HOUSE OF ASSEMBLY

Tuesday 6 May 2008

The SPEAKER (Hon. J.J. Snelling) took the chair at 11:00 and read prayers.

LEGAL PROFESSION BILL

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (11:01): I move:

That standing orders be so far suspended as to enable the sitting of the house to be continued during the conference with the Legislative Council on the bill.

Motion carried.

LOCAL GOVERNMENT (SUPERANNUATION SCHEME) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 April 2008. Page 2494.)

Mr PENGILLY (Finniss) (11:04): I rise to indicate that the opposition supports the bill, and I would like to make a few salient points about the measure. The Local Government Superannuation Scheme has been around for about 20 years, and it has been the sole provider of superannuation for the local government sector in South Australia.

The present scheme is in many ways anathema to the modern superannuation landscape. Like industry superannuation funds before the superannuation reform in the 1990s, it operates in isolation of competition and is subject to protective industry rules; for example, local government employees are compelled to choose the fund as their superannuation provider and, if the employee moves on, their subsequent employer is prevented from paying contributions into the local government superannuation fund.

Further, employees from other professional groups cannot elect to have their contributions paid into the local government superannuation fund; and, finally, employers or the member's spouse are also prevented from paying contributions into the member's account.

It is a relatively small fund, and it is a creature of the South Australian statute. It got through the 1990s reform process intact, and it has been immune from any changes to the industry. Consequently, in 1994, it elected to become a commonwealth-regulated fund, placing itself under the jurisdiction of the commonwealth. Since that change the fund has had a membership growth of about 3 per cent (a not insubstantial figure); however, it has grown to represent some 20,700 members and is taking contributions from about 172 employers. Significantly, of those 172 employers only 68 comprise the councils (there being only 68 councils these days in South Australia), with the remainder coming from other industry groups.

Although the fund is a creature of the South Australian parliament, it is regulated under commonwealth legislation. The opposition (as I indicated a moment or two ago) is comfortable with the bill and will be supporting it, but the fact that it is under commonwealth legislation creates a difficult constitutional position. The fund is audited by the South Australian Auditor-General and reports to the South Australian parliament but regulation proper is conducted by the commonwealth, so it is only common sense for us to do what we intend to do in this place—and, hopefully, in the other place. In addition, because of the board's rather proactive approach to declaring organisations outside of local government 'declared organisations', the fund currently has a significant number of members who do not form part of the local government industry. Because of the limited pool from which to draw membership, the task of decreasing administration fees becomes harder to achieve (it is our understanding that the current administration fee is about $1 per week, which is quite low).

The legislation itself is straightforward, it is not contentious, and the opposition does not have a great issue with it. For example, clause 4 provides for the continuation of the scheme under trustees rather than statute, and a new schedule No. 1, which outlines the transitional provisions, is inserted. It will be the responsibility of the local government superannuation board, who are the administrators, to make all the necessary transitional arrangements once this bill passes. Once the board has, in the opinion of its treasurer, prepared the trust deed and correctly made satisfactory arrangements, the Treasurer will issue a commencement notice in the state government *Gazette*. The members of the board will then automatically cease to become members, because from that

moment the constitutional corporation will run as an independent corporation regulated by the commonwealth. The former local government superannuation board will be dissolved, and that will be the end of it. Furthermore, all councils, relevant authorities and organisations are required to continue as contributing employers for a period of three years. Upon expiry of those three years the fund will have completed the transition and will open itself for competition.

It is in the best interests of the fund and of the members that this takes place and, as I have said, the opposition has no argument with that. The South Australia government will be removed from the equation, and there exist significant opportunities for the new corporation to expand and decrease its administration fees—which will ultimately benefit its members and which is pure common sense. Of course, there is some risk involved because local government super is, essentially, throwing itself on the mercy of the market. Deregulating membership of the fund necessarily gives current members the choice of removing their money, and does not require that contributing employers recommend a fund.

Treasury advises that all the above will be satisfactory. We have had a briefing on it and are very comfortable with it. In due course I would like to see some other proactive local government legislation come into this house that we can thrash around a bit more than we could this one. With those few words, I once again indicate that the opposition will be supporting this bill.

Mr GRIFFITHS (Goyder) (11:08): I would like to briefly contribute to this debate. Having previously worked within local government from early 1979 until very late 2005—

The Hon. K.O. Foley interjecting:

Mr GRIFFITHS: I will declare my interests, as the Treasurer has asked. I was a contributing member of the Local Government Superannuation Scheme—and, I think, the group that came before that structure—and over that 27 year period I was quite happy with the returns given on investments. I retained my superannuation investment with the Local Government Superannuation Scheme even during the 15 month period when I moved to New South Wales in local government, and I believe in that period its returns were quite impressive and the equal of any within many other industries.

There has been good growth within the scheme. We were advised, as part of the briefing, that something like 3 per cent additional members each year have chosen to join local government superannuation Admittedly, to a large degree it is because local government employees were required to do so, but there were also opportunities for associated organisations, and, I think, regional development boards, animal and plant control boards, and those sorts of organisations, to take up the option of coming under the local government superannuation structure. No doubt they were also happy with the services they received.

There is no doubt that opening up membership does pose some risk. In the briefing that we had with the chief executive of the Local Government Superannuation Scheme (who I note is in the gallery today) he did recognise that doing this came with some potential for a loss of members if the performance of the scheme was not good enough. If that occurred there would then be an impetus for the scheme to be subsumed, presumably, by a larger superannuation scheme, because all that people want to see is the greatest possible return on their investment.

I am amazed that most people do not take a lot of interest in the investment strategies in superannuation. I am advised by well-informed people that, given that all Australians who work are in superannuation schemes, only about 2 per cent of those actually choose to make a direct investment option decision. I would have thought that younger people, especially, who might take a more aggressive approach because there are longer-term options for them, would choose other things that would provide a better rate of return, but most people seem to take the default option. That is their choice. There is no perfect science to it. Those who took aggressive options in the last four months would have experienced a downturn in their investment through what occurred with the subprime mortgage market.

It is pleasing that this bill has come before the house for debate. I know that the Local Government Superannuation Scheme has been very keen to have it introduced so that it can be tidied up and so, hopefully, the new structure can commence as of 1 July. There will be a transitional period of three years, but that will allow everybody to make sure that things are operating smoothly in the way that they should, because there are over 7,000 local government employees. I am not aware of the number of staff members involved in other organisations who are part of the Local Government Superannuation Scheme, but they want to make sure that they are in a position to make the best choice for their superannuation option.

No doubt local government super will do everything in its power to ensure that it does provide the best possible return and the best quality of services to its members, and, if it does that, there is greater opportunity to keep that membership base. In my brief contribution I commend the bill to the house. I hope that it has swift passage through both houses, and I look forward to local government super, with which I still have money, performing very well in future years.

Mr HANNA (Mitchell) (11:13): I rise briefly to support the government's Local Government (Superannuation Scheme) Bill. The point which pleases me most is the proposal for full choice for members in terms of the fund in which their money is allocated. It is high time that this applied to all public sector superannuation schemes.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (11:13): I thank members for their contribution.

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

PAY-ROLL TAX (HARMONISATION PROJECT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 April 2008. Page 2489.)

Mr GRIFFITHS (Goyder) (11:14): It is a pleasure to contribute to this debate. I indicate that I am the lead speaker for the opposition, but I believe that at least one other member will be contributing to the debate. I admit that when the Treasurer introduced this on 2 April I was immediately excited, and I thought that payroll tax would have a substantial review.

Ms Breuer interjecting:

Mr GRIFFITHS: The member for Giles made a funny comment, but I will not repeat it. Payroll tax is an important issue for all South Australians, but I will allude to that later. I will take a few moments to talk about the bill as it presents itself. As I understand it, commitments were made by all states in March of 2007 at a states-only ministerial council meeting of commonwealth/state financial relations at which agreement was reached to implement this harmonisation project across all states to ensure that commonality exists in the issue of payroll tax.

From the briefing provided to me, and from the second reading speech made by the Treasurer, it appears that this bill will look at eight areas, and I will briefly touch on those. One is lodgment for which there will be a common lodgment date being on the seventh day of every month. Allowances will be standardised for motor vehicle and accommodation allowances which will be amended to align the rate of payroll tax to the Australian Taxation Office, and the allowances paid will be reviewed annually.

As to fringe benefits tax, under the commonwealth, two gross rates can be used for payroll tax purposes. This bill proposes to amend the act so that, when fringe benefits are grossed, only the lower gross factor (being type 2) under fringe benefits tax is then used. An exemption is to allow for taxable wages paid or payable in respect of services performed wholly in another state or country for a continuous period of more than six months to apply from day one, and I believe that is a positive step forward.

In the area of superannuation, amendments are to include superannuation contributions for non-employee directors which will be added to the payroll tax base, and I support that. Grouping provisions will be amended to prevent avoidance measures being used to exploit the tax-free threshold. I will talk about that later and that tax-free threshold is currently $504,000. For share acquisition schemes, amendments will make the payroll tax treatment of employee share acquisition schemes more transparent. The amendments will ensure consistency of treatment with other forms of remuneration.

Some administrative changes are also proposed to be made to the term 'eligible termination payment' which will now become 'employment termination payment' and 'termination payment'. This change arises as a result of the commonwealth government's superannuation reforms which were introduced with effect from 1 July 2007 in order to be consistent with New South Wales and Victoria in particular.

The Treasurer is proposing in this bill to introduce exemptions from 1 July 2008 for wages paid in respect of maternity and adoption leave, not including other forms of leave taken in conjunction with maternity or adoption leave; wages paid to bushfire and emergency service workers while performing volunteer activities, and the opposition supports this because it is

important that we provide every possible opportunity to support those people who volunteer an enormous number of hours to provide those services to our whole community, so that is a progressive step; wages paid to charities in respect of employees directly undertaking the charitable activities of the organisation; and, finally, wages paid under the Community Development Employment Project program.

As I mentioned at the start of my contribution, when the Treasurer introduced this on 2 April, without my having had the opportunity to read his second reading explanation I was hopeful that it was going to be a raft of reforms for payroll tax. For the opposition, as part of the tax summit that we will hold next Monday and the tax discussion paper we issued, it has been obvious to us that payroll tax is a very important issue for all South Australians. Of the 45 submissions we received, it is interesting to note that some 13 included points related to payroll tax. A lot of people are upset about the fact that $504,000 is the threshold and that South Australia currently has a rate of 5.25 per cent above that threshold.

The Hon. K.O. Foley interjecting:

Mr GRIFFITHS: I recognise the Treasurer's comment that he announced, as part of last year's budget that, in altering the rate from 5 per cent to 5.25 per cent this financial year, he will decrease it to 5 per cent from 1 July 2008 but with no adjustment to the threshold.

The Treasurer raised a point in his second reading explanation that consultation had occurred with Business SA and that he was grateful for that. I spoke to Business SA, because I wanted to clarify that point, not that there was any doubt about what the Treasurer said, but the person I spoke to mentioned that, as part of the contact that Business SA had with Treasury officials about this, the suggestion was made that South Australia align itself with Victoria and Western Australia in not including the wages paid to apprentices in a calculation of payroll tax. Unfortunately, that was not supported. We know that the employers of trainees and apprentices can presently claim a rebate of 80 per cent of wages for those who commence their first training contract before their 25th birthday.

We also know that there are enormous challenges out there in ensuring that South Australia has the skilled workforce that it needs to move the state forward. There is an enormous number of small to medium-sized enterprises that will need to employ new people over the next 10 years, especially as our baby boomers choose to retire, and it is obvious to me that some employers need a little bit more of an incentive to actually give younger people their first chance in life, especially those areas where they are in apprenticeships or traineeships.

We would have loved to see the adoption of the proposal from Business SA, which is, as I understand it, in place in other states, where a full rebate would have been applied to that or, indeed, a complete removal of the wages paid to apprentices and trainees so that their wages remuneration was not included in payroll tax, but that has not been adopted at this stage. We know from the budget that payroll tax this financial year is, I believe, in the $852 million bracket.

We know that, since the 2001-02 year through to this financial year, payroll tax has increased by 45 per cent in dollar terms as to what it brings in, and it now represents some 26 per cent of the total general government taxation effort. In the 2006-07 year, over 9,000 South Australian businesses were liable for payroll tax. In 2001-02—the period in which the Rann Labor government came to power—only 7,200 businesses were liable for payroll tax. That can reflect a few things: it can reflect the growth in security of wages taking the number of employers above the threshold figure; and it also reflects the fact that more people are being employed now.

We know from the statements made by the Premier and minister Caica that there are about 778,000 people in work in South Australia, which is a good figure and a step forward. It is also interesting to note that from 2001-02 through to the 2006-07 year the state government has actually received additional revenues above that budgeted in payroll tax, in the area of about $144 million, with additional revenues likely this financial year, too.

I want to make some comparisons between the South Australian rates and other states when it comes to the taxation rate and the threshold. In South Australia we know that it is $504,000, with a current rate of 5.25 per cent. In New South Wales the threshold is $600,000, with a rate of 6 per cent. In Victoria the information I have is that the threshold is $550,000, with a rate of 5.05 per cent. In Queensland the threshold is $1 million, with a rate of 4.75 per cent. In Western Australia the threshold is $750,000, with a rate of 5.5 per cent. In Tasmania it is $1,010,000, with a rate of 6.10 per cent.

So, clearly, South Australia has the lowest threshold and at the moment has the fourth lowest rate, but there is an opportunity for reform here. South Australians want to see it. It has been a big focus in the taxation summit that we are holding. We know that we are going to get a lot of submissions from people about payroll tax reform, because that is the issue that affects everybody.

It is important that government philosophy focuses on opportunities to get more people jobs. We see the level of payroll tax rate and the threshold that is in place as currently a disincentive to increase employment opportunities. Even though there would be some financial sacrifices made by reviewing those in a more serious way than what they have been in the past, we are comfortable that, with the growth in the economy, that forgone revenue would be quickly regained.

So, we do support the amendments as proposed in the Pay-Roll Tax (Harmonisation Project) Amendment Bill, but we would love to see an opportunity for the Treasurer, after he gets some guidance from our payroll tax summit on Monday of next week, to actually have a further review of payroll tax as it relates to South Australians.

Mr PISONI (Unley) (11:24): I will make some comments on the bill. Like the member for Goyder, I was very excited when I saw a bill relating to payroll tax come before us but, of course, when we got to the detail 'harmonisation' was the word we saw there—'harmonisation of payroll tax'. I thought that maybe we were going to see a lifting of the threshold to be closer in harmony, if you like, with those of the other states. Queensland, I think, is up there at about $1 million, Tasmania is up there at about $1 million and Western Australia is up over $800,000.

Here in South Australia we are stuck at $504,000. The Premier often boasts about how he has cut the dollar amount of payroll tax from $5.50 every $100 to $5 every $100 (from 1 July). The Premier boasts about that being a great thing for South Australia. Of course, any reduction in tax is a great thing but what he fails to understand is that South Australia is a small business state, and the biggest beneficiaries of a cut in payroll tax are companies with a branch office here in South Australia which are much bigger businesses than our own local businesses and which do not pay the extra 50¢ to the South Australian government: it stays in their home state.

The head offices in Melbourne and Sydney are the beneficiaries of a cut in payroll tax; whereas the biggest beneficiaries of an increase in the threshold are small local businesses that are committed to South Australia. Those businesses start here, from a tradesman working in the backyard through to businesses involving high technology and providing successful education and business services around the state. There is a false sense of security in the Deputy Premier's patting himself on the back about the reduction in the rate itself. He does not understand—

The Hon. K.O. Foley interjecting:

The SPEAKER: Order!

Mr PISONI: He does not understand how important an issue payroll tax is for small business. It is a big issue for small business. Of course, I will be very keen to find out from the Premier, during the committee stage of the bill, just why it is that he decided not to exempt apprentices from the payroll tax calculation.

I know of many small businesses that are bumping that threshold of $504,000. They are plumbers, electricians, restaurant owners—they are the types of business that would take on apprentices and train new staff but they do not want to pay payroll tax; they do not want to be in that regime. Of course, the rebate means that they have to be in the payroll tax regime in order to benefit, whereas an exemption for an apprentice or a trainee would mean that they still would not come into the regime, because the wages of that apprentice or trainee would not be considered in assessing the total annual payroll for that business.

By not addressing that matter, the Deputy Premier has missed a huge opportunity to increase training opportunities and the placement for training of young people in South Australia, and that is disappointing. As someone who trained 20 apprentices in my time in business, I am disappointed that that was not picked up by the Deputy Premier. However, we do know that there is very little small business experience in this government and that it is not very fond of small business; it probably would not see this as being of value to it and, consequently, it was not going to give any assistance whatsoever to small business. The government chose not to, and that is its choice, but in this instance it was a perfect opportunity to deal with this matter.

It is also disappointing that in this day and age, where we have had significant tax reform at a federal level, enormous amounts of GST revenue coming in and the budget has grown by close on $5 billion since this government has been in power, we are still so heavily reliant on the revenue

from payroll tax to pay state bills. The budget is still very heavily reliant on payroll tax. That is something that disturbs me, as a former small business person and a former employer. I spent 22 years employing staff, including apprentices, and paying payroll tax. I did not pay payroll tax until about the last five years or so of running my business because it was not big enough to make that necessary before then. However, I was paying payroll tax for staff that I had interstate, as well, when that did kick in.

