some general information about ILUAs is available on www.nntt.gov.au. It is interesting to note that to date some 120 ILUAs are registered in Australia. They are predominantly in Queensland and the Northern Territory, but Victoria already has a fair share and there is a sprinkling in the remaining states.

In South Australia, the Liberal government was supportive of the ILUA process. We set up a unit to facilitate the development of template statewide ILUAs for pastoral, mining, local government and fishing. The process was supported by the Chamber of Mines, South Australia's Farmers Federation, the Local Government Association, the SA Fishing Industry Council, the Seafood Council and the Aboriginal Legal Rights Movement. To date, there has been much work done but not a great deal of success in negotiating ILUAs in South Australia. There have been two mining ILUAs: one local government ILUA, which enabled the Port Vincent marina to proceed; and, one pastoral ILUA in respect of the Todmorden Station to which the member for Stuart referred in some detail.

Others which may be well known to members of the house and which, I think, have been presented by the Attorney-General in his second reading explanation are in the pipeline. Notwithstanding the slow progress on ILUAs in this state, they are much better than the alternative, that is, court action. The one SA native title claim which has gone to the Federal Court has not yet been resolved, despite over $10 million in legal fees already being expended.

The immediate problem is simply this: the Todmorden ILUA which, as I say, has been referred to, was signed on 14 March 2004. In fact, there was some celebration on that occasion. However, that did highlight a problem. Under section 47 of the Pastoral Land Management and Conservation Act (PLMCA), any Aboriginal person can 'enter, travel across or stay on pastoral land for the purpose of following the traditional pursuits of Aboriginal people'. The substance of this provision has been in the legislation for decades; it is simply not new—and a similar term has been included in most if not all pastoral leases.

However, the Todmorden ILUA gives rights of access to a particular group of Aborigines, that is, those who have some connection with the land. It is envisaged that any pastoral ILUA would have a similar provision. In other words, any pastoral ILUA is likely to restrict the rights which the act currently confers on all Aboriginals. Moreover, an ILUA may provide that the Aboriginal group will give the pastoralists prior notice of ceremonies, etc. However, under the act Aborigines do not have to give notice: they can simply come and go as they wish.

The Native Title Tribunal will not register an ILUA that is inconsistent with state law. Accordingly, the Todmorden ILUA cannot be registered because it is inconsistent with section 47 of the PLMCA. It is envisaged that other ILUAs over pastoral land will also run into the same impediment and, accordingly, we have this bill before us today.

The principal effects of the bill are, first, that proposed section 46A(1) will provide that ILUAs are binding on subsequent holders of the lease, and that is an important provision. We support this, for two reasons. First, one of the benefits of an ILUA for a pastoralist is that the ILUA binds the current native title group and their successors. It is only reasonable that it also binds successors of the pastoralist. If a lessee does not want to bind successors, the lessee should not enter into the ILUA (in other words, clearly, they have a choice if they do not wish to be bound).

Secondly, the ILUAs are voluntary agreements and, if a pastoralist considers that an ILUA will be an impediment to selling the lease, the leaseholder will not enter into the ILUA or will restrict its operation to a short period. In this respect, the ILUA is like any sublease or sublicence. One would not enter into an ILUA if one wants to retain the option of selling the property with vacant possession, that is, no impediment binding on subsequent lessees.

Secondly, in relation to the principal effects of the bill, this legislation allows ILUAs to apply to contiguous (that is, adjoining) land that is occupied and fenced by the leaseholder, and that is set out in proposed section 46(2) and (3). Thirdly, the legislation seeks to give each party to an ILUA immunity from suit by third parties who suffer injury, loss or damage. That is in proposed section 46B, and it is an important provision.

Fourthly, the bill proposes to modify section 47 (to which I have referred), the access rights, by allowing an ILUA to, firstly, include access by persons other than Aborigines and, secondly, to remove or qualify existing rights of access. Clause 8 will make provision in that regard, and I traversed the detail earlier. Fifthly, the legislation allows for ILUAs to restrict the rights to travel across and camp on pastoral land, and that is covered in clause 9. Sixthly, the bill establishes a public register of ILUAs proposed in section 48A. Seventhly, this bill will extend to the native title group the power to require trespassers to leave the land, and that is proposed in section 48B.

These are very important principles in relation to this bill, which will strengthen the protection and areas of responsibility for both parties when they voluntarily enter into such agreements. I think it is important to note that, in relation to the provision for being binding on holders of the lease, the definition of 'Aboriginal' remains the same. The state government has to agree to all the terms of all ILUAs and, in any event, the only requirement is to 'have regard to' the

ILUA, not to comply with it. For all those reasons, the Liberal Party supports the bill.

Mrs REDMOND (Heysen): It is my pleasure to indicate my support for the bill, because from about 1995 to 2001 I was involved in acting in a native title matter on the Far West Coast of South Australia in an area that was quite extensive; it went from the coast up to the railway line and from the dog fence over to the border. It was quite an extensive area, five separate native title groups being involved. It was a lot of work, but we did achieve some outcomes. It took us two years to get the five tribes to cooperate, but we figured out a way to then deal as a single group, on behalf of all native title claimants, with various other interest groups. Amongst those groups were the mining people and also, of course, the pastoralists. It was quite clear in that process that, in fact, the type of agreement that we will now see under this ILUA proposal (and I prefer 'I-L-U-A' to 'ILUA') is that which we were heading for in our discussions as part of the Far West Coast Working Group in the late 1990s.

In my view, the two main parts that this legislation adds in are the additions to sections 47 and 48 of the current Pastoral Land Management and Conservation Act. As the member for Stuart said, I think there will be wide ranging benefits because, for a start, there will be a slightly tighter control from which Aboriginal people will benefit. Some of the things which we discussed and which we were at the point of agreement between pastoralists and the Aboriginal people were things such as the fact that everyone recognised that the Aboriginal people had a right to go onto the land. However, there were sometimes difficulties about campsites not being cleaned up or gates being left open that should have been shut, and so on—the normal things which one would expect and which most country people accept, even the nature of giving notice.

I note that, at the moment, section 47 provides simply that an Aborigine may enter, travel across or stay on pastoral land for the purpose of following the traditional pursuits of Aboriginal people. It then goes on to provide in subsection (2) that there is no right to camp within a radius of one kilometre of a house, shed or outbuilding on the land or within a radius of 500 metres of a dam or other constructed watering point. What we were discussing in terms of our proposed arrangements, and what I think will come about through these ILUA arrangements, is that we will then address those things such as shutting gates, water courses other than dams, and so on.