I am pleased to see that there is some harmonisation which covers that area. However, as the shadow minister for finance (the member for Goyder) has pointed out, we have seen enormous growth of 45 per cent in the payroll tax take, and we still have the lowest threshold in the country when it comes to the payroll tax threshold. That was certainly something I had hoped we would see addressed, but it has not been addressed here.

I am very keen to hear what the delegates have to say at our tax summit next Monday. I am looking forward to it, as we have some very enthusiastic businesspeople and members of the public coming along to present their case. We have received some great submissions, and of course this is all for open debate. We invited the Treasurer to participate, but he chose to mock the idea, saying that we do not need tax reform. Of course, that is not what the new Labor Prime Minister, Kevin Rudd, has said: he also referred to state taxes, and I think that he used the term 'root and branch' in relation to tax reform in Australia. I am very keen to see what comes out of our tax summit on Monday. I will be there for the whole day, and I am looking forward to considering its ideas and outcomes.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (11:31): Fancy getting a lecture from the shadow minister for small business, who put his own business into voluntary administration! Getting a lecture from a bloke who is a failed businessman—

Mr Pederick: You're outrageous.

The Hon. K.O. FOLEY: No; I am not outrageous. I have listened to abuse for years in this place about my prior occupations and my prior jobs, so don't cry crocodile tears to me when you get a bit of it back. I have had to listen to people in this place demean my previous occupation. I am just stating a fact: the member for Unley, as the small business spokesman for the Liberal Party, had a failed business which he put into voluntary administration; that is fact. So, don't cry your crocodile tears with me.

You can have your tax summit next Monday, and good luck to you. I know exactly what the people who come along will say because they have already said it to me; they have been saying it to me year upon year upon year. Every single businessman who will come into this place will be interested in tax reform. They will be interested in lower taxes for their business—and that does not equal tax reform.

What I have done and what this government has done since coming to power is cut taxes where we have been able and could afford to and where it assists general economic activity. You can have all the tax submissions you like but, at the end of the day, you will be held accountable for how you will pay for it.

You have only a few options: first, you cut a service, so if you want to cut a tax, nominate the activity of government you are going to cut; secondly, if you are going to cut a tax, nominate what is an acceptable deficit for the opposition to sustain with its operating accounts; thirdly, determine how much you are prepared to borrow more to fund those tax cuts; or, fourthly, determine what new taxes there will be or which taxes you will increase That is the equation.

You just cannot come in here, as I am sure you will attempt to do, and say, 'Yes; we're going to cut a tax,' but not say how you will pay for it. You will squib on the option of how you will pay for it. As I said in this house the other day, the biggest challenge confronting the nation, and the state as it relates to tax, is vertical fiscal imbalance; that is, that the commonwealth raises the vast majority of taxation revenue in this nation.

Company profits have never been higher. Company contribution to the tax take of national government has never been higher. Income tax has never been higher. The national government is running surpluses reported to be as high as $20 billion.

Mr Pederick interjecting:

The Hon. K.O. FOLEY: That is irrelevant to the argument. If you want to sit down and have an educated discussion about this, I will get some people to advise you so that we can have an educated debate about it.

Mr Pisoni interjecting:

The Hon. K.O. FOLEY: Sorry; I am attempting to do so now, failed businessman.

Mr Pisoni interjecting:

The Hon. K.O. FOLEY: I don't have a marriage; I'm a single man.

Mr Pisoni interjecting:

The Hon. K.O. FOLEY: Always what?

The SPEAKER: Order!

The Hon. K.O. FOLEY: I have been a single man for five years. What's your point?

The SPEAKER: Order! The Treasurer will take his seat.

The Hon. K.O. FOLEY: What's your point, grub?

The SPEAKER: Order! The Treasurer will take his seat.

Members interjecting:

The SPEAKER: Order! I will sort this out.

The Hon. K.O. Foley: I will defend myself.

The SPEAKER: I will sort it out. The member for Unley will withdraw his remarks.

Mr PISONI: I withdraw the statement, sir.

The SPEAKER: Thank you. We should end the discussion there.

The Hon. K.O. FOLEY: I am a single man. I have been for five years. What's your point?

Mr Pederick: Just leave it.

The Hon. K.O. FOLEY: Don't you tell me what to do, Pederick.

Mr PEDERICK: I was talking to my compatriot, thank you, Treasurer. I was looking over here and said, 'Just leave it.' I was acting as the whip.

The Hon. K.O. FOLEY: That's not a bad piece of advice, but I am happy if he wants to engage in that, more than happy. Trust me! The member for Hammond would be surprised how many Liberals tell me things about the member for Unley.

An honourable member: In your dreams.

The Hon. K.O. FOLEY: You'd better believe it, sunshine. What I am saying is that vertical fiscal imbalance is the tax challenge of a nation. When you have states running accrued deficits of up towards $20 billion with those deficits funding the infrastructure needs of the nation, it is clear that state governments do not have the financial capacity to meet the service demands and expectations of the nation.

At some point, if there is to be root and branch reform of state taxation, all state treasurers will be arguing for a bigger contribution from the national government in the delivery of health, education and service delivery because, unless we get that rebalancing of who raises taxes and who spends taxes, this problem will not be resolved.

The member for Hammond says that we get plenty of GST money. If we did not have a GST, we would still get commonwealth general purpose grants. I accept the argument that GST is flowing in larger volumes to the states than probably would have been the case under general purpose grants. I accept that, but it is not enough.

If you look at the percentage and the statistics of the contribution or the amount of revenue raised at a national level by commonwealth government and the tax take at a state level, or the contribution of taxes to states to provide services, there is a growing gap because in strong economic times, whilst we receive the upside of the GST, the commonwealth government gets a massive uptake or upward swing of company tax and pay-as-you-earn income tax. What I am

saying is that, if members opposite want to be serious about taxation reform, they should think seriously about supporting an argument for vertical fiscal imbalance.

I am quite relaxed about the opposition's tax summit on Monday because, as I have said in this place before and publicly, when I became Treasurer, I was a bit enthusiastic about seeing how we could reform or change the tax mix until I was confronted with the very point I just made: if you cut a tax to somebody, you either have to raise it on somebody else or cut a service to pay for that tax, or you have to run your surpluses down or run deficits or borrow money. There is no other way through it. That is a very difficult equation to balance. The approach we have taken is that where we can cut taxes we have, and we are bringing down payroll tax to 5 per cent.

I have nothing else to say except this: if it is the opposition's tactic to bring one's personal life into debate in this chamber, I look forward to being a contributor to that debate. It will not be done in a sleazy way, but I say to the member for Unley that if he wishes to attack me in my personal life that will reflect on him, not me.

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

CONTROLLED SUBSTANCES (CONTROLLED DRUGS, PRECURSORS AND CANNABIS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 April 2008. Page 2582.)

Mrs REDMOND (Heysen) (11:40): I indicate to the house that I am the lead speaker for the opposition in relation to this bill; and I am sure the Attorney-General will be pleased to know that we will be supporting it. I want to place on record a few comments about the bill.

The main thrust of the bill is to correct a problem which has been raised by the Commissioner of Police. At present, there are two different mechanisms for dealing with the possession of precursor chemicals which, ultimately, become illicit drugs in our community. Under part 6 of the Controlled Substances (Poisons) Regulations there is a series of offences which are relatively minor in that the punishment is a fine between $3,000 and $5,000. Those offences occur if a person has any of the chemicals listed in the regulations and possesses them without lawful excuse. Obviously, there could be reasons why someone would have those chemicals with a lawful excuse; and I will comment later about the fact that one of the difficulties under this legislation is that we are trying to deal with illicit drugs under the Controlled Substances Act, which is not designed to deal with the problem of illicit drugs.

Nevertheless, under the existing regulations we have a situation where in a relatively straightforward way we can ping someone who is in possession of the listed precursor chemicals. The fine is relatively small and the mechanism by which the offence is established is straight forward; that is, if you have possession of the substance without lawful excuse then you are guilty of the offence.

The difficulty comes about when we move to the more serious end. In 2005 we introduced the Controlled Substances (Serious Drug Offences) Amendment Act, which brought in serious drug offences and attempted to deal with the problem of the more serious precursor chemicals used for the creation of illicit drugs. The difficulty that arises under that legislation is that those offences rely on the police being required to prove the intention to use those precursor chemicals for the production of illicit drugs. Of course, that proof has to be beyond any reasonable doubt. As a result, that makes the level of proof required in that area much more strenuous.

For the lesser offences—those under the regulations—the person with the chemicals has the onus of establishing that they have a lawful excuse to have them, but for the more serious offence the police have to establish that the person with the chemicals intended to use them for an unlawful purpose.

This bill establishes a new regime whereby mere possession of more than a prescribed amount of a so-called precursor chemicals (which will be listed in the regulations) without lawful excuse will be an offence. In other words, like the lower end offences that exist already, it will put the onus back on the person who is in possession of the chemicals to establish they have a lawful excuse for having them.

We are advised that it is intended that the prescribed amounts of those chemicals will be trafficable amounts, and that is to be a definition worked out in accordance with the national model schedules working party, so the idea is that the definition of a trafficable amount will be consistent throughout the country.

Similarly, it is intended that the list of precursor chemicals will be the list of controlled precursors to be used for the purposes of serious drug offences which has also been developed by the Intergovernmental Committee on Drugs (IGCD, as it is known). So the applicable penalty now under the new regime will be a maximum penalty of three years' imprisonment or $10,000 and, if the offence is an aggravated offence, the maximum will go to five years' imprisonment or $15,000. Aggravation of the offence will occur if instead of simply having one chemical you have two chemicals (any two of the chemicals in trafficable amounts) or if you have one chemical and one of the other items of the drug equipment which are also caught by this legislation.

I am a little disappointed that it appears that the government has not yet determined what will be encompassed by 'prescribed drug equipment'. I know that in the second reading there was simply a statement that what will or will not be a listed drug apparatus will be prescribed by subsequent legislation. As always, I have some misgivings about the extent to which this government chooses to put detail into regulation, which of course is not subject to the same scrutiny of the parliament as if it was in the bill itself. I appreciate that often it would not be possible to list everything in the bill itself, but it seems to me that the more appropriate way to go about that is to capture most of the pool and describe most of the pool of what is to be the drug equipment that we are trying to take off the streets, as it were, and then to have a provision within the legislation that allows for the prescription of anything else.

So, when the legislation is passed without the need for additional regulations, we already know what the items of equipment that we are trying to remove from circulation and use will be and, if people then come up with a new name or piece of equipment, that can be added later by regulation if necessary. It seems to me fraught with inherent danger, from whichever side of politics, to introduce legislation consistently which simply says, 'We want to get rid of this but we are not going to tell you what it is we are getting rid of. We will tell you that in a regulation subsequently.' So, I express some misgiving about that mechanism as a general tool by which we legislate.

In addition to the aggravated offences—which, as I said, will be if you have any two of the chemicals or any one chemical plus any one of the items of prescribed equipment—there will also be a separate offence with heavier penalties which are the equivalent penalties applying to the aggravated offence if you have any amount of a listed precursor chemical or any item of prescribed drug equipment, if it can be established that the possession was with the intent to manufacture a controlled drug. In other words, that has lifted to a separate section again the level of proof required under the existing regime where the police are complaining that their difficulty is how they prove someone's intent with any particular piece of equipment.

Any person might have a test tube. I used to play with chemistry sets when I was a kid, and there could be any number of reasons that people would have test tubes, or various other things that might be used as equipment to produce drugs. What this new legislation says is, 'From now on, no matter how much you have, there will be an offence. If you have any two or more, it will be an aggravated offence'; or, 'No matter how much you have, if we can show that you had it with the intent of producing an illicit drug, it will be the equivalent of an aggravated offence—it will be an offence with a heavier penalty.' There are a couple of other things, but, as I said, that is the essential element of this bill. The bill does some other things, and they relate to some promises made by the Labor government at the last election: first, to create a specific offence of cultivating cannabis hydroponically.

I think that every member in this chamber, at least, would be aware of the stupidity of our law at present whereby we have allowed any number of plants, be it 10, three, one, or whatever the number has been from time to time over its legislative history. Once we got into the regime where people were growing things hydroponically, the reality was that one hydroponic plant could fill a room. With respect to legislation to control cannabis, the intention in the past was to say, effectively, as a legislature, 'Well, we'll allow small amounts of cannabis to be grown for personal use,' but the government did that by legislating the number of plants.

Now, as I said, we know that, if someone grows one plant hydroponically, it could fill—maybe not quite this room—a room of average size. What this legislation does is to say, 'We are taking the hydroponic growth out of the equation and saying that, from now on, it will be a specific offence to cultivate cannabis hydroponically.' I would suggest, in fact, that anyone who is cultivating it hydroponically is unlikely to have just one plant in any event. I do not think that I have ever come across someone growing just one plant hydroponically. The second thing that this bill does is to seek to legislate to ensure that the courts treat the manufacture, sale and distribution of amphetamines, ecstasy, and similar drugs at the upper level of the penalty range rather than the

middle, and it also makes the possession of firearms in conjunction with drug offences an aggravating feature of the drug offence, and that will attract a higher penalty.

In relation to that second point, in terms of legislating to ensure that the courts treat the manufacture, sale and distribution of amphetamines, ecstasy and similar drugs at the upper level of the penalty range, the bill in fact adds two new matters to be considered when a court fixes a penalty: first, with respect to a summary or indictable offence against part 5 of the Controlled Substances Act involving a controlled drug other than cannabis, the court must not consider the degree of physical or other harm generally associated with the consumption of that particular drug or type of drug as compared to other types.

The court must (that is the word used in the legislation) determine penalty on the basis that controlled drugs are all categorised as very harmful. I am a little puzzled by that provision in as much as it seems to me that we do not really need to say that in the legislation. The legislation, I think, speaks for itself. It strikes me as being unnecessary, but, nevertheless, I do not see it as doing any great harm. It just surprises me that we are telling the judges that particularly: that, with respect to these offences other than cannabis, the court must not consider the degree of physical or other harm generally associated with the consumption of that particular type of drug as compared to other types.

I suppose there would be members in this or the other chamber who might argue, for instance, that ecstasy is a relatively harmless drug. That probably is just as certain as some people used to argue that cannabis was a harmless drug. In fact, I grew up in a generation that was told consistently that cannabis was less harmful than ordinary tobacco in perfectly lawful cigarettes. My view—having read fairly extensively on it now, and having observed for a number of years the impact of regular cannabis consumption on young people—is that it is a very dangerous drug and very harmful to a great many people. That is the first of the two new matters that the court has to consider when fixing a penalty.

The second relates to a person convicted of both an indictable offence against the Controlled Substances Act and an offence against section 32 of the Criminal Law Consolidation Act, which is essentially if you commit an offence under the Controlled Substances Act with a firearm in your possession, then the court must make the sentences for the two offences cumulative unless there is special reason for not doing so. In layman's terms that will mean that if there is, say, a five-year penalty for your offence against the Controlled Substances Act and you are also convicted of an offence under section 32 of the Criminal Law Consolidation Act by having a gun with you at the time of the commission of that offence and that attracts maybe a three-year penalty, then the court, in the absence of special reasons, is not at liberty to say, 'Well, the higher offence—the five years—subsumes the lesser offence of three years,' or whatever it might be, 'and therefore, five years will be the penalty.' They must say that the sentences will be served one after the other, so that the effect will be a total of eight years.

I am just using those figures, of course, to illustrate the point, but that is the essence of what this other provision says about the way in which the court has to address the issue of sentencing for someone committing a controlled substances offence basically with a firearm in their possession at the time. There is no explanation, of course, as to what might constitute special reasons for so doing, but I imagine that theoretically one could have a relatively innocent section 32 offence not physically connected to the controlled substances offence and the court might find that there was, therein, special reason for not forcing the person to serve their sentences cumulatively.

At the moment, the existing act also contains a tiered system of offences, much like many of our legislative regimes. People would probably be aware that for driving offences we generally have a system of less than .05 per cent alcohol, between .05 and .08, and over .08 and, indeed, our legislation actually then goes on to refer to between .08 and .15, and then above .15. In certain categories of offences we will also then have not only the more serious offence and the lesser offence, but whether you have had a previous conviction within the last few years. The result of that will be that there is then a tiered structure upon which penalties are imposed.

In a similar way this act in section 33 contains this tiering system, the most serious being the manufacturing of a large commercial quantity, the next most serious being the manufacturing of a commercial quantity as opposed to a large commercial quantity and, finally, the manufacturing of a lesser quantity. In each case the manufacture of the controlled drug must be with the intention of selling it, or in the belief that another person intends to on-sell it. If the defendant manufactured a trafficable quantity, there is a presumption of the necessary intention of on-selling in the absence of proof to the contrary.

The common law extends all of that concept to attempting to do those things, and the bill extends the presumption of intent, so that, if you have an attempt to conspire to manufacture trafficable quantities of a controlled drug, then the bill proposes that the presumption of intent found in the original legislation will be extended. In addition to all of those things, there are only three other items, which are rather technical in nature and I will run through them quickly. There are technical amendments to the regulations to bring them into line with the nationally prescribed regulations, for example, permitting the specification of prescribed amounts of precursors in their pure form, as well as in their mixed form.

There is a delegation amendment to correct a situation created when officers of the department who held certain delegated authority were moved from the Department of Health to what the government has now renamed the Southern Adelaide Health Service. The consequence of their moving from the Department of Health to the Southern Adelaide Health Service has now been picked up: they are no longer officers of the department within the meaning of the controlled substances legislation and, therefore, that needs to be corrected; as I said, it involves a technical amendment. There is also a further technical amendment to make it clear that, where code and standards are incorporated into the regulations by reference, those codes and standards do not by themselves gain the status of regulations under the act, because there could be a reference to commonwealth regulations, and we will not give them the status of regulations under the act. In brief that is the technical side of the amendments.

The main thrust of the amendments is to overcome this problem to which the police have alerted the Attorney-General, namely, at the moment it is far too difficult for the police to have to prove people's intent when they are in possession of precursors for the manufacture of illicit drugs, so in effect the main thrust of the legislation is to ensure that, if you are in possession of those things without any reason, then you will have to establish your entitlement to have them or be guilty of the offence. That is the basis upon which we support this bill.

We have some questions about why this government so consistently goes about legislating by way of regulation rather than in the legislation itself, and we believe there is some difficulty in dealing with illicit drugs generally on the basis that the Controlled Substances Act, which this bill is amending, was never intended to be the primary mechanism by which illicit drugs in this state were controlled. The Controlled Substances Act was originally designed to deal with prescribed drugs, poisons and other things which might need to have some control but which were never part of an illicit drug trade. I am pleased to see such an audience for my comments today; I do not know what has attracted all the attention. I thank the officers of the Attorney-General's department for their assistance in briefing me on this matter and wish the bill a speedy passage through the house.

Mr VENNING (Schubert) (12:04): I have been in this place for some time but I am concerned that we have had to bring legislation like this before the house. The history of this place has been disgraceful. I can remember when we first made these laws in relation to allowing—

The Hon. M.J. ATKINSON: On a point of order, I wonder whether it is appropriate for the member for Schubert to say that the history of this house has been disgraceful. It is one thing for the member to disagree with legislation previously passed by the house, but to say 'the history of the house is disgraceful' seems to me to be disorderly and to reflect on all members.

The SPEAKER: Perhaps the member for Schubert might rephrase his remarks.

Mr VENNING: I am happy to rephrase that: the history of this legislation before the house, I think is quite disgraceful. I make no secret of the fact that I have always campaigned against drugs, and I give my full support to any legislation that increases the penalties given to those charged with the manufacture and distribution of drugs. I think that many of the problems we have in this state right now can be directly attributed to the laws we made allowing people to grow cannabis with only an expiation fee at the end of it and, at one stage, it was even up to 10 plants—that is almost a factory.

I can remember at that time in a committee arguing with the Hon. Michael Elliott. He was strongly advocating having more plants, and I said that it was quite wrong. He had been to the Scandinavian countries and said that there was no problem with this. It turns out that there is a big problem with this and that is why this legislation is before us. Drugs cause a huge amount of damage to our communities and the cost to everyone is huge, with increases in illegal activity such as stealing to obtain the finance to feed their drug habit, assault, armed robberies, physical and mental health problems, family and relationship breakdowns, abuse—and the list goes on.

I am very surprised that it is only now that this bill is being introduced. I think that people with drug laboratories who harbour the chemicals and equipment used to make drugs have had it

easy for far too long. Since the introduction of the Controlled Substances (Serious Drug Offences) Amendment Act 2005, there are new serious drug offences for dealing with those in possession of precursor chemicals. However, in order for this legislation to be enforced, the onus is on the police to prove the perpetrator intended to use the chemicals for the manufacture of illegal drugs. I personally think that this is ridiculous, and I am pleased that this bill seeks to amend this situation by establishing a new regime whereby people in possession of more than a prescribed amount of precursor chemicals (an amount set by an inter-government committee on drugs) without a lawful excuse will be charged with an offence, with a maximum penalty of five years imprisonment or $15,000.

The changes outlined in this bill will create a specific offence for those cultivating cannabis hydroponically. I believe that the penalties for the cultivation of cannabis, hydroponically or otherwise, are too lenient. However, I will discuss this further when a private member's bill dealing directly with the cultivation of controlled plants is debated in this house. However, I am pleased that this bill does increase the penalties for the cultivation of cannabis hydroponically. Growing cannabis in this manner is known to increase its potency, and medical evidence from studies in New Zealand and the Netherlands has shown that people who smoke marijuana grown in this way experience increased mental health problems.

Anything which increases the penalty for those growing marijuana in this way will benefit all South Australians. This bill also seeks to deal more harshly with those in possession of firearms in conjunction with drug offences by attracting higher penalties. This is clearly a logical move. I cannot understand how the laws dealing with perpetrators who have carried out such dual offences have not been penalised more severely in the past. I have obtained from the library a history of the legislation which has come before this house in relation to the growing of marijuana, and the history behind it is a disgrace.

We in this house have really caused some of the problems in relation to the 10 plants and expiation fines which we are now trying to clean up with this bill. I still find it ridiculous that a person who has been caught with marijuana can pay an expiation fee and no mention is made on that person's criminal record, whereas I lost my licence for three months and my licence carries the mark forever. If that is the case, I am happy to wear it, but I think it is rather stupid. I hope I got that wrong. I have the licence back, I remind the house. It has become a bit of a cult thing with me. I think it is ridiculous that a person can be apprehended with a prescribed amount of cannabis in their possession (and most of us would know people who have been) and, because they only had the prescribed number of plants, they have paid the expiation fee and no further action has been taken.

The Hon. M.J. Atkinson interjecting:

Mr VENNING: The minister raised a good point. I have no problem with that: I agree with him. I do not want to go on at great length but, ever since I came to this place, my record has been one of anti-drugs. I think it is sad that we in this house have given the wrong message to all our constituents. Over 15 years we have been giving the wrong message, that it is okay to grow cannabis: 'You can have up to 10 plants, no problems, and if we catch you we'll hit you—'

Mr Williams: That is where the problem started.

Mr VENNING: Yes, that is where it started. I can assure members that it did not come from this side of the house. So, there is an unreal expectation out there amongst young people. If you ask a young person today (mine included), 'Have you tried cannabis? Have you tried the hooch, the weed, the grass?' or whatever you want to call it—

The Hon. M.J. Atkinson: Have you, Ivan?

Mr VENNING: No, I have not. That is on the record.

The Hon. M.J. Atkinson: What about your colleagues?

Mr VENNING: I have not asked them. So, what we have done in this house (and I hope there is general agreement) by our being soft and allowing up to 10 plants of cannabis to be cultivated is put a message out there which we now regret and which we are now trying to clean up. We know what happens when young people start with cannabis. They go on to heavier drugs, as the Attorney-General has just highlighted. I will continue my push in relation to drug offences and drug driving. I believe that we need to go further in relation to cannabis and driving.

The Hon. M.J. Atkinson: What about drink driving?

Mr VENNING: I have no problem at all with drink driving: I am quite happy with the current regime. I will never get picked up for drink driving.

The Hon. M.J. Atkinson: Again.

Mr VENNING: I never have been—and I do not want to be misled. This is a very important issue, and we on this side support this measure. I ask members to consider the position of the Australian Democrats, in particular, on this issue over the years. The Hon. Mike Elliott was a friend of mine, and we had many arguments. It is all very nice to say in hindsight, 'I told you so,' but look at the huge cost. Why has Adelaide become the drug capital of Australia? It is because of our soft laws back in—

Mr Williams interjecting:

Mr VENNING: You are dead right—because of the then Labor government and the then attorney-general. They were very soft and allowed the cultivation of up to 10 plants to be dealt with by way of an expiation fee. That is absolutely deplorable. This is supposed to be a house of great wisdom. In this instance, I very much doubt it, and I regret that I was here and was unable to highlight the problem back then.

Mrs Redmond: You were unable to persuade them.

Mr VENNING: I was unable to persuade the house to accept my point of view. Time has proven that we were right, and it is regrettable. Certainly, this bill is going in the right direction, but it is a pity that we did not do this 10 years ago. I commend the shadow minister. I certainly support this measure, and I will be revisiting the issue of drugs, particularly with respect to drink driving and cannabis.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (12:14): I have read a book by the Australian author Walid Ali entitled *People Like Us* about Muslims in Australia. At one point in the book Mr Ali said: 'He who is silent is saved.' It is a maxim that the member for Heysen might take to heart. I think the safer course for the Parliamentary Liberal Party—the course that was truer to its heart on this matter—would have been to support the bill and to support it unconditionally.

Mr WILLIAMS: On a point of order, Mr Speaker, I am having trouble hearing the Attorney. Can you invite the Treasurer to take his argument outside, please?

The SPEAKER: Order! The Treasurer has taken his seat. Has the Attorney-General finished his remarks?

The Hon. M.J. ATKINSON: Yes, sir. Unfortunately, we have a quarrel in the house owing to the member for Unley making remarks about the personal life of a member of the government.

Mr Pengilly interjecting:

The Hon. M.J. ATKINSON: The member for Finniss says that I should stay out of it, but the standing orders of the house—

Mrs REDMOND: On a point of order, Mr Speaker: the comments of the Attorney have nothing to do with the bill before the house, which he is supposedly addressing.

The SPEAKER: Yes, I uphold the point of order. The Attorney-General.

The Hon. M.J. ATKINSON: Thank you, Mr Speaker, and I also thank the member for Heysen. So, as Mr Ali says, 'He who is silent is saved.' Of course, that applies equally to 'She who is silent is saved.' The aspect of this bill to which I am referring is the aspect that provides that the judges, in sentencing for drug offences, should treat amphetamines and amphetamine offences at the top of the range.

The view of the Rann government is that, where we are talking about the manufacture or trafficking of amphetamines, it should be treated as seriously by our courts as heroin and cocaine offences. That is to say that amphetamines should be treated seriously, not in the mid-range of sentencing as they have been treated by the judges. There is nothing in the legislation and there is nothing that parliament has said that has caused the judges to treat amphetamines as a mid-range offence, but that is what the judges have done.

So, we have the judges of the state treating heroin and cocaine as the most serious offences, and amphetamines as a mid-range offence, and then marijuana as a lesser offence. All the Rann government wants to do is to treat amphetamines as a high-range offence, yet the

member for Heysen, on behalf of the Parliamentary Liberal Party, quibbles with that. It is time that the Parliamentary Liberal Party, after the debacle over bongs, into which the member for Heysen plunged—

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: Bongs.

Mr Pengilly interjecting:

The Hon. M.J. ATKINSON: The member for Finniss has a one-track mind: 'bongs'. After that debacle, you would think that the Parliamentary Liberal Party would get the member for Heysen back on track, but today she is quibbling with the Rann government making amphetamines a high-range offence. She has asked, 'Why do we need to tell the judges this?' Well, member for Heysen, the reason parliament needs to tell the judges is that, in the plenitude of their discretion, they have decided that amphetamines are a mid-range offence instead of a high-range offence: that is why we need to do it.

I would hope that, when we get to the committee stage of this bill and we debate that particular clause, members of the Parliamentary Liberal Party will dissociate themselves from the laissez-faire position the member for Heysen has taken that there is no need for the parliament—

Members interjecting:

The Hon. M.J. ATKINSON: Well, if the members interjecting were here when the member for Heysen was speaking they would understand the point I am making. Amphetamines should be a high-range offence, and if any member of the Parliamentary Liberal Party wants to join the member for Heysen in saying that judges need not be instructed that it be a high-range offence then let them come on the record during the committee's consideration of the clauses of this bill. I urge the house to support the second reading.

Bill read a second time.

In committee.

Clause 1 passed.

Progress reported; committee to sit again.

APY LANDS INQUIRY

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (12:23): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: In 2004, three years before the Howard government's much-publicised move into the Northern Territory, this government intervened in the Anangu Pitjantjatjara Yankunytjatjara (APY) lands. The decision to intervene was extremely controversial and personally difficult for me, as a former minister for Aboriginal affairs and reconciliation who had championed and passed the land rights legislation. Intervention drew condemnation for being a step backward towards paternalism, and for removing the Anangu's rights of self-determination. Of course, none of that was true. I was condemned as being a racist, for being 'like Robert Mugabe', and for turning my back on the vision of my mentor Don Dunstan—and that, of course, was not true.

Intervention was simply about one thing—saving the lives of young Anangu. We were concerned about a spate of suicides and an epidemic of violence and petrol sniffing, robbing young people of any hope for a better and brighter future. The plight of Aboriginal citizens, facing the needless loss of young lives and terrible disabilities due to petrol sniffing, family breakdown and violence, compelled us to act and I found it unbelievable that, in 21st-century Australia, our intervention was condemned because we wanted to help the children, and condemned by vested interests that clearly wanted the cover-up to continue.

In 2004, our conscience compelled us to act decisively and forcefully to begin to end the great waste of life and hope on the APY lands, and we committed ourselves then to improving conditions on the lands. Once we had a presence on the lands, we became concerned that there was even more we needed to know. This report reveals the breadth of the abuse everyone feared may exist.

The findings are deeply disturbing. Commissioner Mullighan describes an environment of widespread child sex abuse, an environment where many children have been repeatedly abused, and where victims are often ostracised or further ill treated for speaking out. The commissioner speaks of children living in communities marked by violence and fear and a sense of hopelessness.

The individual anecdotal cases in the report of sexual abuse of very young children are sickening. As I read through the report I felt an immense sadness for the lost lives of the children concerned and a continuing determination to act. Unlike in other places, this report does not mark the beginning of government action. This inquiry represents a further step in the work the government commenced in 2004 when we committed to improving the lives of those on the APY lands. We renew that commitment today.

We knew then that it would be difficult work, that improvements would not necessarily be visible overnight, that there would be stumbles, and that parts of our work would be unpopular. We also knew that by opening up the APY lands to scrutiny—as we did by reinvigorating the Aboriginal Lands Parliamentary Standing Committee and encouraging it for the first time in years to travel to the APY lands—we would be opening up ourselves to criticism.

But the state of disadvantage that we saw on the lands back then and the absence of government action to remedy it was not something we could allow to continue. Shamefully, when this government came to power in 2002 there was not one sworn police officer based on the lands. Sadly, when this government came to power there was not one child protection officer based on the lands. The basic building blocks necessary for a better life had also been dismantled with the closure of TAFE programs on the lands.

The inability of our predecessors to address the basic needs of these communities is a matter of historical record. In 2004, this government committed an extra $25 million over four years to the APY lands. We placed responsibility for coordinating responses on the lands with the Department of the Premier and Cabinet to raise the importance of the task to the highest level within the public sector. This allowed a comprehensive government strategy to be developed and implemented.

We have increased police presence on the lands, including the addition of permanent specialist child protection and family violence positions, and we have created new community liaison positions to better link the police with the communities. We have increased health and welfare services, including additional staff to provide care and protection services, as well as visiting mental health services for victims and young perpetrators.

Additional school counsellors have been brought in to provide services to students and to support the teachers who teach them. We built a new school, funded Aboriginal art centres, a family care centre, bush tucker and youth programs. We have expanded the range of services to support families and to help prevent family violence. We have established a substance misuse rehabilitation facility in Amata and outreach services that provide counselling in communities across the lands.

Through these and a range of other measures, we have achieved real, tangible improvements in the lives of Anangu, such as a reduction in petrol sniffing—a staggering 83 per cent fall between 2004 and 2007, according to Nganampa Health Services' surveys. There is still a hell of a lot more to do. These changes, however, represent a huge difference to the communities that I first visited in the 1980s.

Much of this progress can be attributed to the collaboration of the state and commonwealth governments with local people and their representatives. The tireless efforts of public servants—perhaps none more so than Joslene Mazel, the Executive Director of the Department of Aboriginal Affairs and Reconciliation—have been instrumental in making the hard roads and achieving results.

The willingness of the present opposition to take a bipartisan approach, putting the welfare of Anangu well above party politics, has to be acknowledged. I particularly want to acknowledge the work, commitment and cooperation of former federal minister Amanda Vanstone on the community swimming pools and other projects. But quite obviously more needs to be done.

When the previous federal Liberal government sought to address family violence and sex abuse in communities as a priority, we were the first state to sign up to the June 2006 summit. At that summit and its aftermath, it was South Australia that pressed for this inquiry to take place. We initiated this inquiry and commissioned Commissioner Mullighan. We were clear that there was no possible excuse for family violence and sexual abuse. Having heard and read the shocking reports

of family violence and child sexual abuse in remote communities elsewhere in Australia, we were worried that our largest and most remote community would not be immune.

One of the additional hopes for this inquiry was that it would find a way to break the silence that has surrounded family violence and child sexual abuse in remote communities. Until we can break that silence, identifying the perpetrators, bringing them to justice and so removing the threat is extremely difficult. We hope that by using the successful model developed by Commissioner Mullighan and his team in its inquiry into child sexual abuse in state care, we might find a way to get people to come forward. That the inquiry has not been able to do that only underscores how great are the barriers that we face in giving sufficient confidence to victims to come forward.

As I did a few weeks ago, I express this government's enormous gratitude for the work that the commission has performed. Ted Mullighan is an outstanding Australian, and I congratulate him and his team once again for doing a very difficult job exceptionally. The commission visited the APY lands on five occasions. During those visits, the commission went to every community on the lands and met with community members and groups as well as representatives of government and non-government agencies. In addition to taking evidence on the lands, the commission took evidence in Adelaide and other centres such as Alice Springs and Coober Pedy. In all, the inquiry held 147 meetings that involved 246 people. The inquiry took evidence from 70 people.

The commission found the prevalence of child sexual abuse on the lands to be widespread. Its investigations revealed that serious suspicion of sexual abuse exists in respect of over 140 children in a community of 1,000 children. The stories of those children's ordeals set out in part 2 make harrowing reading.