The Hon. M.J. Atkinson: ILUA.

Mrs REDMOND: I have already said that I prefer 'I-L-U-A' and not 'ILUA'. It is an acronym. Certainly, section 48 of the current legislation provides that a person (it does not state an Aboriginal person, but any person) may travel by any means across a public access route, and there is provision under the legislation for a public access route to be identified and notified in the *Government Gazette*. If a person wants to travel across land other than on a public access route, they can obtain permission from either the lessee or the minister. Indeed, as the act stands at the moment, a person can travel across, having given their oral or written notice. They can travel by any means other than a motor vehicle, a horse or a camel and, if they want to use any of those vehicles, they can also obtain from the minister the right to do so.

The proposal, in terms of section 48, will simply say that the existing act, in essence, remains the same but the term of the indigenous land use agreement can only limit the right conferred by subsection 48(1), and that is that a person can travel by any means or camp temporarily on a public access route; that is the one which is notified already and which exists as an identified public access route. That can be limited under the land use agreement only to the extent reasonably necessary for any of these purposes. The first is for restricting public access to places identified by the native title group as being places of cultural significance—and I know that, certainly, in the area where I was engaged on the Far West Coast of South Australia, we had done an anthropological study from the ground up (as they term it) to indicate where those places of cultural significance were for all the native title claimants in that area.

The second purpose for which the existing right can be amended or curtailed in any way is to prevent injury, damage or loss to any person that may arise from an activity undertaken under the land use agreement or under section 47(1), which is the right of Aboriginal access which already exists in the act. The third reason for curtailing it is to protect an activity of the native title group on pastoral land the subject of the indigenous land use agreement.

So, in my view, the legislation is welcome. It will address a number of concerns that pastoralists have had, as well as making Aboriginal people quite secure about their rights and giving a little more recognition to the nature of native title, which is a sadly misunderstood concept within the community. It is my pleasure to support the bill.

Mr HANNA (Mitchell): On behalf of the Greens, I support the Pastoral Land Management and Conservation (Indigenous Land Use Agreements) Amendment Bill. The Greens are certainly in favour of resolving things by getting people in a circle, hearing all the different points of view and coming up with a negotiated agreement if possible. That is essentially what the indigenous land use agreements are about. This bill particularly deals with those agreements as they apply to pastoral land. Historically, there has been a reservation for the use of pastoral land by Aboriginal people since 1851. In recent times we have recognised native title in this country and that people lived on the land and had a connection to it before European settlement, and it is time for the Pastoral Land Management and Conservation Act to fit with the concept of indigenous land use agreements, which are effectively the deals which can be done to allow Aboriginal people to use their traditional land.

Indeed, those agreements are slightly more flexible than that, because they could include people who, strictly speaking, are not Aboriginal (such as spouses or advisers of Aboriginal people), and it is good to have that flexibility. I will move some amendments which really only seek to further the purposes already described by the Minister for Environment in his second reading speech, and I will address those amendments in due course.

The Hon. M.J. ATKINSON (Attorney-General): I thank the members for Bragg, Stuart, Heysen and Mitchell for their contributions to the debate. I welcome their support for indigenous land use agreements as an alternative to native title litigation. In this matter the Rann Labor government continues the work of previous governments, and I look forward to a committee stage in which we see the creativity of the members for Stuart and Mitchell. I predict that the government will be able to accommodate an amendment from each of them—although not all the member for Stuart's

amendments, which I understand not even his party will be able to accommodate.

The Hon. G.M. GUNN (Stuart): I move:

That standing orders be so far suspended as to enable me to move an instruction forthwith.

The SPEAKER: I will call the honourable member for Stuart subsequent to the bill's being read a second time. For my own part, my views on this measure are important to my constituents and to many people who have been my supporters over not just years but decades. Honourable members will recall that I have been involved in a number of different occupations from time to time, many of which have involved the pastoral areas of the state—not only restricted to pastoral activities but also mineral exploration and mining. It has been my view for a very long time that pastoral land, now that we have other legislation which enables government to control inappropriate activity on any land in the state, should have been freeholded. Let me say that in simple terms: pastoral land should have been freeholded, not last year but a long time ago. The means to enable responsible management of the grazing of such lands can be found and obtained in other acts of this parliament which are in existence already.

Whilst I am on that point, I agree utterly with the view that has been expressed by the member for Stuart about the way in which the Native Vegetation Authority has sought to interpose itself in an area into which it was never intended to go. At no time during the debate on the legislation, either establishing the Native Vegetation Authority or amending its powers and authority, has any member ever alluded to any such desirable conduct on the part of the authority (or however else you may choose to describe it) to interpose itself in the restrictions that are now being forced upon—or, at least, attempts are being made to force them upon—the pastoral areas. Let me explain my reasons for that.

Quite simply, by definition, since leases were provided to people with livestock for purposes of grazing those livestock anywhere in this province, colony or state, they have been expressly provided to enable the owners of the livestock, being the people who own the lease, to do so within a reasonable framework that does not deplete the available forage from herbage on those leases to the point where they cannot recover or, indeed, in other words, graze them in a sustainable manner within the framework of responsible management. It was always intended that they should be grazed. The leases expressly state that that is the purpose for providing the leases.

To argue now that it is improper to graze some of the vegetation to a greater extent than was hitherto possible to my mind destroys a measure of the equity which those leaseholders have always had in that legislation and their right to graze it. It is not as if the vegetation is being cleared and it is not as if the other species apart from the animals that graze it (that is, the native species that have lived in those habitats) will be excluded from them. Indeed, by extending the watering points, extending pipelines and more effectively managing the grazing, it is possible to spread the grazing with less impact on all the vegetation than was possible incrementally prior to the extension of those pipelines to watering points across the leases in any instance. It makes it possible to more effectively manage those ecosystems.

I therefore strongly object to the actions which have been taken—in my judgment, unlawfully and unilaterally—by the Native Vegetation Authority without proper authority in law provided by this parliament and, should anybody choose to take the matter to the High Court on that basis in argument, they would probably win. No-one has chosen to do so—to my mind, surprisingly. It is vital, in my judgment, to do a few other things which the member for Stuart has alluded to—namely, provide the means by which pastoralists can open up to the world, through what we would call tourism product, that part of Australia's heritage since European settlement which the world would like to look at and see and experience, however briefly.