The report also examines the work that government is doing on the lands to improve the lives of Anangu. Importantly, the report endorses our previous actions. The establishment of the TKP (a peak body of commonwealth, state and community organisations) and its strategic plan, and the coordination of action by the Aboriginal Affairs and Reconciliation Division, are all supported by the report. Indeed, the report encourages us to accelerate this activity.

The report also confirms this government's approach that we should continue to work in partnership with the APY community wherever possible. One of the lessons we learned through our intervention was that we had to act in partnership with local people. We believe that dealing immediately and decisively with these issues need not and must not preclude the involvement of Aboriginal people. In fact, working with the APY community is an imperative if we are to succeed. That has been, and will be, the fundamental difference between our approach and that of the Howard government in the Northern Territory.

The inquiry also highlights how much more is required and where we must take remedial action. The sheer volume of cases where serious suspicion of sexual abuse exists compels the conclusion that more needs to be done and done better. We accept our responsibility for taking this action. We shone the light on the APY lands in 2004. We introduced the police officers and child protection workers. We embraced the national summit and we asked Commissioner Mullighan to investigate what more needed to be done. Today we take responsibility for doing more.

The laws of this state apply to everyone; no-one is immune from being brought to justice for serious crimes such as sexual abuse. Our first responsibility in responding to this report must be the safety and protection of the community. Critical to stopping the abuse is making people feel safe to report it. So, today I can announce measures targeted at those matters.

Commissioner Mullighan makes it clear that while the community feels unsafe and fearful of retribution, violence will continue and reports will not be made. He recommends that we build another police station in addition to the two we are already building. We accept this recommendation.

Today I can inform the parliament that we have secured funding from the commonwealth through minister Jenny Macklin to build a new police station, taking the total to three police stations on the lands. The report also recommends significant extra police resources should be provided (recommendation 40). Today I can also inform the parliament that we will post eight extra police on the APY lands, taking the total to 19 on the lands, with an additional police officer dedicated to the APY lands but based in Adelaide. I remind the house that there were no police based on the lands when we came to power: from zero to 19.

The injection of extra police recognises the need to make the community safe, both for Anangu and for the workers. It will also ensure that we crack down on trafficking in drugs and alcohol. One of the most significant costs in placing staff on the APY lands is providing housing for

them. Commissioner Mullighan recommends that we investigate ways to recruit and retain the very best police suitable for the lands. Providing adequate housing is a critical part of this. It costs almost $500,000 for each police house. Additionally, they must be made secure. Today I can inform parliament that, with the Rudd government's assistance, we will build extra houses for police based on the lands.

The inquiry has discovered numerous issues with the operation of the child protection system on the APY lands. As Commissioner Mullighan acknowledges, the issues surrounding receiving and investigating allegations of sexual abuse are complex. We will be examining the recommendations closely and responding to them in detail when we return to parliament.

Getting government policies right is important, but the report also makes recommendations about where we should allocate more resources in the child protection system. The report recommends that we increase the number of social workers on the lands to six and place them in schools. We accept this recommendation. The commissioner recommends that two child protection workers be placed on the lands to specifically respond to allegations of suspected sexual abuse. We accept this recommendation and will take immediate steps to place two child protection workers on the lands to investigate allegations of sexual abuse.

As with police, one of the significant costs in placing an extra five child protection workers on the lands is the cost of housing. In order to respond to the commissioner's concerns that high-quality staff be recruited and retained, we will, with commonwealth assistance, build the additional houses required for these workers.

I wish to acknowledge the commonwealth's contribution. I wish to acknowledge the commitment of the Prime Minister and Jenny Macklin. They have committed $15 million to the building of the additional police station and workers housing. This comes on top of their $25 million commitment for the construction of housing for Anangu, which Commissioner Mullighan recommends begin as a matter of urgency. More police, and more child protection and social workers are concrete steps that we can take to improve safety.

One further recommendation stands out for immediate support. There is evidence that the prevalence of pornography in remote communities may be a significant contributor to child sexual abuse. We will investigate ways to restrict pornography. This will be one of the first tasks of the task force established to respond to the recommendations of this report.

The stories of child sexual abuse and the destroyed lives they signify, should sadden and sicken us all. Perhaps the most chilling aspect of these stories is the extent to which sexual abuse appears to have become normalised in some of these communities. This so-called normalisation has been many years in the making, yet sexual abuse is not part of Anangu culture. While the government must do its part to stop the terrible abuses occurring on the lands, the Anangu themselves must put a stop to the widespread violence against their women and children.

Responsibility must be taken by the people themselves to restore their culture and give the young Anangu hope for a better future. While the government must and will do its part to stop the terrible abuses occurring on the lands, the Anangu themselves must show leadership and take action to stop the widespread violence against their women and children.

Local people have a responsibility to report child sexual abuse to the police. In 2004, in relation to adults selling drugs, alcohol and petrol to children, I was told that it was against Aboriginal culture to dob in offenders. My response to the people on the lands was to say that it was not part of Aboriginal culture to watch their children die.

In all, Commissioner Mulligan makes 46 recommendations. These recommendations cover governance, welfare, health, education and justice. We acknowledge that attention to all these areas is vital, not just to protect children but also to give hope for a better life on the APY lands. Commissioner Mulligan acknowledges that the issues are complex and will take some time to deal with. The parliament also acknowledged this when it provided the government three months to examine the report and outline its preliminary response on all the recommendations. We will provide a full outline of our response well within this time. Many of the recommendations are too urgent to wait three months.

We have established a task force with commonwealth and state government representatives, headed by Jos Mazel, to drive our further responses. The task force will closely examine all the recommendations but it will not wait for three months to determine all the responses. Of course, I have already announced some of our responses, funding and action today.

So, while we have announced a series of immediate responses and will provide a full response as required by parliament, we will make further announcements in the coming weeks.

I again commend Commissioner Mullighan, a brilliant judge and a good man. I table the Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry Report.

Report received and ordered to be published.

CONTROLLED SUBSTANCES (CONTROLLED DRUGS, PRECURSORS AND CANNABIS) AMENDMENT BILL

In committee (resumed on motion).

(Continued from page 3152.)

Clauses 2 to 11 passed.

Clause 12.

The Hon. M.J. ATKINSON: I understand the member for Heysen's attitude to the specification of drugs and equipment in regulations. However, good legislative practice means that it is not right for legislation to contain a list of light globes of various kinds. For example, it must be said that, although the level of scrutiny for regulations is less than if it is contained in a bill, there is scrutiny through the Legislative Review Committee and the right to disallow in either house of parliament.

Mrs Redmond: Happily, I am a member of that committee.

The Hon. M.J. ATKINSON: And happily the member for Heysen is a member of that committee. So, I do not think that it would be appropriate to specify in an act of parliament, just to give some examples pertinent to this bill, metal halide, 400 and 1,000-watt globes; high-pressure sodium, 400, 600 and 1,000-watt globes; and mercury vapour, 400-watt globes.

I do not think that it would be appropriate to specify in an act of parliament, as the member for Heysen advocates, condensers; distillation heads; heating mantles; rotary evaporators; reaction vessels, including a reaction vessel under repair, or a modification of a reaction vessel; splash heads, including a splash head under repair, or parts for a splash head; manual or mechanical tablet press, including a tablet press under repair; a modification of a tablet press and parts for a tablet press; a manual or mechanical encapsulator, including an encapsulator under repair; or a modification of an encapsulator and parts for an encapsulator.

I hope that the committee can see that it would not be good legislative practice to include that in an act of parliament, that it is far more appropriate to include that in regulations and that, if the Parliamentary Liberal Party, the Greens or the Democrats think that such things should not be prescribed by regulation, they should move a disallowance motion.

If the member for Heysen had a little experience of being in government (and that has not yet been her good fortune, but it comes to those who wait), she would not be criticising the government for making provision for these things to be prescribed by regulation.

Fashions change in our drug community, and therefore what is put in an act of parliament could very soon be out of date, and it is very awkward to come back here and to move amendments to an act of parliament to keep up with what equipment criminals now use. I urge the committee to stick with this version that the government has put before it and to resist the argument of the member for Heysen that this kind of minutiae should be in an act of parliament.

Mrs REDMOND: I note first of all that there is no need for the Attorney to so enthusiastically urge the committee, because we have not moved an amendment. I was merely making a general comment about the legislation.

The Hon. M.J. Atkinson: She who is silent is saved.

Mrs REDMOND: The Attorney calls at me across the chamber, 'She who is silent is saved,' and I think his preferred modus operandi would be for him to introduce a bill and for me to stand up and say, 'Yes, we agree' and then we could be done with it. I actually like the alternative to 'She who is silent is saved,' which I was calling to the Attorney across the chamber in our previous session to the effect that 'Evil thrives when good men say nothing.' I think that that is equally—

Members interjecting:

Mrs REDMOND: I use the term 'men', member for Florey, because my high school principal enforced upon us all that in grammar the male form embraces the female form, and the Attorney and I, being the pedants of this house, will use grammar correctly so far as we are able to. I accept what the Attorney says, that in this particular case he has mounted an excellent argument in respect of why these things need to be in the regulations.

However, I would say that, as a general rule, it would be appropriate to at least indicate the types of things so that one could, for instance, put in the generic 'heating equipment, lights' and so on used for the production of cannabis, amphetamines or whatever it might be, and that you could put the generic into the legislation and the more specific into the regulations.

In general, I take the view that it is much easier to read legislation if we actually say what we are talking about in the legislation. When I want to read about a particular thing and I open a piece of legislation, the most frustrating thing of all is when the definitions are by reference to those appearing in other legislation, particularly commonwealth legislation, and then you have to go through the process of hunting down what the legislation said at the time when your legislation at state level was passed, and whether there have been any changes and whether those changes are thereby incorporated.

I think that there are some inherent problems with legislation not being able to stand by itself and be read and understood by itself. That said, I accept what the Attorney says about the need to specify, because there are changing nomenclatures, there are changing fashions, and there could be different things which would need to be prescribed with reasonable regularity. I simply reiterate that there is no need for anything to be urged because we are not proposing any amendment. I simply made a comment about the nature of the legislative draft in general.

The Hon. M.J. ATKINSON: The member for Heysen felt compelled to speak—

The Hon. K.O. Foley interjecting:

The Hon. M.J. ATKINSON: It is like Sumner and Griffin in the old days. And, in speaking, the member for Heysen advocated that the legislation should be expressed in terms of 'equipment that is used for'. And there the member for Heysen stumbles because, in prescribing in the act 'equipment that is used for', it then casts on the police and the prosecution the burden of proving beyond reasonable doubt the purpose for which the equipment is used. That is what we are trying to avoid by this bill and our proposed course of conduct with the regulations.

Clause passed.

Clause 13 passed.

Clause 14.

The Hon. M.J. ATKINSON: As we have seen with the Nemer case and the question of parole for convicted murderers, the member for Heysen leads the Parliamentary Liberal Party into a position that the government should not direct appeals against what the government believes are manifestly inadequate sentences—or at least the Attorney-General should not so direct—and that the government should not in Executive Council advise the Governor to reject a recommendation of the Parole Board to release a convicted murderer, no matter what the circumstances.

Here we see the member for Heysen leading the Parliamentary Liberal Party into a position that we should not as a government or as a parliament interfere with judicial discretion. I disagree with her. On the question of whether traffickers of amphetamines should be sentenced at the mid-range of penalty or at the high range of penalty, the Rann government has a view. The Rann government is putting to the parliament a view that the practice of judges sentencing amphetamine offenders in the mid-range of penalty is wrong and that those offenders should be sentenced in the high range of offending.

The Rann government thinks that amphetamines, ecstasy and ice are a scourge. We disagree with the Hon. Sandra Kanck, who believes that ecstasy ought to have been offered to the victims of the Port Lincoln bushfires so they did not feel so blue. We believe that parliament should give the judges instruction on this in broad terms. We believe that is the function of the parliament. Actually, I think most judges would agree with me. It is very strange, indeed, that the member for Heysen leads the Parliamentary Liberal Party into the position that parliament should not be telling the judges what it—parliament—thinks is appropriate sentencing.

We know that the member for Hammond recently was telling parliament that it and the government should not respond to the complaints of members of the public about manifestly inadequate sentences. The member for Hammond is on the record as saying that for a government

to do that is like responding to a spoilt, crying child at the checkout. Well, respectfully, I disagree with the member for Hammond. This bill gives judges an indication of the range in which they ought to be sentencing for amphetamines, ice and ecstasy. We should do it, and neither the member for Heysen nor the member for Hammond should quibble with it.

Mrs REDMOND: Once again, I am compelled to respond to the strange remarks by the Attorney-General, who seems to want to make something out of my comments that was never said, let alone intended. I draw the attention of the Attorney-General to his comments in the second reading explanation on this bill. I point out that, in fact, there is virtually nothing said about what he now tells me is the case. I will read what the second reading explanation says about this issue—and the issue we are dealing with is what the courts must not take into account, and that is the thrust of my comment in the earlier discussion. What the second reading explanation delivered—theoretically delivered, at least—by the Attorney-General—

The Hon. M.J. Atkinson: I always make some remarks before seeking leave. I do that as a courtesy to the house.

Mrs REDMOND: The Attorney correctly states that he always makes some remarks before seeking leave to insert the remainder of his speech in *Hansard*, and therefore this particular bit probably does appear as part of what he said before seeking leave. It is at the very beginning. He talks about changing the law in accordance with some election pledges, and he says:

> In particular, it increases the penalties against the cultivation of hydroponic cannabis and requires the courts to treat amphetamines alongside the most serious category of illicit drugs.

So he says that at the very beginning: that is in the second paragraph. A little lower down there are three dot points under the heading 'Election Promises', and the second dot point states:

> Legislate to ensure courts treat the manufacture, sale and distribution of amphetamines, ecstasy and similar drugs at the upper level of the penalty range rather than the middle.

When one reads through the rest of the explanation, there is no further reference to that whatsoever.

Progress reported; committee to sit again.

[Sitting suspended from 13:02 to 14:00]

GLENSIDE HOSPITAL REDEVELOPMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition): Presented a petition signed by 134 residents of South Australia requesting the house to urge the government to retain the whole of the Glenside Hospital site, ensure open space and recreational facilities continue to be available for public use, redevelop mental health services infrastructure and expand mental health services in rural and remote areas.

PAPERS

The following papers were laid on the table:

By the Minister for Transport (Hon. P.F. Conlon)—

Regulations under the following Act—
Development—Significant Trees

By the Minister for Health (Hon. J.D. Hill)—

Regulations under the following Act—
Public and Environmental Health—Controlled Notifiable Diseases

By the Minister for Industrial Relations (Hon. M.J. Wright)—

Regulations under the following Act—
Workers Rehabilitation and Compensation—Charges

ECONOMIC AND FINANCE COMMITTEE

Mr KOUTSANTONIS (West Torrens) (14:02): I bring up the 65th report of the committee, entitled 'Franchises'.

Report received and ordered to be published.

QUESTION TIME

MOTORCYCLE GANGS

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:03): My question is to the Premier. What is more important to the Premier than protecting innocent South Australians from bikie gunfire? The police minister stated yesterday, on behalf of the government, on radio station FIVEaa, that anti-bikies legislation was not the government's highest priority. The minister said:

Once we get WorkCover out of the road—it's accumulating debt every day—the bikies is our second priority.

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:03): I am very pleased to answer this question. As I have just said, I want both the bikies legislation and the WorkCover bill passed by the upper house this week.

The Leader of the Opposition, in his usual phoney angry manner, has failed to remember one thing: that the Labor Party in this state has never had a majority in the upper house. So my challenge to the Liberals and my challenge to the Independents, or whatever they are called in the upper house, is to pass both bills this week. Sit through the night on Thursday night, sit through the night on Friday night, sit through to Mother's Day, as far as I care, and pass the WorkCover legislation. Stop playing games. Pass the bikies legislation and stop playing games. And we saw what traders thought of the Leader of the Opposition yesterday.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. Foley interjecting:

The SPEAKER: The Deputy Premier will come to order! The member for Enfield.

MINING AND ENERGY SECTORS

Mr RAU (Enfield) (14:05): Will the Premier inform the house of recent developments in South Australia's mining and energy sectors?

Mr Hamilton-Smith interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:05): He does not like the fact that I was in the regions visiting mining areas—that is kind of what you expect! I know that the member for Unley travelled to the United States and visited a Winnebago factory. He was talking about Arnold Schwarzenegger. I know that the deputy leader visited Switzerland and she recommended a review of state/federal funding of hospitals. I know that the member for Davenport went to India, Thailand and Singapore and recommended that South Australia develop a water strategy, and also that South Australia consider seeking expressions of interest to undertake a study for a chairlift and Carlsberg tower concept on Mount Lofty. I was out there supporting the mining industry.

Mr WILLIAMS: I rise on a point of order, Mr Speaker. My point of order is relevance. The Premier obviously has a written answer and still he cannot stick to the script.

The SPEAKER: Order! The Premier must turn to the substance of the question.

Mr Hamilton-Smith interjecting:

The Hon. M.D. RANN: Apparently, the Leader of the Opposition was already briefed about the Copper Sands Housing Development. Is that right? He does not know, and he says they are reannouncements. He does not know. He has never heard of it. The Copper Sands housing project will be developed in three subdivisions and, when completed towards the end of 2009, will house up to 1,000 people in 350 homes at a projected cost of $140 million. The homes are being constructed by four South Australian building companies. Everywhere I looked I could see the names of South Australian companies that had been contracted to help in the expansion, and getting new business as a result. I was told that there were contractors from Adelaide, Port Lincoln, Coober Pedy, some from the Upper Spencer Gulf, and so on.

Members interjecting:

The Hon. M.D. RANN: Well, the Leader of the Opposition had never heard of the development yet accuses me of a reannouncement. Obviously I should go more often to make sure that it gets through because, clearly, he does not know what is going on in the north of our state. Of course, he believed that Andamooka was in another state! Perhaps he needs to extend his vision beyond the Mitcham Shopping Centre. BHP Billiton has already spent more than—

Mr Hamilton-Smith interjecting:

The Hon. M.D. RANN: And can I just say that, having seen his results at the last state election, he should spend more time in the Mitcham Shopping Centre! BHP Billiton has already spent more than $135 million in Roxby Downs for housing. It was a pleasure to be able to hand over the keys to a brand new, high quality house to Tony Holbrook and Donna Hill. Mr Holbrook told me that, because of the rate of expansion of the township, there are long waiting lists for rental accommodation, with many people having to stay in other places to work at Roxby. What was clear from visiting Roxby is that the Leader of the Opposition is completely out of touch.

Just the day before, the leader was telling the media there were a lot of unanswered questions, in an attempt to talk the project down. He claimed that the expansion might be only $2 billion; that it might not be an open-cut mine, and then, by conjuring a much smaller project, tried to throw doubt over whether the associated infrastructure would be built. My challenge to the Leader of the Opposition is to tell this parliament whether or not he supports the development of Olympic Dam. Clearly, the opposition leader—

Members interjecting:

The SPEAKER: Order! The leader will take his seat.

The Hon. M.D. RANN: Clearly, the opposition leader is disappointed by South Australia's success—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —which only serves to highlight the dismal performance of the previous government in which he served as a minister. The leader must be the only person in this place who believes that BHP Billiton, one of the largest mining companies in the world, would spend over $9 billion on acquiring Western Mining and not develop the resource at a time of record mineral prices and unprecedented worldwide demand.

The message from the Leader of the Opposition seems to be that, somehow, BHP Billiton bought Western Mining and got this fabulous deposit, which is now valued at $US1 trillion, I am told, just to leave it fallow; some sort of car park in the desert. No wonder the business community regards him as a joke.

I next visited Oxiana's Prominent Hill copper gold deposit. This deposit was discovered in 2001 and will commence production later this year. I turned the first sod less than two years ago, and the transformation has been astonishing. A camp of about 1,000 people has sprung up. Prominent Hill has become a prominent mine in record time—Prominent Hill, in fact, has become a prominent hole. The removal of the overburden is ahead of schedule, engineering is about 95 per cent complete, the infrastructure is nearly three-quarters complete and, when operating, the open pit will have a capacity of eight million tonnes per year. The pit will be 1.4 kilometres by 1.2 kilometres and nearly half a kilometre deep.

The good news is that this mine, into which the company will invest more than $1 billion, looks like having a much longer life than the original 10-year estimate, and there is strong potential to discover other significant deposits. My view is that the Prominent Hill mine will be around for decades. It is a much bigger mine than previously believed.

I commend Oxiana for its commitments to help the local community and to train and employ locals and indigenous people and women. The average around Australia for the employment of women in the mining industry is a shocking 3 per cent. At Oxiana's Prominent Hill I am told it is 33 per cent. I also commend the company for its high environmental standards.

Visiting the Geodynamics hot well near Innamincka provided a glimpse of an exciting future for South Australia. Geodynamics believes that the area has the hottest rocks anywhere in the world outside of volcanic regions. Geodynamics has already invested about $100 million in

research, development and drilling. Geothermal technology is a renewable and emissions-free energy source.

Geodynamics' Dr Doone Wyborn believes that this area in our state's north could supply a very significant part of Australia's baseload power in coming years. He believes the capacity of the area to be the equivalent of the world's entire existing geothermal power source. I must say that I have had an interest in geothermal energy since late 1962, when we emigrated to New Zealand, and I have visited the Wairakei geothermal field near Lake Taupo; in fact, next to Huka Falls.

South Australia is already home to more than 80 per cent of Australia's total investment in geothermal research. Nearly $700 million is expected to be invested in the state's geothermal resources within five years. So, I was pleased to announce that the government—new news—would help to speed up applications for geothermal leases and exploration by allocating a further $3.325 million over four years for this purpose.

Finally, our visit to Heathgate Resources' Beverley mine, showed the potential to mine uranium without harming the environment. I was most impressed with the attention to the protection of native flora and fauna on the site as well as the use of advanced technology and high skills. The company is seeking to extend its operations at the existing mine. An affiliate of Heathgate, Quasar Resources, has formed a joint venture with Alliance Resources to develop a significant uranium deposit about 10 kilometres from the Beverley mine. The deposit is believed to be a very significant find and I wish the company well in developing this resource—subject, of course, to approvals.

We have gone from having four operating mines in 2002 to more than double that now, with another 30 mines being planned or developed. I strongly urge members opposite—despite their interest in the Carlsberg chairlift concept—to spend some time in the state's north to visit our mining industry.

MOTORCYCLE GANGS

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:15): My question is again to the Premier. Why has he failed to deliver on his promise to South Australians to have a national approach to the criminal activities of bikies? On 19 June 2007 the Premier issued a media release entitled, 'Rann calls for national strategy on bikies'. He said:

> The only way to lift the importance of the abhorrent criminal activities of bikies throughout Australia is to place this on the COAG agenda to develop a national approach.

Bikies have not been on the COAG agenda since the Premier, the national president of the ALP, made this promise in 2007, and last night on state television his Attorney said in regard to bikie laws, 'Now is the hour for action.'

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:16): This shows how out of touch the Leader of the Opposition is, because I remember a meeting (and I can see he is red-faced about this) where I gave a copy of an FBI report to the federal Liberal government. In fact, I briefed former prime minister John Howard on this subject, and continuously argued for the issue to be made a priority by the National Crime Authority. What did the federal government, under John Howard, do? It cut the numbers in the NCA office in South Australia.

So, you are total phoneys on this issue; you have been blocking, diving and weaving. This is the most advanced legislation of its kind anywhere in the world. Show your stuff and prove it, by voting in the upper house; get the Liberal leaders of the upper house into your office and tell them to vote for our bill. I want to see both bills—the WorkCover bill and the bikies bill—through the upper house this week. Play a role, be constructive, just for a change.

Members interjecting:

The SPEAKER: Order!

SENIORS, COMMUNITY INVOLVEMENT

Ms FOX (Bright) (14:17): My question is to the Minister for Ageing. What is the government doing to assist seniors to engage with their communities?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Families and Communities, Minister for Aboriginal Affairs and Reconciliation, Minister for Housing, Minister for Ageing, Minister for Disability, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (14:18): I thank the honourable member for her question, and acknowledge her

powerful advocacy on behalf of older people within her electorate. Recently 70 organisations were advised that their applications were successful in obtaining either a Positive Ageing Development Grant or a Grant for Seniors, which aim to help older South Australians stay involved in their local communities. Nearly $400,000 will be distributed to these organisations.

An honourable member interjecting:

The Hon. J.W. WEATHERILL: That's right; you are almost in the cohort. It is important to provide support for older people so that they do not become isolated and marginalised—and once again, it could very well be you we are talking about—but are involved in their community. It is enormously beneficial for their health and wellbeing to be connected to the broader community, and providing grants of this type also recognises the value that will bring to communities.

These grants help ensure older people play an active role in their communities, and will help community groups which receive funding to keep these older South Australians involved in a diverse range of activities. The largest grant, of $50,000, goes to COTA for its 'Every Generation' celebration in October, which is a showcase of seniors' contributions throughout the state. Grants for Seniors help organisations with smaller tasks, such as buying equipment or paying for instructors to run activities.

Some of the organisations set to benefit from the Positive Ageing Development Grants this round include $24,400 to the Coonalpyn Communications Network for a variety of activities which provide an avenue to develop social contact for older people; $7,800 for the Council of Aboriginal Elders of South Australia to showcase the cultural talents of Aboriginal elders across the state; $24,026 to Country North Community Services in Clare for a second-hand caravan or bus to be fitted out to create a mobile activities vehicle for remote towns in the region; and $11,680 to the Police Station and Old Courthouse Museum in Strathalbyn for older people to share their knowledge, experience and skills.

Funding through Grants for Seniors has been given to Lower North Health in Burra in the form of $4,547 for power and hand tools and safety equipment to help equip a community shed. The Council for Aboriginal Elders of South Australia in Port Lincoln received $2,250 for a whiteboard, cupboard and kitchen equipment. These seem like small matters but they enable older South Australians, whose health and wellbeing can suffer if they remain isolated in their own homes, to get out and enjoy fellowship with other South Australians, develop their skills and participate in the broader community.

CRIME STATISTICS

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:21): Does the Premier agree with his Minister for Police, the Hon. Paul Holloway, who said on Friday 1 May 2008 on Radio FIVEaa that the more police we have, the more reported crime we have? The Hon. Paul Holloway MLC said:

> We have 72 more patrols on the road throughout the state. Now, if you've got 72 more patrols, inevitably you will get more car chases. Those patrols will see more stolen cars, they will see more bad behaviour on the roads. So, I suppose in that sense the more police you have, the more statistics will go up.

Members interjecting:

The SPEAKER: Order! The leader has asked his question. The Attorney-General.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (14:22): I thank the Leader of the Opposition for that recitation of the bleedin' obvious. Thank you. Martin Hamilton-Smith, welcome to *Mastermind*! Your special subject: the bleedin' obvious! There are two types of crime: victim-reported crime and police reported crime. The distinction is well recognised by the Office of Crime Statistics here in South Australia.

Mr Hamilton-Smith interjecting:

The Hon. M.J. ATKINSON: But wait, there's more. Listen carefully. The more police one has, the more police reported crime there will be. For instance, take drug crime: by and large, drug crime is not reported by victims. Drug crime is reported by police doing drug operations and finding drug traffickers and booking them. Do you get the distinction?

Mr Pengilly interjecting:

The Hon. M.J. ATKINSON: Interestingly, the member for Finniss says Gouger Street. Yesterday, I noticed a restaurateur asking the Leader of the Opposition to leave his premises or he would call the police. Clearly, that is an example of victim reported crime. On the whole, during the

six years of the Rann Labor government, crime has gone down by about 18 per cent, although not in every category. For instance, people are still biffing each other in the street and, yes, assaults have gone up marginally but, on the whole, crime is down by 18 per cent, and the opposition weeps.

Members interjecting:

The SPEAKER: Order!

HIGHER EDUCATION SCHOLARSHIPS

Ms PORTOLESI (Hartley) (14:25): My question is to the Minister for Employment, Training and Further Education. What is the state government doing to support the retention of higher education students in areas of high skill demand?

The Hon. P. CAICA (Colton—Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Youth, Minister for Gambling) (14:25): I thank the honourable member for her very important question. As members would be aware, the government is committed to ensuring that our state's booming resources sector can access employees who have the high level of skills they require and, importantly, that the people of South Australia have the opportunities to acquire those skills.

Therefore, I am pleased to announce that the state government, as part of its election commitment, will introduce 100 higher education scholarships, which are targeted to meet the demand for highly skilled workers in our resources and mining industries. Each scholarship will be worth $2,000, at a total cost of $200,000 over the next three years, with 50 scholarships being made available this year and 25 scholarships in each of the following two years. This program was developed in consultation with the University of Adelaide, Flinders University and the University of South Australia and these scholarships will be available to third, fourth and fifth year engineering and geology undergraduate and honours students.

The specific aim of these scholarships will be to support students in retaining their commitment to their studies and, at the same time, improve and consolidate their career pathways into the mining and resources sector. The scholarships will cover a range of disciplines, including electrical and electronics engineering, mining engineering, mechanical and civil engineering, and geology. The students will be supported to undertake curricula activities associated with their courses, such as producing design projects, field trips, costs associated with undertaking work experience, attending professional conferences, as well as the purchase of books, equipment and other learning resources.

The universities have indicated to me that scholarships awarded after the first two years of university are more appropriately targeted to support students to stay on course, and the aim is to encourage some of our best and brightest to gain the qualifications they desire and transition smoothly into the sustainable career opportunities our state's booming resources sector has to offer. The allocation of scholarships is based on the proportion of students currently studying in the relevant fields at each of the universities, with 40 being made available to students from the University of Adelaide, 20 for Flinders University students and 40 for students of the University of South Australia. This important scholarships initiative is an excellent example of collaboration between the government and the universities and demonstrates the government's commitment to supporting our state's economic growth and providing opportunities for more South Australians to share in the benefits of that growth.

ORGANISED CRIME

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:27): My question is to the Premier. What were the reasons for the government's rejection of the model of the DPP, Mr Stephen Pallaras, for tackling organised crime? It was reported in June last year that government meetings on how to tackle crime associated with bikie gangs and other elements of organised crime had excluded the DPP. After those reports, Mr Pallaras was invited to make a submission to the government, which he did, but which he said on radio today was not acted upon. Mr Pallaras told radio listeners today the government's legislation 'goes soft' and 'misses the point' because 'the legislation continues to tolerate their existence'.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (14:28): What the DPP said on Leon Byner's program on Radio FIVEaa this morning is that he agreed with the thrust of the government's legislation. He thought that the criticisms of it—and I note some of those criticisms emanate from the Liberal spokesman on legal affairs, the member for Heysen—did not understand what was at stake, and the Director of Public

Prosecutions said that, although he supported the legislation, he thought it could go further and like the legislation in China, on the Triads, that it could ban the organisations altogether.

The member for Heysen and the Hon. Mr Wade in another place have canvassed amendments to the government's bill on bikies because they believe in some material respects it goes too far. For instance, the member for Heysen is critical of the decision on whether an outlaw motorcycle gang is to be declared as an organisation under the serious and organised crime bill. That decision, she believes, ought not to be made by the Attorney-General on advice from the Commissioner of Police but it is a decision which should be appealable and the final decision made by the Supreme Court.

Ms Chapman: Hear, hear!

The Hon. M.J. ATKINSON: And the member for Bragg says, 'Hear, hear!'

Members interjecting:

The Hon. M.J. ATKINSON: They are off the leash. They are crying out for judicial review, but that is not what the Leader of the Opposition said. He said, 'This bill doesn't go far enough.' But, you see, the opposition speaks with a forked tongue. It has one message for the Leon Byner program on Radio FIVEaa and the commercial television stations—that part is done by the Leader of the Opposition, and he smirks knowingly—and they have another message for the Radio National audience which is delivered by the member for Heysen.

A few months ago, the contradictory messages were on view in the same half hour in debate in this chamber and fortunately all the television cameras and reporters were here to catch it. They wrote it up as it was: a contradiction between the Leader of the Opposition and his spokesman on legal affairs. The Liberal Party, like the Greens and like the Democrats, are seeking to amend the serious and organised crime bill in another place.

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: No, 'are'. It is a plural subject.

An honourable member interjecting:

The Hon. M.J. ATKINSON: No, I must disagree with the member for Heysen on this occasion. It is a plural subject and therefore requires the plural verb 'are': that is, the Parliamentary Liberal Party, the Democrats and Greens are seeking to amend the serious and organised crime bill in another place. All those amendments are in the same direction, that is, watering the bill down.

It seems that the Leader of the Opposition is not aware or does not wish to be aware of what his frontbenchers are doing on the bikie bill. He wants to play both sides of the street, and as a distinguished former member for Unley said in this parliament, 'You will find it on the record. Do the search on *Hansard*. It is the prerogative of the opposition to have two bob each way.'

ATTORNEY-GENERAL'S OPERATING ACCOUNT

Mrs REDMOND (Heysen) (14:33): My question is to the Premier. What action will the Premier take over the Attorney-General's operating deposit account which, as at 31 October 2006, was overdrawn by over $4 million and identified by the acting auditor-general at that time as not complying with Treasurer's Instruction No.6?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (14:33): I will obtain a report about the matter and respond to you as early as possible.

COUNTRY HEALTH SERVICES

Ms BREUER (Giles) (14:33): My question is to the Minister for Health.

Members interjecting:

The SPEAKER: Order! There is a member on her feet asking a question. Members will come to order. The member for Giles.

Ms BREUER: How will the integration of country health services improve health delivery outcomes for country South Australians?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:34): I thank the member for her question and

acknowledge her strong support and advocacy for country health services. The passage of the Health Care Act 2008 means that we are creating the government's framework in South Australia to deliver an integrated health system for country residents which will improve health outcomes for country people. Under this act, Country Health SA will be considered as a single administrative unit with multiple campuses. This will facilitate the delivery of services and coordinate health care across the country. One example of how this will work is a recently acquired online education program for physiotherapists, occupational, dental and speech therapists and podiatrists, along with other allied health professionals. There are over 2,000 allied health workers—

Mr Pengilly interjecting:

The SPEAKER: The member for Finniss will come to order!

The Hon. J.D. HILL: There are over 2,000 allied health workers in South Australia, with over 360 working in country South Australia. Historically, it has been difficult to provide equal access to training and professional development seminars for allied health workers in country South Australia because of their relative geographic isolation. Aside from having to travel long distances, country allied health workers also find it difficult to accommodate training seminars within their schedules on account of the outreach services that they provide. To put it simply—

Mr Venning interjecting:

The SPEAKER: The member for Schubert will come to order!