Those who wish to pay would be no less interested to see how, what is called in our vernacular, a sheep or cattle station is managed than they would be to go and see how orang-utans live in the forests immediately adjacent to the caves in Niah in Sarawak, for instance, or anywhere else on earth such as the Amazon basin or, for that matter, the Mongolian steppes, where any of those remain. If we allow that to happen it will provide an additional source of revenue for people in those areas and it will encourage them to be more responsible, not only in what they do but also in how they understand the impact of what they are doing on the land upon which they are doing it. More people will be there to discuss what they are doing with them and to scrutinise it, and it is by that mechanism—if by no other—that more responsible management will occur.

Equally, the mining industry—in its interface with the pastoral industry—should also be encouraged and allowed to establish facilities which enable tourists to observe that first-hand. How ever many of us may understand it to be so, we are, nonetheless, internationally famous for the progress that we have made in the development of appropriate technologies in the mining industry and we ought to sell that to the rest of the world as part of our tourism product, no more or less than I have suggested is the case for the pastoral industry. Just the same as we allow people to see what is happening on the Murray and what we are doing about that through tourism in the houseboat industry, or anything of that kind.

Notwithstanding any of that I, like all other members, see this bill as providing an improvement in the framework, and I do not reflect upon the amendments which are yet to be moved but which honourable members have foreshadowed. I thank the house for its attention.

Bill read a second time

The Hon. G.M. GUNN (Stuart): I move:

That standing orders be so far suspended as to enable me to move an instruction forthwith.

The SPEAKER: I have counted the house and, there not being a majority of the members of the house present, ring the bells.

An absolute majority of the whole number of members being present:

Motion carried.

The Hon. G.M. GUNN: I move:

That it be an instruction to the committee of the whole house on the bill that it have power to consider amendments relating to the composition of the board, the terms of reference, and the assessment process.

Motion carried.

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

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. P.L. WHITE: I move the amendment standing in the Attorney's name:

Page 3, lines 7 and 8—
Delete the definition of 'native title group' and substitute:
'native title group' means—
(a) in the case where the ILUA is an ILUA (body corporate agreement) under Part 2, Division 3 Subdivision B of the Native Title Act 1993 of the Commonwealth—the persons referred to in section 24BD(1) of that Act; and
(b) in the case where the ILUA is an ILUA (area agreement) under Part 2 Division 3, Subdivision C of the Native Title Act 1993 of the Commonwealth—the persons referred to in section 24CD(2) or (3) (as the case requires) of that Act; and
(c) in any case—
(i) a person who is, pursuant to section 24EA of the Native Title Act 1993 of the Commonwealth, bound by a particular ILUA; and
(ii) a person—
(A) who holds native title; or
(B) who is a member of a native title claim group (within the meaning of the Native Title Act 1993 of the Commonwealth),
in relation to the land or waters subject to a particular ILUA; and
(iii) any other person identified in the regulations as being included within the ambit of this definition,
but does not include a person identified in the regulations as being excluded from the ambit of this definition;

Amendment carried.

The Hon. P.L. WHITE: I move:

Page 3, after line 8—
Insert:
(4) Section 3—after its present contents (now to be designated as subsection (1)) insert:
(2) For the purposes of the definition of ILUA, a native title group does not include a person who would not, but for the operation of paragraph (c) of the definition of native title group, be included in the definition of native title group.

Amendment carried; clause as amended passed.

Clauses 5 and 6 passed.

New clause 6A.

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

Page 3, after line 14—Insert:
6A—Repeal of section 6
Section 6—delete the section

The amendment is about the duty of the minister and the board. The clause inserts a new paragraph (c) into section 5 of the principal act, requiring the minister and the board to have regard to the relevant terms of an ILUA when administering the principal act or exercising a power or discharging a function under the act. This could apply in several ways. For example, an ILUA might set out an arrangement for the sharing of an area between pastoral use and Aboriginal traditional activities. The minister or board would be required to have regard to this in making any decisions affecting the area. Similarly, if the crown has agreed to an ILUA that affects the harvesting of kangaroos, then the ministers of the crown will be required to have regard to the terms of the ILUA.

New clause inserted.

New clause 6B.

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

Amendment of section 20—Assessment of land prior to grant of lease
Section 20—after its present contents (now to be designated as subsection (1)) insert:
(2) However, the minister may grant a pastoral lease over Crown land without an assessment having been made under subsection (1)(b)(ii) if an assessment has been made within the previous 14 years.

New clause inserted.

New clause 6C.

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

6C—Amendment of section 22—Conditions of pastoral leases
(1) Section 22—after subsection (1) insert:
(1a) A land management condition referred to in subsection (1)(b) will be taken to be a condition of all pastoral leases (whether granted before or after the commencement of this subsection).
(2) Section 22—after subsection (4) insert:
(5) A condition of a pastoral lease is, to the extent that it relates to the minimum stocking rate of pastoral land, void and of no effect.
(6) The Board may, at the request or with the consent of the lessee—
(a) approve the pasturing (as part of the commercial enterprise under the lease) of a species of animal other than a species specified in the lease; and
(b) approve a level of stock on the land, or on a particular part of the land, in excess of the maximum levels specified in the lease; and
(c) approve the use of land subject to a pastoral lease for a purpose other than pastoral purposes; and
(d) —
(i) set aside from use for pastoral purposes land, or a part of the land, subject to a pastoral lease; and
(ii) approve the use of the pastoral land set aside for the primary purpose of traditional Aboriginal pursuits, conservation purposes or other purposes as specified by the Board.
(7) An approval of the Board under subsection (6) must be in writing and may be subject to conditions.

Mr HANNA: I move to amend the proposed new clause as follows:

(a1) Section 22(1)(a)(i) and (ii)—delete subparagraphs (i) and (ii).
(a2) Section 22(1)(a)(vi)—after 'exercising' insert:
, or attempting to exercise.
New clause 6C(1)—Delete subclause (1a) and substitute:
(1a) A condition referred to in subsection (1)(a) or (1)(b), and a reservation referred to in subsection (1)(c), will be taken to be a condition or reservation (as the case requires) of all pastoral leases (whether granted before or after the commencement of this subsection).