The Hon. J.D. HILL: To put it simply—in terms that the member for Schubert, I hope, can understand—it has been hard to get enough country allied health workers in the same spot at the same time to warrant running a training seminar. In order to overcome this tyranny of distance, the allied health workforce education program was launched this year, after being successfully trialled throughout Victoria in 2007. The 12-month program features a series of downloadable lectures by national experts. For example, the first presentation for 2008 is entitled 'Reducing the impact of cardiovascular risk factors' and is delivered by several eminent presenters from different disciplines, including medicine, psychology and pharmacy. A diverse range of subjects will be covered over the course to ensure it remains relevant to a wide variety of allied health workers.

This online training program will benefit all allied health workers and will ensure that those in country South Australia are not disadvantaged compared to their metropolitan counterparts. Under the current administrative system in country South Australia, the 44 individual health units are run separately by 44 individual boards. In isolation, many of these units would find the purchase of such a program to be financially unviable or they might not have enough allied health workers to warrant such a purchase. The Health Care Act will enable greater integration of health services across the state by streamlining government structures and facilitating more coordinated programs across country South Australia such as this online training program.

ATTORNEY-GENERAL'S OPERATING ACCOUNT

Mrs REDMOND (Heysen) (14:37): My question this time is for the Attorney-General. When did he become aware that the Attorney-General's operating account was $4 million overdrawn as at 31 October 2006?

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (14:37): Mr Speaker, I will obtain a considered answer for the member for Heysen.

TOURISM

Mr BIGNELL (Mawson) (14:38): My question is to the Minister for Tourism. How is the state government continuing to develop the tourism industry in South Australia?

The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education and Children's Services, Minister for Tourism, Minister for the City of Adelaide) (14:38): I thank the member for Mawson for his question. He has a really keen interest in tourism, but who would not when their electorate covers one of the prime areas for both interstate and international tourism in South Australia? The state government and the SA Tourism Commission are committed to working in partnership with the tourism industry to lift our annual visitor expenditure from $3.7 billion in 2002 to $6.3 billion in 2014.

Last Friday, I announced the largest ever sum of money spent on a winter marketing campaign—$2.1 million—which will run in Queensland, New South Wales and Victoria over the next three months. The campaign represents one of the SATC's largest investments in boosting domestic tourism activity during our winter period. It will position South Australia as an attractive holiday destination firmly in the minds of consumers in our largest domestic tourism market. The marketing initiative has been developed following extensive market research to determine just what is hot, interesting and exciting in those markets, and we are gearing our advertising towards our key domestic consumer preferences and their motivators.

With the Tour Down Under featuring as the first ever Pro Tour event outside Europe, this major event and our whole major event season has been absolutely stellar, with each of the events breaking records for attendance both from domestic and overseas markets.

Mr Bignell: The Libs hate it, though.

The Hon. J.D. LOMAX-SMITH: I know. Those opposite have never supported the upgrade of the Tour Down Under and have been very negative about the Pro Tour status, which is clearly detrimental to the tourism industry where one normally would expect bipartisan support. In fact, I have always been very keen to recognise that the previous government started the Tour Down Under and their good work by minister Hall has been continued under our patronage and guidance to reach the stage that the Pro Tour has now.

In addition, yesterday I launched our annual tourism awards at the Adelaide Zoo—an appropriate location, because our zoos (both Adelaide and Monarto) have half a million visitors a year. That is a great success in terms of visitation and, of course, everyone expects there will be 'pandamonium' at the end of next year when people come from around the country and overseas to visit our pandas.

The state tourism awards, which will be held on 22 November at the Convention Centre, celebrate and honour excellence in our operators and provide leadership and benchmarking for other members of the industry. These awards are, in fact, a great opportunity for the state government to show appreciation to the industry and support those businesses which strive for excellence. They provide a brilliant catalyst for creative tourism initiatives and allow tourism operators to benchmark their own activities and use that well-tried small business motto: if you can't measure it, you can't manage it. Even if they are not winners, they benefit from the opportunity to examine their business operations.

This year, Qantas has taken up a concept that the South Australian Tourism Commission identified as a key market leader in 2005 when we initiated a state-specific sustainable tourism award. This year Qantas has taken up this initiative and will sponsor a national Excellence in Sustainable Tourism award, with $2,000 in prize winnings going to the South Australian winner in this category. I hope that winner might go on to the national awards in February. Winning a state or national tourism award of course gives an operator an opportunity to market their business, both here and around the world, and consumers stand to benefit from this improved activity.

The awards are an important part of the SATC's overall strategy to improve the tourism industry, and we ask all those members who have tourism operations in their electorates to encourage their key and innovative businesses to take up the challenge, because you have got to be in it to win it, and it is a great opportunity for South Australian operators.

ATTORNEY-GENERAL'S OPERATING ACCOUNT

Mrs REDMOND (Heysen) (14:42): My question is again to the Attorney-General. What steps has the Attorney-General taken, or will he take, against the public servants involved in the breach of the Treasurer's Instruction No. 6 which resulted in the Attorney-General's operating account being over $4 million overdrawn?

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:43): Mr Speaker, the issue—

Mr Hamilton-Smith interjecting:

The Hon. K.O. FOLEY: Sir, that's the difference. When we came to office, sir, the quality of accounts in government was appalling.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: Yes, it is six years later, that is right. The deputy leader just interjected and said, 'Yes, but this is 6½ years later.' The only problem with that, member for Bragg, is that the guy next to you, the Leader of the Opposition, was a minister six years ago, and he was part of that government. Mr Speaker, in their time in government—

Mr Hamilton-Smith: The one that got rid of the debt?

The Hon. K.O. FOLEY: Yes, that's true, you sold ETSA.

Mr Hamilton-Smith interjecting:

The Hon. K.O. FOLEY: Good, and I will keep putting my record against your record any time. What is our record? Our record is a simple record but a good record. It is a record of surplus budgets—six consecutive surplus budgets. Never once did they balance a budget, Mr Speaker. What is our record? We restored the AAA credit rating. They never had a AAA credit rating—never once. It took a Labor government to balance the books; it took a Labor government to restore our AAA credit rating; it took a Labor government to fire up this economy and get this economy going—a Labor government that has generated jobs and the biggest amount of private sector capital investment in decades, if not in history. It is a Labor government that has given us the lowest unemployment since Adam and Eve.

Mrs REDMOND: I rise on a point order, Mr Speaker. My point of order is the relevance of what the Deputy Premier is saying in relation to the question I asked about Treasurer's Instruction No. 6.

The SPEAKER: Yes, I uphold the point of order. The Treasurer needs to turn to the substance of the question. However, I remind members on my left that it is very difficult for the chair to expect ministers to answer the substance of the question and not to get involved in debate when there are interjections. No sooner had the Treasurer got up than members on my left were interjecting on him. I ask members that, if they expect me to require ministers to stick to the substance of the question, they should not interject. The Treasurer.

The Hon. K.O. FOLEY: I do apologise for misleading the house inadvertently. I said that we had the lowest unemployment record since Adam and Eve. I got a little confused because I am but a high school drop-out from Port Adelaide. It is since records were kept. I actually thought they were one and the same, but the Premier has just corrected me and said that it was since records were kept. No records were kept back in the days of Adam and Eve.

Ms Bedford interjecting:

The Hon. K.O. FOLEY: The Premier told me. The lowest unemployment since records were kept, that is what this government has done. But fancy an opposition wanting to talk to us about anything to do with finance. Did anyone happen to read the *Sunday Mail* this week?

Mrs REDMOND: I rise on the same point of order, Mr Speaker. This has nothing to do with the question.

Members interjecting:

The SPEAKER: Order! I do not know what was in the *Sunday Mail*. I am sure there is some relevance to the question. The Treasurer.

The Hon. K.O. FOLEY: No doubt Kevin Naughton got onto his good mate, Phil Gardiner, and said, 'Look, can you get this crappy story into the paper? There really is not much to it, but I'm sure you'll give it prominence.' So, what did we see? We see a consultant report into putting a football stadium in the city.

Mr Koutsantonis: It won't cost a cent!

The Hon. K.O. FOLEY: It will cost $500 million, but do you know what they said? They said, 'We can't tell you who the consultant is because it is commercial in confidence.' So, they get some dodgy brothers consultant out there, and, of course, the *Sunday Mail* just prints the story like it is not an important—

Mrs REDMOND: I rise on a point of order, sir. Again, the question was about the breach of Treasurer's Instruction No. 6 on an overdrawn Attorney-General's account—nothing to do with what the Deputy Premier is talking about.

The SPEAKER: I uphold the point of order. The Treasurer must turn to the substance of the question.

The Hon. K.O. FOLEY: I will. On that matter, I will get a report. But the important thing here is that, when talking about financial diligence, they get a consultant and they will not tell us—

Ms CHAPMAN: Mr Speaker, on a point of order, you have just ruled on this matter.

The SPEAKER: Yes, I uphold the point of order. The Deputy Leader of the Opposition.

APY LANDS, HOUSING

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:48): My question is to the Premier.

Members interjecting:

The SPEAKER: Order! The Deputy Leader of the Opposition.

Ms CHAPMAN: How can the Premier assure the house that he will build police housing (announced today) on the APY lands when his government has failed to spend $10 million for Aboriginal housing on the lands over the past three years? The APY council advised the minister in writing just three weeks ago, that:

> ChiP funds allocated as far back as 2003/04 through to about 2007 were not expended [and remain unexpended], although committed, to the tune of about $10 million at the present time.

The council further stated:

> Cyclic maintenance on houses was not done properly or at all.

Members interjecting:

The SPEAKER: Order! The Minister for Families and Communities.

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Families and Communities, Minister for Aboriginal Affairs and Reconciliation, Minister for Housing, Minister for Ageing, Minister for Disability, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (14:49): This is an important question, and I thank the honourable member for it. The short answer is because we will be building these houses ourselves. We will not be relying upon the system of indigenous community housing organisations that, frankly, has failed in relation—

An honourable member interjecting:

The Hon. J.W. WEATHERILL: No, we do not. Indigenous community housing organisations—

Ms Chapman interjecting:

The Hon. J.W. WEATHERILL: She asks a question then seeks to supply the answer, and gets both wrong. I have, under enormous provocation, always tried to maintain an attitude of bipartisanship in relation to Aboriginal affairs because, frankly, the issues at stake are just too serious to try to score points off one another. I have received very good cooperation from the member for Morphett (Duncan McFetridge), and I hope to maintain that with the balance of the opposition members as we try to deal with these difficult issues.

However, in relation to the question that the honourable member asked about the way in which there have been delays in putting houses on the ground in remote Aboriginal communities, it is important to understand that they are the subject of a model called Indigenous Community Housing Organisations. That is a scheme that is run by the federal government—and, frankly, it was acknowledged by the previous federal government that it had been failing. The new offer by the previous federal government, which has now been repeated by the current federal government—albeit with far fewer strings attached—is to use a completely different model, that is, the public housing model.

We are not going to rely upon community housing organisations in remote areas that simply do not have the capacity to put these houses on the ground. One of the recommendations that Commissioner Mullighan made in his report—a very clear recommendation—was to get on with the $25 million for community housing in relation to these remote communities. Just last week we visited the APY lands and consulted with the head of every community council. We had a major meeting in Amata with the head of every community council, which was a very positive meeting, and we want to take the next step to make sure that we put those houses on the ground.

Minister Macklin and I were communicating all weekend about how we would respond to the Mullighan inquiry. I have given a commitment to the federal minister that we will deliver that $25 million, and we will build housing in the APY lands. I will consult with the communities, but I will not consult endlessly, because this is too serious. The questions of overcrowding are centrally related to the sexual abuse that we are seeing in relation to the lands. At the moment, unfortunately, a little battle is going on between AP Services and the APY executive about precisely who should be responsible for the repairs and maintenance arrangements, and we are attempting to resolve that dispute.

However, I have made it clear in no uncertain terms to the leaders of AP Services and APY executive that we will not tolerate bickering around who is responsible for what, finger pointing at each other and factional politics over the question of Aboriginal housing on the lands. I want to work in partnership, but we simply cannot tolerate any further delays, and Commissioner Mullighan has made that clear. So, the first part of the answer is that the community housing approach has completely changed under this government, and we will get results.

The second part of the member's question related to how we will get the housing for police and social workers on the lands. We will be doing that using a completely different model. We will be building it ourselves: we will not be using the same model as was used for community housing. The federal government is funding that aspect, and we will take urgent steps to put that housing on the ground. We have already built a substantial number of houses at Umuwa and other parts of the community. We will, in fact, build these further houses on the communities, and that will allow us to have police on the ground, which is a central part of Commissioner Mullighan's recommendations.

APY LANDS INQUIRY

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:54): My question is again to the Minister for Families and Communities. Will the minister advise whether his department will now change its record-keeping process to ensure that notifications of child abuse made to Families SA officers are recorded in a way that identifies whether the subject of the notification is from the APY lands? When I asked the minister in July last year how many of the reported cases were from APY lands, his response was:

> The APY lands is located in the service area of the Families SA Coober Pedy District Centre. Families SA data systems therefore include data on the APY lands with all areas of the Cooper Pedy District Centre.

Further, of the 250 notifications of alleged abuse or neglect, only two were confirmed child sexual abuse cases, and the minister could not identify if even these two were from the APY lands. Recommendation 38 of Mr Mullighan's report tabled today states that all particulars of all allegations of child sexual abuse on the lands must be accurately recorded and provided to the Sex Crimes Investigation Branch of SA Police.

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Families and Communities, Minister for Aboriginal Affairs and Reconciliation, Minister for Housing, Minister for Ageing, Minister for Disability, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (14:56): At least, since this government has been in office, they have had somewhere to report them and someone there who could do the reporting. There were no police, no child protection workers on the lands during the previous government, when we came into office. What a shameful state of affairs. In fact, the remarks by Commissioner Mullighan that were contained in that section, if I have read them correctly, were actually dealing with the questions of reporting generally over the period at which he was looking, and included the period during which there was almost no activity.

Can you imagine? The most remote community in this state, on any view of it a community that has the lowest socioeconomic status. If they had even the faintest notion of even a rumour they would have turned their attention to it, but instead of saying, 'Well, I'm concerned about this part of South Australia, concerned about these particular citizens, we shall look at it further', they actively prevented the Aboriginal Parliamentary Lands Standing Committee from even meeting and travelling to this part of South Australia. So don't come in here and point fingers at us, do not even dare to come in here and point a finger at us about our activities in relation to this community. In his report Commissioner Mullighan has documented that this situation has been growing over 35 years. He also notes that almost nothing occurred until four years ago. We will look carefully at each of these recommendations.

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: We have taken what, in our view, are the most serious of them and have responded today. However, we will look at each of those recommendations and will respond with all urgency.

LOCAL GOVERNMENT

Mr PICCOLO (Light) (14:57): Can the Minister for State/Local Government Relations advise the house what the state government is doing to support and encourage local government to better consult and involve their communities?

The Hon. J.M. RANKINE (Wright—Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Volunteers, Minister for Consumer Affairs, Minister Assisting in Early Childhood Development) (14:58): As the member for Mount Gambier so rightly pointed out, he amended the legislation. So, there is now a requirement for local councils to, in fact, consult with their communities—particularly on matters of their business plans and budget allocations. It is a very good way of involving their communities and making the process much more inclusive, and that process is currently underway around South Australia at the moment. I encourage all those who have an interest in their communities to take up this opportunity. I know the member for Light is very interested in programs that better involve our communities in the decision-making processes of local councils.

I have also asked the Office for State and Local Government Relations to work with the Local Government Association to undertake a project focusing on best practice in local government community engagement. As part of the project, examples of community engagement across councils in South Australia were documented. This involved 25 councils providing case studies, seven from country South Australia, highlighting innovative and practical ways of engaging with their communities. I am told the feedback from councils and from community stakeholders has been overwhelmingly positive and appreciative of the showcase that has been produced.

More recently a handbook has also been produced to assist local government in planning for more effective community involvement and consultation. Playford, Campbelltown, Mount Barker and Whyalla councils road-tested the handbook through its various stages of development, and I would like to thank them for their assistance.

The handbook is a practical 'how to' guide for councils which is easily adapted to local circumstances. It seeks to clarify consultation requirements of the Local Government Act and the Development Act, provide a method for the selection of an appropriate level of community consultation, demonstrate ways of providing feedback to communities on their input and inform decision-making processes. I am sure the handbook will be a valuable tool for all councils. I have sent a copy of the handbook to all members of parliament, and the Local Government Association is distributing it to councils throughout South Australia.

This is another example of the cooperative relationship that exists between the state government and local government and how we work together to assist both councils and their communities. The revocation of—

Mr Pengilly interjecting:

The Hon. J.M. RANKINE: We hear the member for Finniss barking over there. He is sitting there waiting to inflame things. We heard the silly comments he made in this house last week. After 17 years in local government, you would think he would know better. The revocation of community land is also an area that can be contentious and one in which communities are entitled to have a say. I have consistently encouraged councils to inform affected residents and to make every effort to publicise their intentions to the community in a manner that is easily understood and the land easily identified.

In order to facilitate this and other elements of the community land revocation process, shortly I shall be sending out the new electronic guide to all councils which outlines clearly the revocation process and highlights the importance of clear and unambiguous consultation on any such proposals.

As Minister for State/Local Government Relations, I will continue to support councils in South Australia to develop creative and innovative approaches to consultation and engagement with their communities and to highlight and promote best practices in this area for all levels of government to consider and learn from.

CHILDREN IN STATE CARE INQUIRY

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:02): Will the Minister for Families and Communities advise if the government will immediately proceed to investigate child sexual abuse in all other Aboriginal communities across the state now that Commissioner Mullighan has completed his report? When the opposition called on the government last year to expand the terms of reference of the Mullighan inquiry to include all Aboriginal communities and not be restricted to the APY lands, the minister responded as follows:

> It is in the interests of all involved in the inquiry that the inquiry conclude at its scheduled time—31 December 2007.

We know that has not been the case and we have had to wait another four months, but the minister went on to say:

> To extend it beyond this date in order to enable it to embark on a wider inquiry would do a disservice to all those who are waiting for its report.

We now have the report and, in both the Northern Territory and Western Australia, they have expanded their terms of reference.

The SPEAKER: Order! That is way beyond what is needed to explain the question.

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Families and Communities, Minister for Aboriginal Affairs and Reconciliation, Minister for Housing, Minister for Ageing, Minister for Disability, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (15:03): I think those remarks have been vindicated. I think the level of urgency that is necessary to respond to the matters that have been revealed just in the APY lands means that having the report in a most timely way possible was the correct decision for the parliament to make. One needs to look at the original ambitions for this inquiry which were, in fact, to get people to come forward. That did not happen; people did not come forward. So, Commissioner Mullighan then chose to spend the balance of his effort working out why they did not come forward.

Ms Chapman interjecting:

The Hon. J.W. WEATHERILL: No, they didn't come forward.

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: It is always valuable to speak from a position of information, and I invite the member to read the report. Frankly, I do not expect that she has had the time to do that in the time that has been available. If she did read the report, she would understand that no individual victims came forward.

What Commissioner Mullighan has had to do, in a sense, is to construct inferentially from medical records and other anecdotal material the number of people who have been sexually abused. But the point about that is a very powerful one. The 46 recommendations go to the question of barriers, the barriers that prevent people from coming forward.

Commissioner Mullighan has not made a recommendation that there be a further inquiry. We will give this due consideration because, as I say, cabinet has only had an opportunity to make an initial response, but my initial impression is that many of the lessons that we have learnt from this inquiry are of quite important universal application.

I think we can look at other communities with the benefit of this report and consider what steps need to be taken, but we cannot underestimate the powerful urgency of acting in our most remote and largest Aboriginal community—and that is what we will do. We make no apology for choosing the APY lands first, and we will take the urgent steps that we have spoken of and we will take the further steps that need to be taken in the coming weeks and months.

ATTORNEY-GENERAL'S OPERATING ACCOUNT

The Hon. L. STEVENS (Little Para) (15:06): Will the Attorney-General advise the house about the so-called $4 million overdraft on the Attorney-General's Department's operating account which was raised by the member for Heysen?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (15:07): I have obtained advice from my department and it has given me its response to the Acting Auditor-General in May 2007. So, I can see that the Lennonistas are in swift touch with the member for Heysen. The audit recommendation was:

Implement a regular review of the balance of the Attorney-General's operating account to ensure that at no time is the account overdrawn. Response. During October 2006—

October 2006—

there was a changeover of staff which led to the account being overdrawn. This was identified by the Systems Financial Consultant shortly thereafter. The procedures for this position have been updated to ensure the Senior Financial Officer is aware of the need to review the balance of the Attorney-General's operating account daily. The senior finance officer will now sign a register as evidence of this review. This will be independently checked and signed by the Systems Financial Consultant.

And, Mr Speaker, the Auditor-General did not even feel it necessary to include it in his report.

GRIEVANCE DEBATE

CHILDREN IN STATE CARE INQUIRY

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:08): Today I place on the record the opposition's appreciation of Commissioner Mullighan and his team for the presentation to the South Australian parliament of the Children on the APY Lands Commission of Inquiry Report. We appreciate that the terms of reference, although isolated to the APY lands geographically, was an intense and probably most gruelling experience for Mr Mullighan and members of his team. We thank them sincerely for that report which, although due on 31 December, has now been presented to the government and tabled here today.

Of 1,000 children, 140 cases of serious suspicion of sexual abuse have been identified in this report in just 10 months. One of the concerns that the opposition has is that, although the government is quick to say that this has not come from the children themselves identifying this or from the evidence of perpetrators; what it has come from is Commissioner Mullighan's assessment having conducted the inquiry and the investigation.

It is important to note the government's lack of understanding that, under child protection law, with its legal and moral obligation to protect these children, this is not a case of waiting and simply further investigating other lands. Whether or not the government has information from the victims or their family members who come forward to provide the evidence in the hearing, there is a much greater obligation under child protection law than simply waiting for them to do so, and it is absolutely imperative that the government understand its responsibility in this regard.

There are hundreds of other children living in isolated communities in South Australia, extending from the Western Australian border down to the Coorong and to the South-East. We have other Aboriginal settlements in exactly the same circumstances of isolation. We cannot wait months or years, and we should not be waiting even weeks, to investigate those areas.

In Western Australia and in the Northern Territory, irrespective of the view that may be taken as to the mode of intervention, ultimately, at least in those two regions of Australia they have taken the action. They have gone into all of these lands and they have identified that problem. That is how serious it is.

The second thing I note today is the Premier's announcement that his government has put police and child protection workers back onto the land. Well, of course, previous governments had people undertaking these duties, working at Marla particularly just outside the lands. Every one of these people has a responsibility under child protection law, and here I include every doctor, registered nurse, enrolled nurse, dentist, minister of religion, social worker and departmental and local government employee who is at all involved with health, welfare, education, sporting and recreational services for children.

There are hundreds of people who both work and live on the lands, or who travel through there regularly. Nearly 3,000 people comprise that community in Central Australia and around Alice Springs, out of which the Nganampa Health Council operates. I think some very serious questions have to be asked as to why cases of children who have sexually transmitted diseases have not been reported. There is a $10,000 fine for people in these circumstances who know of this information and who fail to deal with it. My concern also is that the government had the opportunity and still does have the opportunity to immediately change its record-keeping in this regard—a major area of criticism by Commissioner Mullighan.

The one final plea I make is that the government understand that you cannot just run out there and say, 'Aren't we great! We've dealt with petrol sniffing. We've got it down from 70 cases the year before to 38 cases,' when it refuses to disclose that in 2006 there were 513 cases of marijuana abuse (that means nearly half the male population in most lands are using marijuana)

and that 337 people are abusing alcohol. The fact that the number of people sniffing petrol (Opal fuel) has gone from 70 to 38 pales into insignificance. And here is the most scandalous thing—the putrid aspect of this government's refusal to even collect the data on marijuana and alcohol—

Time expired.

NATIONAL HEART WEEK

Ms SIMMONS (Morialta) (15:13): I rise today to highlight that this is National Heart Week. I lost both my parents to heart disease. My dad was brought up on a dairy farm and loved the full cream milk and cheeses available to him. As a young man he played a lot of sport: rugby, at an elite level, and tennis in particular. He was a career serviceman and a veteran of the Second World War. He suffered capture and later escaped in France and Belgium and was a lucky escapee from Dunkirk. In later life, he dropped his exercise regime, continued to enjoy his food, and smoked heavily to alleviate the demons of war and the stress of his job.

He had his first coronary at 42 and, after several other heart attacks, died aged 69. Today we know better. We know that rich foods, dairy produce in excess, smoking in particular and lack of exercise in later life are all a death sentence. Keeping our hearts clean and clear and exercised like all other muscles in the body is vital to ensure a long life. However, despite regular warnings in the media and from health organisations over many decades now, many of us continue to put ourselves at risk. What is worse is that the latest news poll conducted by the Heart Foundation reveals that one in five parents of nine to 12 year olds acknowledged that their kids are doing less than one hour of physical activity on the average weekday.

As a member of the Social Development Committee inquiry into childhood obesity, we learnt that weight gain among our children is chronic and rising. Children, on average, spend more than two hours a day inactive in front of some sort of screen, whether it be watching TV, playing computer games or surfing the net. We know that teaching kids healthy habits in childhood and helping them to make the best choices when it comes to food and physical activity can make a difference not only to their body weight and health now but also to their adult life. It has been categorically proven that being overweight and obese in childhood and adolescence increases the risk of being overweight and obese as adults. This is related to greater cardiovascular mortality and morbidity, regardless of the adult weight on death.

Parents, grandparents and carers all need to play an important role in helping and encouraging kids to have healthy eating, physical activity and healthy weight. To be honest, kids can also help the adults to lose weight and remain active. Kids learn by example, which means if the whole family lifestyle includes a healthy diet and active play everyone benefits. My mum also died of heart disease at just 62 and, unlike my dad, she was small and slight but had suffered rheumatic fever as a child and, as is now well known, the primary side effect is considerable weakness of the heart muscles in adult life.

I was shocked to learn when I attended the Heart Foundation memorial and thanksgiving service on Sunday that the Northern Territory currently has the greatest incidence of rheumatic fever in the western world, particularly within the indigenous community. This disease has all but been eradicated in the UK and Europe, and we must be vigilant to work towards eradication here, especially when widespread use of antibiotics can assist. Repeat infections and spread result because many of those infected cannot afford or do not have easy access to antibiotics. In a country like Australia this is just not acceptable. My mum suffered considerably in the last months of her life and I do not wish this avoidable death on anyone, so we must be vigilant to make things change. I understand that in Queensland research is being undertaken at the moment into inoculation against rheumatic fever, and I urge the federal government to get behind this research so that it can become a reality.

In conclusion, I pay tribute to the work of the Heart Foundation. I have enjoyed working with the foundation, Heart Support SA and the Parisian Challenge for the past two years, and particularly mention the untiring devotion and work of Geoff Halsey, the CEO, Darrin Johnson and Rachel Sporn; volunteer extraordinaire, Tony D'Chellis; our team of cardiac surgeons and doctors such as Professor Philip Aylward from Flinders and who is currently President of the SA Heart Foundation; and researchers such as Professor Prash Sanders from the RAH.

Time expired.

MURRAY RIVER

Mr WILLIAMS (MacKillop) (15:19): Today I take a few minutes to inform the house about the fallacy of what is happening on the River Murray, particularly on the Murray and Goulburn

systems in Victoria regarding what Victorians call their food bowl project, and bring to the attention of the house the lack of concern from the current government. In recent weeks, I have asked questions of the minister who would not answer the question and who simply claimed it was a different project. Last week, I asked a question of the Premier about whether he was concerned about what was happening in Victoria regarding supposed water savings, and again he stood up in the house and claimed that it was a different project.

The Victorian food bowl project is a staged project. There are two stages—stage 1 and stage 2, obviously. Stage 1 is being funded by the Victorian government and is a billion dollar project. Stage 2 will be funded largely by the commonwealth government under the MOU that was signed off on 26 March—again, a billion dollar project. But the reality is that both projects form one and the same project. It is a project that will supposedly save water by increasing efficiency in the Murray-Goulburn irrigation area. Most of the efficiencies will be gained by reducing seepage and leakage from channels.

A most interesting thing that came out of the signing of the MOU back on 26 March was that our Premier claimed that for the first time a cap will be put on both groundwater and river extractions. What the Premier does not understand about that statement is that, at last, the connection has been seen between the groundwater system and the river system and they are, in fact, one and the same. So, water seeping out of the river fills the groundwater (or the aquifer in the soil profile adjacent to the river), and water falling as rainfall on the lands near the river seeps into the aquifer and that water flows underground to the river.

So the river is not just what you see in the channel as you approach the river itself: it is a large body of water, including that in the soil profile adjacent to the river and under the river in the rock structure that the river flows through, and that is the aquifer. And, at last, and the Premier himself said, we are capping extractions from both the aquifers and the river, acknowledging that they are interconnected and one body of water.

We have to understand that the importance of this acknowledgment is that we know that if you waste water or allow water to leak out of an earthen channel which is delivering water to irrigators near the river, or even in some cases far away from the river, all that leakage goes into that soil profile and the vast majority of it eventually ends up back in the river downstream. If it does not, you reduce the hydraulic pressure adjacent to the river and water will flow out of the river downstream to replace that water in that area of reduced hydraulic pressure. So, you have to have a full understanding of the hydraulic nature of the river and its surrounding environment.

The Hon. M.J. Atkinson: As you do.

Mr WILLIAMS: As I do, Attorney. What the Victorians are claiming is that by lessening the leakage and seepage out of their major irrigation channels they will save water. In one sense they will save water—more of the water, or a greater percentage of the water they take out of the river and put into the irrigation channels, will indeed get to the farmers and be used for growing crops. But the water they save will not stay in the river, because they are going to take it out. They are hoping to save 450 gigalitres of water but, of that saving, they will completely remove 75 gigalitres from the system and pipe it into Melbourne. There is not one word of protest from South Australia about that—not one word. Of the balance, half will be given to irrigators to expand the amount of water they are using, and the balance will be used as environmental flows.

The reality is that virtually all of those seepages and leakage losses are already going back into the river, so the net effect of the Victorian food bowl program most likely will be that we will have less water flowing out of Victoria down the river system. This was acknowledged by the Victorian Auditor-General when he said a few weeks ago in a major report that very little work was done to quantify this when the project was conceived.

Time expired.

CAKEAGE

Ms FOX (Bright) (15:24): I rise today to speak on a matter which may seem trivial to some but, for many working Australian families struggling to make ends meet, I think this is a symptom of a greater malaise in our society. This new phenomenon is called 'cakeage', which is the charging of a sum by a restaurant or pub for the bringing of a birthday cake into those premises. Birthdays are celebrated all over the world, and part of the Western European tradition is to celebrate it with a cake. Here in Australia, it is quite common for a person to bake or buy a cake for a family member and take it to a pub or restaurant where the celebration is to be held. I do not

think there is anything wrong with this. However, recently, restaurants in Adelaide and, indeed, Australia-wide, have started to charge families for the privilege of bringing their own cakes.

On Sunday I attended a birthday party in a public house, and I was the bearer of the cake. I spent quite a long time making the cake, and I made sure to bring it on a tray so that, when eaten, it would not leave a lot of mess. I walked into the public house and the barperson peered suspiciously across the bar at the offending cake, and he said, 'Is that a cake?' I said, 'Yes.' And then I said, 'You're not going to charge me cakeage, are you?' And he said, 'Yes.' It emerges that the pub in question wanted to charge me $20 for the pleasure of having a cake there.

When I asked what it would cover, I was told that the $20 covered the cost of the chef cutting the cake, putting it on plates and then washing the plates. The thing was, we did not ask for or want the chef to cut it. It did not need plates, and it was going to impose no extra cost on the pub at all. Some sympathetic staff member eventually gave us serviettes, and we recklessly cut and ate the cake anyway! It seems mean and greedy to me for a restaurant to deny people the right to bring a birthday cake or charge them for the pleasure. Apparently, some places are charging people $6 per head in cakeage!

This new custom has not escaped the eagle-eyed fourth estate, with a recent report in *The Age* describing our cakeage crisis. One restaurateur in that report said that it was bad for business to charge customers for a birthday cake, and he would not do it. Other restaurateurs admitted they do not want people to bring birthday cakes because they want their clients to spend money on desserts instead. Struggle as I might, I cannot bring myself to understand how $6 per head to bring a cake can be justified in any way at all.

I think that many everyday Australians are really struggling at the moment. They are struggling to make ends meet. House prices are soaring, fuel prices are high and the cost of food is escalating as it never has before in my lifetime. If a family chooses to spend their hard-earned money celebrating someone's birthday in a pub or a restaurant and that family pays to buy a cake or pays to buy the ingredients to make the cake, it is very wrong indeed to charge cakeage.

In fact, I think it is scrooge-like to charge the clients more money to cut a cake. I think that people should be aware of this matter, and I think that if this happens to any family or any individual they should just refuse to pay it. What is the pub owner or restaurateur going to do? Make them eat the cake in the toilet? No, indeed. Take your cakes with you and be proud.

TOURISM

Mr PENGILLY (Finniss) (15:28): I enjoy a piece of cake. I would have been quite happy if the honourable member had brought it in here and shared it amongst the lot of us.

I was pleased today to hear the Minister for Tourism talk about spending some money on marketing. For a long time in this place I have been pushing for an increase in marketing by the South Australian Tourism Commission, and, indeed, pushing for an increase in the marketing budget substantially. I do not hold out much hope of getting that in the state budget, given the peculiar way in which this government operates and how it chooses to cut off its nose to spite its face.

We are going into winter. Hopefully, shortly, we will receive substantial amounts of rain. We will soon go into winter proper and, with a bit of luck, it will rain for about three or four months and we will all be better off, regardless where we live. However, winter in the tourism industry is a particularly bleak and difficult time for operators, just bearing in mind that the tourism industry is a very large creator and producer of jobs for the South Australian economy. For the benefit of the house, I point out the difficulties faced by operators in the city during the winter, operators in the metropolitan area and also in the regions—probably more particularly in the regions.

Operators have to keep people on over the winter, they have to pay wages, they have to keep their properties maintained and the income streams are reduced dramatically. The marketing budget for the South Australian Tourism Commission is an enormous and highly responsible issue, and this government needs to get serious about poking a lot more money into it.

If one looks at what is going on in the metropolitan area during winter, after the so-called 'mad March', one will see that things are starting to drop off pretty quickly. Apart from a game of AFL football on the weekend and two or three other things that are happening based around the arts, quite frankly, there are not a lot of activities of any great tank for the general public to participate in with respect to tourism.

I again stress that the marketing side is critical. It does not much matter whether one goes to the West Coast—Sceale Bay, Port Lincoln or any of those places—the Nullarbor to look at the whales, the Limestone Coast, the Riverland, the Fleurieu Peninsula, Kangaroo Island or the Barossa: these areas need pushing like they have never been pushed before. They need pushing enormously hard. Just recently, some limited programs have been advertised on television for which I am most grateful.