I am moving these amendments because I looked at the Pastoral Land Management and Conservation Act and at section 22 which sets out a whole series of so-called conditions of pastoral leases—general conditions, land management conditions and something called reservations. It seemed to me, looking at the principal legislation, that the area of land subject to the lease and the term of the lease are not, strictly speaking, conditions at law. If members note the rest of the matters, they are all obligations, and it seems to me that it would be better to leave out the area of the land and the term of the lease for that reason, so that the general conditions then described are all going to be obligations on the part of someone to abide by something, or to do something.

The second part of my amendment is just to clarify in the current 22(1)(a)(vi) that the parliament intends to impose an obligation on the part of lessees, first of all not to hinder or obstruct any person who is exercising a right of access to the

land pursuant to this act or any other act, but also to impose an obligation not to hinder or obstruct any person attempting to exercise such a right. My point there is that there may be circumstances where Aboriginal people, or others for that matter, are attempting to exercise their right of access and they could be stopped. So, it may seem pedantic but I think because it is something as important as a condition of the lease that it should be spelled out.

If a farmer who is not doing the right thing, one of the few exceptions in the farming community, goes to the gate with a shotgun and says, 'No, you can't come in here,' clearly, the person is not actually exercising their right at that point, because they cannot even get onto the land. Similarly, if a gate was left padlocked, so as to prevent entry of vehicles, effectively, the person is not actually exercising the right of access because they cannot get onto it. For those reasons I think it should cover attempting to exercise a right of access to the land as well.

Amendments to new clause carried; new clause as amended inserted.

New clause 6CA.

The Hon. G.M. GUNN: I move:

Substitution of section 24—Term of pastoral leases
Section 24—delete the section and substitute:
24—Term of pastoral leases is continuous

(1) The term of a pastoral lease, whether granted before or after the commencement of this section, is continuous.

(2) Subsection (1) applies to a pastoral lease granted before the commencement of this section despite the provisions of the lease, which are modified accordingly, and despite any other provision of this Act.

(3) However, this section does not apply to a pastoral lease to which clause 6 of the Schedule refers.

The purpose of this amendment is to give the pastoral industry certainty, fairness and commonsense so that they can invest with a degree of assurance that their leases are not going to be arbitrarily overturned. A 42-year rolling lease with 14-year instalments in today's modern society is not a fair and reasonable way for people to plan their future. It is difficult enough to get young people to come back and participate in rural South Australia, and therefore we should be taking all steps necessary to ensure that we open up the opportunities for these people to be involved. Therefore, this is the first of a number of steps that need to be taken. In other parts of Australia people have permanency—granted in some cases by Labor governments—and there is no reason why this clause should not be inserted in the act. You are still going to have your assessment processes, but people have certainty if they are farming correctly—or grazing correctly is a better term—that they are not going to have their lease arbitrarily overturned.

In today's modern society, to get young people to live in pastoral areas, they must have not only a reasonable lifestyle but also a reasonable income, and you cannot make improvements for the long term and borrow money unless you have got that certainty. Therefore, I call upon the minister to accept this as a reasonable step towards giving certainty to the pastoral industry and to give long-term benefits to the people of this state so that these people can continue to play an important role in the economy of South Australia. They are hard working, they are managing the land, and they are providing services for people who want to travel out there. A lot more people will move to the isolated parts of South Australia and there will be a lot more interest in ecotourism. Therefore, in another clause we are allowing these people to be involved in the tourist industry, and other industries which may come along, without anyone looking over their shoulder. We should be encouraging people and we should complete the task, giving them certainty and allowing them to get on with this process without fear of someone arbitrarily wanting to take away their rights. I commend the amendment to the committee and look forward to the support of the committee.

The Hon. M.J. ATKINSON: The current system provides for 42-year rolling leases. Provided land management conditions are met, pastoral leases vary between 28 and 42 years and should never expire. The issue has been considered and debated many times, and the government's view is that security of tenure is adequate. The current system has run for the first 14-year period only, and more time is needed to judge fairly the success of the current arrangements. I would be interested in the member for Bragg making a contribution to this debate, as she is the lead speaker for the opposition and not the member for Stuart. I invite her to comment.

The CHAIRMAN: If the member for Bragg wants to speak, she can.

The Hon. M.J. ATKINSON: The member for Bragg has not risen to her feet to contribute to this debate which suggests that she does not support the member for Stuart's amendment.

The CHAIRMAN: The Attorney is out of order!

New clause negatived.

New clause 6D.

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

6D—Substitution of sections 25 and 26
Sections 25 and 26—delete the sections and substitute:
25—Assessment of land

(1) The board must cause an assessment of the condition of the land comprised in each pastoral lease to be completed at intervals of not more than 14 years.

(2) An assessment of the condition of land pursuant to this Act—
(a) must be thorough; and
(b) must include an assessment of the capacity of the land to carry stock; and
(c) must be conducted in accordance with recognised scientific principles; and
(d) must be carried out by persons who are qualified and experienced in land assessment techniques; and
(e) must take into account any matter prescribed by the regulations.

(3) The board must, by notice in writing, advise a lessee of a proposed assessment not less than 28 days before the assessment is due to commence.

(4) On completing an assessment of the condition of land, the board must forward—
(a) a copy of the assessment; and
(b) a written report of any action the board proposes taking as a consequence of the assessment,
to the lessee.

(5) The board cannot take any action under this Act pursuant to an assessment unless—
(a) the lessee has been given at least 60 days in which to consider and comment on the assessment and proposal; and
(b) the board has given consideration to any comments the lessee may have made during that period.

26—Extension of term of pastoral leases and variation of conditions

(1) The board may, by notice in writing given to the lessee, vary the land management conditions of a pastoral lease to take effect on the date or dates specified in the notice (and, if a property plan has been approved in respect of the pastoral lease, the variation must accord with the terms of the plan).

(2) However, the board cannot vary the land management conditions of a pastoral lease unless the lease conditions as varied by the board are accepted by the lessee.

(3) Subject to subsection (5), the board must, by notice in writing given to the lessee within 12 months after the completion of the most recent assessment under section 25—
(a) if the land management conditions of a pastoral lease are not to be varied by the notice under this subsection—extend the term of a pastoral lease; or
(b) if the land management conditions of a pastoral lease are to be varied by the notice under this subsection—offer to extend the term of a pastoral lease,
by such period as will bring the term to 42 years (measured from the date the most recent assessment was completed).
(4) An offer to extend the term of a pastoral lease under subsection (3)(b) is subject to the condition that the lessee accepts the lease conditions as varied within 12 months after receiving the offer (and if the lessee does not accept the lease conditions as varied within that period the offer is, by force of this section, withdrawn).
(5) The board may refuse to extend the term of a pastoral lease if satisfied—
(a) there has been a wilful breach of a condition of the lease resulting in, or likely to result in, degradation of the land; or
(b) the lessee has, without reasonable excuse, failed to discharge a duty imposed by section 7.
(6) If—
(a) an offer to extend a pastoral lease has been withdrawn under subsection (4); or
(b) the board has refused to extend the term of a pastoral lease under subsection (5),
the board may (either on an application by the lessee or of its own motion), if satisfied that the grounds for the revocation or refusal no longer exist, extend the term of a pastoral lease by such period as will bring the balance of the term to 42 years (measured from the date the most recent assessment was completed).
(7) For the purposes of this section, an assessment is taken to have been completed on the day that the board resolves to issue a notice under subsection (3).

The Hon. G.M. GUNN: I move to amend the amendment as follows:

Proposed section 25(2)(d)—delete paragraph (d) and substitute:
(d) must be jointly carried out by two persons (both of whom are qualified and experienced in land assessment techniques), one of whom has been selected for the purpose by the Minister, and the other has been selected by the South Australian Farmers Federation after consultation with the lessee, from among those persons appointed or assigned to carry out land assessments under this Act; and

This is a very fair and reasonable amendment. It brings a far fairer and transparent system for the assessment of pastoral leases. The current arrangement is that all the people carrying out the assessments are public servants nominated under direct control of the minister. The experience on the last occasion was that it was a grossly unfair, vindictive arrangement where applicants had to deal with rude, arrogant people, and therefore it convinced me and the industry that this was unfair. No matter how you look at it, if the government nominates one person and the lessee nominates one person, the Pastoral Board will then have the benefit of two assessments, and then they can make an informed judgment. They do not have to put up with only one document before them, which in many cases could be slanted or biased against one particular individual.

We had the experience where people were treated terribly. It would have sent them broke, and some of the statements were wrong. In one case they claimed that all the salt bush had gone; salt bush had never grown there. These people were facing a large reduction in their stocking capacity and that caused them great distress and it affected their financial viability. When I appeared with one of my constituents before the Pastoral Board I said that, if the same reduction that they were attempting to impose on my long-suffering constituent were applied to the members of the Public Service who were making these recommendations, they would all have been in the streets—they would have filled Victoria Square with that 20 per cent or 30 per cent reduction. It was an absolute outrage. That is why this amendment is a fair and reasonable course of action and I hope that the committee will support me.

The Hon. M.J. ATKINSON: The government believes this would be a most unusual arrangement. The proposal would be costly and cumbersome to administer. In reality, the number of aggrieved lessees are few. These cases are well known and understood by the Pastoral Board. Most lessees have now come to accept an agreement with the Pastoral Board and have signed the acceptance form to extend their leases to a 42-year term. I understand that the Minister for Environment and Conservation would be prepared to consider providing lessees with the opportunity for review by a conciliator. We will give this proposal thought and the matter can be negotiated before consideration in another place.

The Hon. G.M. GUNN: The experience with conciliators under the Native Vegetation Act is about as good as what Paddy shot at—absolutely nothing! It proved to be an abysmal failure, because their conclusions were not binding on the minister or the government. It is not correct to say that people are happy. People signed under duress. People were concerned about their futures. People were most distressed about the process and, surely, in a free, decent and democratic society, we have to accept that the advice of the government bureaucrat is not always right or fair. It is an absolute outrage. If that is the attitude, then we will fight these things up hill and down dale.

I was ready to be cooperative tonight, but that might now have gone right out the window. There is no reason not to accept this. If we went to any other group in society and explained this to them, they would say that it is sensible and fair. These damned bureaucrats, who have never earned a living on their own devices out in the world, sit in judgment on decent, hardworking people who may not have the benefit of the same education but who have had a lifetime in the industry. They have been publicly humiliated and untruths have been told about them, and it is the role of this parliament to stop it once and for all. We will pursue this measure and those responsible up hill and down dale, whatever happens.

One of the most appalling examples of bureaucracy I have ever faced was when I went before the Pastoral Board with Mr Lindsay Clarke. Talk about a kangaroo court! We could hardly get in because it was full of bureaucrats and public servants. They were going to make the judgment and listen to what we had to say, but we were not allowed to sit in there and listen to what they had to say. It was appalling. That is why this amendment is before the parliament. The people whom we recommend have experience, and lots of people have experience in this. I thought the Labor Party believed in arbitration and conciliation. I thought they believed in it: it is fair and reasonable. Surely a minor amendment of this nature ought to be accepted. I have moved these amendments because I will not get another chance. I have tried in private members' time, but it has become a farce to try to get something through. The government has heaps of money to buy Bimbowrie Station, but the minister talks about not having enough money. The government spent $1.2 million of South Australian taxpayers' money to buy Bimbowrie, and

the commonwealth foolishly put up the rest of the money, and should never have done it.

The Hon. M.J. Atkinson: To buy what?

The Hon. G.M. GUNN: Bimbowrie Station. You reckon you do not have enough money to have a fairness clause. I want to know why it is so unreasonable. If this is so wrong, why do we have appeal judges and an appeal system? The minister should drop his principle and do away with the appeal courts, because the one judge or the one magistrate must always be right. I was prepared to be sensible here tonight, but you have upped the ante on this. You want to forget about going home early now. Really, minister, in my time in this place I have seen some silly things done, but this just about takes the cake. I expect a response.

The CHAIRMAN: I put the amendment moved by the member for Stuart.

The Hon. G.M. GUNN: Hang on! Surely the Attorney-General of South Australia, who administers the court system, which includes an appeal system, can be a bit more gracious and generous than he currently is. This is not unreasonable. If anyone thinks this is unfair and unreasonable, Heaven help the people of South Australia because, when you are challenged by the bureaucracy or its agencies, you are at a grave disadvantage. This amendment does not do any of it. It puts everyone on an equal basis. I thought that was what distinguished our society from others, because we treat people fairly and reasonably.

The Attorney-General administers the court system. The member for Bragg, one of our prominent members, knows the value of the appeal system. That is all this is doing: it is giving people equality before the law. The decisions that these people make are going to affect their livelihood. It means the difference, in some cases, in relation to whether their families come home to be on these places. I do not know whether the minister has been on any of these places.

The Hon. M.J. Atkinson: I have. I've been to Todmorden.

The Hon. G.M. GUNN: Todmorden is a very profitable and well run property, but they are not all as—

The Hon. M.J. Atkinson: I've been to Mooloolloo.

The Hon. G.M. GUNN: That is Slades.

The Hon. M.J. Atkinson: Mooloolloo is not doing all that well.

The Hon. G.M. GUNN: That is just the very point I am making. All they want is a fair go. When Sir Humphrey comes along and says, 'You've got to cut your numbers by 10 or 15 per cent,' you put them out of business, and you have these blasted people running around. The Department for the Environment brought this upon itself. It has brought this about by its attitude. This government has taken a whack at the pastoral industry. First, it put it under the Department for the Environment against the wishes of the pastoral industry. It was an arbitrary decision, and outrageous. Then the crazies in the Conservation Council sooled the native vegetation hobos onto the pastoralists.

The Hon. M.J. Atkinson: Hobos?

The Hon. G.M. GUNN: That is being kind to them. You have it stirred up now. I have a lot of stuff I can say about them that will keep you here until midnight, but I would sooner not do it. I have a responsibility to these people. All they want is fairness and justice.

The Hon. M.J. Atkinson: The whole faction's in here!

The Hon. G.M. GUNN: What are you talking about? Get in the real world, minister. We are seriously debating something. That sort of talk is all right for a Sunday school picnic, but this is the parliament of South Australia and we ought to be serious about it. I ask the minister to accept some reasonable argument and logic in these matters.

The Hon. M.J. ATKINSON: I refer the member for Stuart to section 54 of the act, 'Appeal against certain decisions', where it says that a lessee who is dissatisfied with a decision to vary the conditions of a pastoral lease may appeal to the Pastoral Appeal Tribunal against the decision. On the last amendment regarding continuous leases, the member for Stuart was in with a chance on the vote, but he did not even bother to have the committee divide, and the lead speaker for the Liberal Party would not even comment on the proposal for continuous leases. It is obvious to me that the proposal for continuous leases was not pursued seriously by the member for Stuart, who was just waving the flag, and that he has no prospect of getting it up under a Liberal government should we have one in the near future.

The Hon. G.M. GUNN: The minister digressed completely from the matter. I was trying to be reasonable and not slow down the progress of this house, but I will now move at the appropriate time to recommit that clause and we will have a division on it; make no mistake about it.

The Hon. M.J. Atkinson: You promised one and didn't do it.

The Hon. G.M. GUNN: I was given the view that you would be sensible about these things tonight, and I thought we would debate this in the other house. I have tried to be reasonable. You have torn that up, minister, so we will play the game the other way. I did not want to unduly keep people here all night.

The Hon. M.J. Atkinson: You said you would: *Hansard* will show it.

The Hon. G.M. GUNN: Here we are again. The Attorney-General, the chief law officer of South Australia, given the great honour and privilege that he has, wants to talk in schoolboy debating tactics, not about the real issues facing the people of South Australia. That is the exercise we are on. I knew that there was a fundamental principle with the Labor Party. I had a brief discussion with the minister when I told him about my amendments just before question time today. I thought that this would be something important for a Liberal government, and I would be reasonable and we would fight that out in the upper house. But now the minister is telling me he will not even accept this.

When you make a comparison of what is happening in the northern parts of this state and what is happening in the northern parts of Queensland, no wonder people wonder what has happened at places like Innamincka and all those places, where bureaucracy is interfering with people on a daily basis. All I am trying to do is give these people a bit of equality before the law. They will not forget this and I will not forget this; make no mistake about that. In these circumstances, the value of this industry to South Australia ought to be given some consideration. Already, thanks to the stupidity of the bureaucracy, you have people like the Kidmans going and investing in the Northern Territory and not in South Australia. They made a public statement that they have gone into the Northern Territory.

Why would one want to be here? You have interfered with their ability to continue to improve their properties. What a foolish exercise! And the assessment process is about to begin again. Let me say to the minister and to everyone: I will name in parliament every assessment officer who is rude or who steps out of line, and I could tell you the people whom they were rude to and what they did last time. One unreason-

able act always generates another: remember that. I was going to be reasonable tonight. The minister has been unreasonable and he has generated some unreasonable behaviour. The people of South Australia deserve better than this sort of behaviour.

Ms CHAPMAN: I ask the Attorney to explain to the committee what possible reason there would be for opposing this amendment other than simply to say, which is somewhat of an insult to the people concerned, that if they are not happy they can go to section 54 of the act and they can appeal. If that is the only reason the Attorney-General can think of as to why his government would not support a reasonable amendment presented by the member for Stuart, then that is grossly inadequate in respect of how this matter is dealt with. It is not satisfactory to remedy situations that are inequitable by saying, 'You go and appeal, because there is a provision there for you to appeal. You go to the expense of doing it, to instruct lawyers and counsel to appeal, because you don't like the process.'

It is important that in this house we fix up the process first. I would ask the Attorney to review his consideration of this matter and, if he cannot or will not, that he at least present to the house some legitimate reason why a reasonable proposal like this would be opposed. I point out that what is provided under the new section 25 on the assessment of land, under the Minister for Environment and Conservation's amendment, is that the board must cause an assessment of the condition of the land comprised on each pastoral lease to be completed at intervals of not more than 14 years. It is not 'maybe', 'possibly' or 'think about it': they must cause that assessment to be undertaken and they must do it every 14 years. That is a requirement.

In that assessment under the proposed section 2, which is not in any way being proposed to be amended by the member for Stuart, that assessment must be of the condition of the land and it must be thorough. It must include an assessment of the capacity of the land to carry stock. It must be conducted in accordance with recognised scientific principles and it must take into account any matter prescribed by the regulations. That is not an 'if', a 'maybe', 'we'll think about it' or 'let's look at it another time.' This board must look at all these things. In no way is the member for Stuart asking that that be compromised, reduced, interfered with, tampered with or restricted, nor is he in any way asking to interfere with a very thorough assessment. All he is asking is that, when you pick the people to make that assessment, it be jointly carried out by two persons, exactly as the government wants it, both of whom must be qualified and experienced in land assessment techniques.

It cannot be some person they pick up off the side of the street. It cannot be some pastoralist lessee simply saying that they want a local mate, an employee, their wife or some nominated relative to come on. They must qualify under all these requirements. All the honourable member is asking of this government is to consider being fair to the major stakeholders involved in this legislation and simply saying, 'Yes, let one of them be selected by the minister.' Clearly, that will be someone who complies with all these things and who is likely to be employed in the government, and the member for Stuart has kindly described that person as a bureaucrat.

Other descriptions have been flying around but, nevertheless, I expect that it would be someone who was qualified in that area—and, under the legislation, they must be. The minister cannot just pick anyone off the street or someone who is a friend or someone who thinks he might support him. He has a very clear legal obligation under the act; and, in this case, after consultation with the South Australian Farmers Federation, the lessee can put forward that person. Again, it cannot be someone who is in the SAFF, or someone they have simply dragged off the street, or someone who is employed by them or some mate of theirs.

All they have to do is consult with the lessee and put that name forward. That is all the member for Stuart is asking. That is not unreasonable. That is a situation in which all those qualifications are required to be in place. The person must be very specifically qualified and experienced in land assessment techniques. It is simply a nomination. If the government was really genuine it would say, 'We recognise the significance of the pastoral lessee.' He has a limited tenure in the sense that each of the 42 years is reviewable, and this 14-year requirement is being imposed, but all these things are to remain in place.

All the honourable member is asking for is one nominee. I ask the minister—apart from simply dismissively saying, 'Well, if you do not like it, you appeal under section 54'—to explain to this committee why that is unreasonable in any way. As I understood some discussions earlier in the house—and I may have misunderstood them—I thought that the Minister for Environment and Conservation was quite positively responsive to this amendment, because it was a sensible and fair amendment that would take into account the valid interests of the people whose lives are at stake.

The pastoralist in this situation does have a livelihood at stake. If that stocking capacity is changed to any significant degree and if conditions are imposed it could make a difference to whether that livelihood was viable or whether that property lease was of any value whatsoever for the purposes of continuing to provide for the pastoralist or his or her family. I think it is disgraceful for the Attorney to come in and say, 'If you don't like it, you appeal.' I call upon the government to provide a valid and reasonable explanation—if there is one—to this committee before we vote.

The Hon. M.J. ATKINSON: When I gave my first response in debate on this clause I said that the government was willing to consider the amendment in between the houses, and that is still our position. That was not sufficient for the member for Stuart. He said that I have to give a reason for opposing this other than postponing consideration of it, so I did give a reason, namely, that there were appeal rights under section 54 of the pastoral act. However, the wording of the amendment has lobbed on the government only today. We will have a look at it. We may well agree to it. We will consider it before the bill goes to the other place. That is a lot more than government ministers in the Brown and Olsen governments would do for opposition amendments in days gone by. The member for Bragg—

Ms Chapman: Rubbish!

The Hon. M.J. ATKINSON: Well, the member for Bragg says, 'Rubbish', but I can assure the honourable member that an opposition amendment was condemned to death under the Brown and Olsen governments by dint of being an opposition amendment. I have lost count of the number of opposition amendments I have accepted while I have been a minister. We are willing to give this one due consideration. As I say, the wording arrived only today. I stand by my commitment to consider this amendment before the bill arrives in the other place. I think that is fair.

The CHAIRMAN: The member for Stuart.

The Hon. M.J. Atkinson: He is speaking for the fourth time.

The Hon. G.M. GUNN: It is an amendment. I can speak to it—

The CHAIRMAN: It is the honourable member's amendment.

The Hon. G.M. GUNN: —as many times as I want. The Attorney had better have a look at the green book. Minister, you can give the assurance but the difficulty is that once it leaves this house we have lost control of it. It goes over to the other place. You can say, 'Well, we have considered it. Oh, well, it doesn't matter; those people are not very important to us,' and it is gone. The Democrats were the leaders of the anti-pastoralist brigade in the past. At the end of the day, we are in the minister's hands. I will be particularly annoyed and disappointed if this is not accepted.

I say to the minister, 'I accept what you say at this stage, but what we say is fair is based on past practice.' When people misuse a power they normally lose it, and this amendment is purely as a result of the way in which the pastoral assessment was carried out on the last occasion. There is no other reason. Those people misused their authority and treated people with contempt. That is why we are debating this matter today. When commonsense applies you do not have these problems. The appeal mechanism, minister, is not satisfactory. It should not have to go to that. In any sort of society, why do you want to make life as difficult for people as you possibly can? Why do you want to do that? The Premier has indicated that he wants to increase exports in this state. These are some of the people who can participate in doing that if you give them an opportunity. They want to provide facilities to bring tourists to the Outback, but give them a bit of a fair go. That is all I am asking for.

Amendment to amendment negatived.

The CHAIRMAN: Is the next amendment consequential?

The Hon. G.M. GUNN: No. I move to amend proposed new clause 6D as follows:

New section 25—

After proposed new section 25(2) insert:

(2a) An assessment carried out under subsection (1) must not, to the extent that the assessment relates to—

(a) the capacity of the land to carry stock; or

(b) the ability of the lessee to carry out improvements to pastoral land, take into account the operation of the Native Vegetation Act 1991.

This is an important amendment, which sets out to rectify a grave anomaly that has developed through the actions of certain people who want to make life unbearable for the pastoral industry. Until 18 months ago people could extend pipelines and their fences on their properties as a normal part of daily pastoral management. As I said in my second reading contribution, people were encouraged to take the water to the stock, to extend their pipelines, to put in more dams and to put down more bores. Now the bureaucrats have got themselves into action and they have determined—you are here for a bit longer yet, Mike, and there will be a few divisions. We will go back and have a look at a couple of things.

These people did not want commonsense to apply. Their whole purpose in life was to make life as difficult as they possibly could for these people living in isolated areas. Only a fool with limited ability to think would want to stop someone from putting in a better water program, to find more water and to extend it. I have been a farmer all my life. I actually understand a bit about extending pipelines. My family put in 19.5 kilometres of pipeline in one particular exercise and welded all the joints to extend water. Pastoralists are doing that. Now they have to get permission from the Native Vegetation Council. It was never a part of the act. It was never discussed; it was never debated. There was never any indication and it was neither the aim nor the objective.

These people have interpreted the arrangement in a way that, again, makes life difficult for no good reason. These people have a legal right under their lease to carry a set maximum number of stock, whether it is 10 000 or 12 000 head of sheep. They are the restrictions that are placed on them and, therefore, we should be encouraging them (and this has been the process in the past) to run them as efficiently and in as good a way as they possibly can. To spread the water and to have fewer sheep in a paddock is all good pastoral husbandry. But what has happened is that, in some cases, people have not had stock for some years in a certain section and they want to expand because they have the resources to do so, and they are now stopped from doing so. They have to do some property plan.

Most of these places do not have as many people as they would like to help them. Why burden them? In many cases, they have to teach their own children. They provide their own electricity and they live in isolated communities. Why this stupid rule? If ever there was an act that has set out to discriminate against the farming community, it is sections of the Native Vegetation Act. It is now interfering with the day-to-day management of farms. We have people with their own agendas—and on another occasion I will tell members how they have told untruths. The Speaker has indicated how they have done it, and I am going to set it out in chapter and verse, because I am appalled at what has gone on. In a decent democracy people do not have to put up with that, and this amendment is fair and reasonable. It is because of these provisions that Greg Campbell from Kidman and Co. said that they have bought properties in the Northern Territory.

I put it to the minister that there is no reason whatsoever why this amendment should not be carried into law. It clarifies what the intention of the act was and the intention of the people who agreed. When the farming community agreed to these restrictions it was never envisaged, because under the Pastoral Act there were other provisions to manage pastoral properties. I commend this very worthwhile amendment to the committee. It returns it to the original intention of the Native Vegetation Act, whereby they would have no involvement in this process, and it brings back a degree of commonsense and fairness.

The Hon. M.J. ATKINSON: I am advised that recent amendment to the native vegetation regulations provides the Pastoral Board, by delegation, with adequate powers to find a balance between the needs of pastoralists and native vegetation management. An approved management plan for a pastoral lease that can include water point distribution provides an exemption under the Native Vegetation Act.

The Hon. G.M. GUNN: For some reason, the government obviously intends to thump all our amendments. If that is the case, we have no alternative but to fight them out in this committee. Like the Deputy Premier, I also want to go home. They only had to say yes to that one amendment and they would have been home, but it is so important for the environment department to keep its control over the pastoral industry. It is our job to stick up for these people. I have been given the great honour and privilege of representing them in the parliament. I am pretty disappointed that, instead of having a very simple debate on behalf of sensible people, they are

not prepared to show some reason. They have so bound themselves up with bureaucracy and it is so important that they maintain their control over the lives of ordinary, decent, little people that we will not proceed with this.

The CHAIRMAN: The member for Stuart may have missed the explanation from the Attorney. I took it that, in explaining this clause, the Attorney more or less said that this matter had been dealt with in another way elsewhere.

The Hon. G.M. GUNN: I was slightly distracted, but that is not the case. The regulations have not been changed. I have the dot points; there is a series of things. Once we let this go, it is the end of it. The people are long suffering, they are stuck with it, and those who administer it go on their merry way. It is like the river running over the ford; it just keeps doing it. I was going to be reasonable, but we will now fight this out. We will start ringing the bells and bringing them out of their offices in a minute. I was given the privilege of representing the people in the northern parts of the state. They have kindly sent me here on 11 occasions, and I am not in the business of letting them down. We will go after these other provisions now, line by line. I do not want to keep this parliament sitting here tonight unreasonably, but I am going to, because I believe in fairness and commonsense and giving people an equal opportunity.

Mr Chairman, you have complained in the past when we have done foolish things and given arbitrary power with respect to on the spot fines and so on, where we take the ordinary person's rights away and they have no ability to defend themselves. I remember an occasion involving the Pastoral Board and a pastoralist in his 70s, and the way he was treated was appalling, if you believe in fairness. I have had other people come to me beside themselves. If we took away 20 per cent of the income of a school teacher we would not have a school operating in South Australia; they would shut them all down tomorrow. If we cut a policeman's salary by 20 per cent we would not have any policemen. But they want to do it to these people. Then they wonder why people like me get on our high horse. That is what I am sent here for. I am not sent here to be cooperative. It is bloody nonsense. We would not be here if a bit of commonsense applied. So, the game is on. We will go through every one of these other amendments.

The CHAIRMAN: Just to clarify it, Attorney, do you want to explain your answer again? I think the member for Stuart was distracted. I am not sure whether or not it answers the point he is concerned about. The Attorney indicated that alternative action had been taken somewhere.

The Hon. M.J. ATKINSON: The minister responsible for this part of the bill is not in Adelaide today. I understand that he will be in Adelaide tomorrow. We have been conferring about adjourning the matter so that the minister can return and deal with the member for Stuart's points. I am sorry to have frustrated the member for Stuart, but I am not authorised to agree to these amendments, as they are not amendments in my portfolio.

Ms CHAPMAN: I think that is a very sensible course of action. We appreciate the Attorney-General's indication in that regard and, if the matter is adjourned to the next day of sitting, we can deal with it and hopefully reach some more amicable resolution of the outstanding amendments standing in the name of the member for Stuart. I indicate that I would expect that the balance of the passage of the bill would be fairly rapid.

The Hon. G.M. GUNN: I accept that, with this exception: because of what has been said, there will be a move to recommit the continuous lease clause and there will be divisions on that. I did not do that out of respect and to be cooperative. However, after what has happened, I will take that course of action tomorrow.

The CHAIRMAN: I am not sure when the member for Stuart contemplates seeking to recommit but he cannot recommit something that has been resolved by a vote of the house. He can only do it under very special circumstances and with proper notice. Is the member talking about reintroducing the bill?

The Hon. G.M. GUNN: No, I am talking about recommitting the clause that was passed in regard to the leases. The first time I remember it being done was when some Labor members missed a division some years ago on a clause and the Dunstan government lost the clause. They waited until the end of the debate and moved to recommit the clause. It has been done; it is on the record; and it can be done. I want to recommit and have a vote on it.

The Hon. M.J. Atkinson: Tonight?

The Hon. G.M. GUNN: I can do it now, if you want to. I will test it.

The Hon. M.J. Atkinson: Do it tomorrow.

The CHAIRMAN: You would have to suspend standing orders and the house would have to agree to recommit and reconsider the clause with new material.

The Hon. G.M. GUNN: That has not happened in the past.

The CHAIRMAN: I am relying on advice from people who know more about procedure than do I, but I understand you cannot recommit the vote on a clause.

Progress reported; committee to sit again.

ADJOURNMENT

At 8.29 p.m. the house adjourned until Tuesday 25 May at 2 p.m.