I think that the CEO of the commission, Mr Andrew McEvoy, realises the importance of this. So, I hope that he has been able to push his minister into fighting for the tourism industry in South Australia to gain more money in this budget, instead of the regular cuts it has had. We have some unique attractions in South Australia that are there all year round and we need to have visitation increased all year round. Yesterday afternoon, when I attended the function at the Adelaide Zoo, I was pleased to hear Mr McEvoy, and also the minister, having a few words to say about it.

The Hon. M.J. Atkinson: In the Zoo?

Mr PENGILLY: Yes, at the Zoo. So, I think the message is finally getting through. However, when it reaches the razor gang in the cabinet, I do not know whether the minister can do any good there. She managed to roll the Treasurer on the permanent grandstand, so whether she can push him into a corner with respect to an increase in the marketing budget for tourism will be most interesting to see. The world does not revolve around the centre of Adelaide, and neither does the tourism industry. It has to be more widespread and we have to encourage people to visit South Australia in greater numbers—whether it be by driving, flying, or whatever. To achieve that, we have to market the job. I sincerely hope that, when the state budget is handed down in a few weeks' time, there will be good news with respect to that section of the budget.

Time expired.

MEDICAL RECORDS

Ms PORTOLESI (Hartley) (15:32): I rise today to speak on the subject of medical records. Of course, I am aware that the legislation is before this parliament in another place with respect to a specific proposal. However, this afternoon I wish to speak more generally about this matter, which goes beyond the issues identified in the legislation. Today I wish to draw to the attention of this house the conduct of Dr Mark Utten regarding the handling of medical records that he owns. The Medical Board of South Australia has a guideline for patients: a document which commenced on November 2007 and which, according to my research, is scheduled for review in November 2008. I am unsure as to the genesis of the guidelines, but they are an attempt at transparency, and that can only be a good thing.

The guidelines make a number of important points. They describe the nature of the information that should be kept in medical records. They state that medical records should remain confidential between the patient and the medical practitioner, although staff of the medical practice may access the records. I have no argument with this. Importantly, they make it clear that the medical records are the property of the medical practitioner or practice that the patient attends. However, patients have the right to access the information contained in the records as provided under the commonwealth privacy legislation. Again, I accept that.

Now we come to the source of much of the angst in this debate, and that is the transfer of the medical records to a new medical practitioner. Importantly, the guidelines state that there is a professional obligation for a medical practitioner to provide the new treating doctor with all the information they need in order to take over the patient's care. They suggest that the new doctor arranges the transfer of the records from the previous treating doctor. This, of course, was the subject of the dispute in my electorate in relation to the Glynburn Road medical practice.

Nearly two weeks ago, I received a phone call from the lawyer of Mr Chraszcz, a constituent of the Attorney-General (I will not hold that against him) who is representing the landlord at the centre of this dispute. He was calling, rather strangely, to offer me the 10,000 medical records. It was very tempting, but why? It was because the building that housed the medical practice had been sold and settlement was anticipated within 24 hours. He now had these medical records in his possession that he no longer wanted, because a totally unrelated business was moving into the building. He had hoped that a medical practice would move into the building and he could have passed on the medical records.

The Hon. M.J. Atkinson interjecting:

Ms PORTOLESI: Dr Portolesi; I will take your temperature later, Mr Attorney. I explained to him that the appropriate course of action was for him to forward the medical records to Dr Utten, who is now practising down south, and that former patients would be able to retrieve them from him—as is the case, I hope, in every other similar situation. Mr Chraszcz claimed that he tried to do this—and I have no reason to disbelieve him—but that Dr Utten placed a number of conditions on his acceptance of the records, including, for instance, that they be catalogued, ordered and boxed up in a particular way.

This was, of course, too hard and expensive for the landlord, and I suspect that is exactly the outcome Dr Utten wanted, because he has moved on from those patients and I suspect that he does not want to deal with them any more. Ironically, the landlord came to me for assistance and, through his lawyer, also approached the Department of Health and State Records. I am pleased to report that these records are now in the hands of the state government, basically because everyone else had bailed out.

I do not accept that in this case Dr Utten was upholding his professional obligation when he placed conditions on the acceptance of those files. The guidelines do not give doctors an out just because it is not convenient. This is the same Dr Utten, I believe, who, on 19 November 2007, in the middle of a fiery election campaign, presented Tony Abbott, former health minister, with a Most Innovative Health Minister award, which, of course, he is free to do.

Strangely, on the same day Tony Abbott announced that Dr Utten's Fountain Valley Medical Centre would become one of 25 family emergency medical centres planned across Australia, and that would attract $1.25 million in initial funding as well as $350,000 in recurrent funding if the government were re-elected. The final piece of the puzzle was the discovery shortly thereafter of the appointment of Kym Richardson to the role of CEO of the Fountain Valley Medical Centre.

I draw no conclusions about the connections of the events I have described; however, it looks to me like: Tony Abbott gets award from doctor; doctor's clinic gets an election promise of over $1 million; and failed Liberal member gets job. Win, win, win. One thing is very clear, though, and that is that Dr Utten should be spending a little less time ingratiating himself with his Liberal mates and a bit more time upholding his professional obligations to my constituents.

CONTROLLED SUBSTANCES (CONTROLLED DRUGS, PRECURSORS AND CANNABIS) AMENDMENT BILL

In committee (resumed on motion).

(Continued from page 3158.)

Clause 14.

Mrs REDMOND: The Attorney reminds me that before the break he had been extolling the virtues of silence and quoting from, I think, an Australian book that he is currently reading, wherein it is stated, 'He who is silent is saved.' I would like to put on record my response, because over the break I managed to dig out a quote from Pastor Martin Neimoeller. I could not recall his name (and I am sure many others could not recall it), but he famously said:

> First they came for the communists, and I did not speak out—because I was not a communist; then they came for the socialists, and I did not speak out—because I was not a socialist; then they came for the trade unionists, and I did not speak out—because I was not a trade unionist; then they came for the Jews, and I did not speak out—because I was not a Jew; then they came for me—and there was no one left to speak out for me.

The other one was by Edmund Burke, who is attributed with having said:

> The only thing necessary for evil to flourish is for good men to do nothing.

So, I think the weight of quotations is in my favour in that it is far better to speak out, albeit at the risk of being misinterpreted and misquoted by the Attorney on a regular basis. I felt another quote applied in those cases which was from Terence McSwiney who said:

> It is not those who inflict the most but those who endure the most that shall prevail.

The Hon. M.J. Atkinson: I think he was a hunger striker, if my memory serves me correctly from court.

Mrs REDMOND: Therefore, he endured the most. I will move on to the Attorney's comments in relation to clause 14 of the bill in which he seemed to want to place great import on his interpretation of my quite innocent comments before the break about the wording of the clause. I was about to point out that his second reading explanation contained only two brief references to

what was done by clause 14. No explanation of it was offered—certainly none that I can recall or made a note of—although I raised the issue specifically at the briefing which the Attorney's officers very kindly provided and I am pretty confident that I did not get any explanation similar to that provided by the Attorney in his response on the second reading to the effect that there is a problem to be addressed here. That problem is that, in spite of the law staying silent, in the Attorney's view—although we have no evidence, just the Attorney's statement to this effect, and I do not dispute it—the judges of our courts are creating a mid-range of penalty for amphetamines and he wants to ensure that those are dealt with at the higher range. I have no objection to that.

However, the explanation he gave in response to my second reading speech was the first that I had heard of that reason for this clause. My puzzlement about the clause was really on the basis that it is worded in the negative. Mostly, in legislation, we see provisions to indicate to a court the matters to which it should refer. Normally, under the Criminal Law (Sentencing) Act, for instance, we have a list of things to which the sentencing authority must refer in making its determination of an appropriate sentence. What puzzled me about this clause was that we were directing what was not a relevant consideration. To me, it is a bit like the very first rule of evidence that I ever learnt which was never to get yourself into a situation where the judge says that the jury should disregard that statement because, if the jury remembers nothing else out of the entire trial, they will remember what they were to disregard. So, it struck me as an odd way to go about this in the absence of an explanation that there was actually a particular difficulty that the legislation was trying to address.

I raised the issue in the briefing that it seemed odd for us to say that the fact that one drug might have different degrees of physical or other harm generally associated with consumption is not a relevant consideration for the purposes of the court determining its sentence. I am quite prepared to accept what the Attorney says: that there is a consistent pattern in the behaviour of our judges. I am certainly not aware of it and I make no pretence of being as able as the Attorney to keep up with the findings of each of our judges. I am too busy by far dealing with all these bills that suddenly appear before us—this week, particularly. If that is the case, that is fine. But in any event, I made no objection to the clause, so the Attorney entirely misstates the position. The Liberal opposition has never indicated anything but support for this bill. All I did in my second reading was to raise some questions which, as usual in my case, are largely about drafting and the Attorney provided an explanation, but I do not in any way resile from the earlier comments that I made.

The Hon. M.J. ATKINSON: I can say to the member for Heysen and to the committee, do not take my word for it. I read from the second half of the Court of Criminal Appeal head note in R v Ford (2008) SASC 46:

> Methylamphetamine will continue to be characterised as a drug in the middle range of seriousness in the absence of evidence from the Director of Public Prosecutions to the contrary.

That decision was reported in the Adelaide media and I am surprised that the member for Heysen did not see it, or take note of it.

Clause passed.

Remaining clauses (15 to 20) and title passed.

Bill reported without amendment.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (15:46): I move:

> That the bill be now read a third time.

I thank all members for their contribution, including the member for Heysen, and collectively they have seen the house safe to the other side of grievances.

Bill read a third time and passed.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (CLASSIFICATION PROCESS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 April 2008. Page 2595.)

Mrs REDMOND (Heysen) (15:48): I indicate that I will be the lead speaker for the opposition in relation to this bill and that, whilst I will not be opposing it—and I have no objection to raise to the bill—the only difficulty I have is that, because it was not on the list this week, it has not

actually been through our party room. Whilst I do not expect it to encounter any particular difficulty, I reserve our position as a formality until this bill passes to the other house.

It is, I think, a relatively straightforward and uncontentious bill primarily directed, as the Attorney said, by the federal government because for some years now we have had a classification system which is overarched by a national system and our legislation in this state follows the federal legislation, as does the legislation in the other states and territories.

One of the prime things that this particular legislation does is to simplify the process for classification of DVDs. I think most of us in this chamber probably would be aware that now it is often not very long from when a film is distributed and shown in cinemas to when the film will be available on DVD or occasionally video, but more often DVD these days. One of the difficulties that has come about and this bill seeks to address is simply that, when people produce DVDs, they commonly add into the DVD a whole range of extras, things such as interviews with the actors—

The Hon. M.J. Atkinson: Or the directors.

Mrs REDMOND: Or the directors, as the Attorney says, or information about how special effects were achieved, funny things that happened on the set—they have all sorts of things in these extras. They sometimes have deleted scenes, and that is probably the most important part because, until now, when you sought to release a DVD that had already been shown in the cinemas, the same film had to go back through the whole classification process and that obviously could slow things down and be quite burdensome administratively for very little effect.

Whilst it is still necessary to review these things to ensure that, for instance, deleted scenes do not contain material which would otherwise have changed the classification of the film, it is appropriate that we do not have to put the whole thing back through the same process. It is envisaged that a departmental officer, effectively, will review the DVD, particularly the new material, to ensure that the classification is appropriate. I do not know the details, but they will have to have special training, according to the second reading explanation. There will be a recommendation flowing from that, and that will considerably streamline and simplify the mechanism for the release of DVDs.

I do not get to the movies very often, but I noticed in the paper on the weekend an advertisement for a DVD of a film that I thought had only just hit the cinemas in the last couple of weeks, so I will be surprised at how quickly we are likely now to get DVDs if they are going through an even more streamlined process. That is one of the key provisions of this bill.

As I said, it is essentially to bring it in line with what the commonwealth has already done; that whole new process is actually a commonwealth process. There was a report done, I think, for the statutory authorities by John Uhrig, and his report led to the amendments which were passed by the commonwealth. One of the other key aspects of that was that they wanted to reinforce the independence from each other of the Classification Board and the Classification Review Board. They are two separate entities with two separate functions, but the report of John Uhrig indicated that there was some confusion as to the separateness of those, so the intention of the amendments is to make it clear that the Classification Board and the Classification Review Board are quite separate.

The South Australian act, as I said, is really a tool of the enforcement of the overall commonwealth legislation (so the South Australian act is primarily directed towards offence and enforcement issues), but the bill does provide some scope for organisations approved by the minister to make an application for the exemption from classification of a specific film at a specific event.

I always think that the Attorney-General, who likes to talk about people having two bob each way, likes to have two bob each way on these issues of censorship. He was somewhat gleeful, in fact, in introducing this legislation. In his second reading explanation, he referred to the fact that it is really to do with censorship and that he had had some success in having his SCAG (Standing Committee of Attorneys-General) colleagues finally adopt the term 'censorship'. On the one hand, he wants to appear to the world at large as though he is some sort of champion of the anti-censorship lobby—

The Hon. M.J. Atkinson: Me?

Mrs REDMOND: —but on the other hand—

The Hon. M.J. Atkinson: No, no; I'm a censor.

Mrs REDMOND: —he wants to bring in things and ensure that they are truly censored. The Attorney yells at me from the other side of the chamber, 'No, no; I'm a censor.' At least we have him saying clearly on the record that he is always in favour of censorship. I think I had another quote somewhere that would be pertinent to that particular comment, but I will not delay the house by finding it now.

As I was saying, the South Australian act is primarily directed to offence and enforcement issues, but this bill does provide some scope for organisations approved by the minister to make an application for exemption from classification of a specific film at a specific event. We already have that applying not only to the commonwealth but also to Queensland, New South Wales and Victoria, and this will bring our state into line with those states.

On the one hand, I think that there is considerable merit in that because one can imagine, for instance, a film festival at which a film which might otherwise not be released for general public entertainment might be given a special exemption for showing in particular circumstances for a particular event. So, I welcome that.

I am a little puzzled and I would like some explanation from the Attorney, if possible, about the fact that, as I understand it, this exemption now applies in the other states—that is, Queensland, New South Wales and Victoria—to all computer games. I am a little hesitant about that provision. I do not play computers games—never have, never will—but from the little I know of computer games, whilst many of them are harmless (indeed, I would say mindless), nevertheless there seem to be some computer games that are so graphic in their violence or sexual content that I am curious as to whether the intention is that computer games per se, by virtue of being computer games, are to be given the exemption contemplated by this South Australian legislation. Alternatively, if we became aware of a particular computer game which had graphic and possibly realistic animations involving dreadful acts which would otherwise be classified as not even deserving of an R classification but beyond anything that the Attorney was prepared to classify, would there be an ability not to exempt a particular game?

If the intention is to exempt computer games per se, will there remain an ability to exempt a computer game if there is a view that a particular game is such that, were it filmed for public viewing, it would be objectionable? Is the reasoning that it is not the public viewing which is problematic but rather the content itself and the impact that that content is likely to have on any viewer of that game? Perhaps the Attorney could address that issue in his response.

We are not proposing any amendments to the bill. As I said, at this stage, on the basis of the government's advice that this bill was not coming on this week and given that we had other matters to deal with in the joint party room, I did not list it on our joint party room papers for this week, although it had been through our legal affairs portfolio committee and it is largely a technical event bringing us into line with legislation which we have already adopted in this state. I do have that question about the issue of computer games and would appreciate the Attorney's response in his summation.

The DEPUTY SPEAKER: I call the Attorney and point out that if he speaks he closes the debate.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (16:00): The member for Heysen drew attention to proposed section 79A, and it reads:

> The minister...may...approve an organisation for the purposes of section 77(3)—

that is, for an exemption—

> if the organisation carries on activities of an educational, cultural or artistic nature.

There are considerations to take into account. There are conditions. If the conditions are breached, if the organisation acquires a different reputation by events, then I as the minister can revoke its exemption. I hope that deals with the member for Heysen's question, and I thank the House of Assembly Liberal Party for dealing with this matter at such short notice.

Bill read a second time.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (16:02): I move:

> That this bill be now read a third time.

Mrs REDMOND (Heysen) (16:02): I wish to seek a little more clarification. The second reading explanation says about section 77:

> The bill amends section 77 of the South Australian act to extend its application to computer games in line with other states in the commonwealth classification legislation.

It goes on to say:

> The same tests that apply to the decision to approve an organisation for the grant of an exemption from classification of a film will apply in the case of a computer game.

Can the Attorney clarify whether that means that, indeed, all computer games will be individually considered, subject to an application for exemption? I want to be clear about what the circumstances will be with regard to computer games which may be made in South Australia, created elsewhere and brought into this state, or created overseas and brought into the country and then into this state. I want to be clear about what the classification process will be for computer games, and I have deliberately chosen not to go into committee because I have no amendment to offer and no suggestion. I am just trying to clarify the record so that when this bill reaches the other place we will know the answer to that aspect and hopefully be able to move it forward.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (16:05): The idea is that an organisation will have a reputation as being trustworthy. The organisation will have a reputation as being a genuinely educational, cultural or artistic organisation and, if it chooses—

The DEPUTY SPEAKER: Order! I have pointed out that if the Attorney speaks he closes the debate.

The Hon. M.J. ATKINSON: Yes, Madam Deputy Speaker, so it had better be a good answer. If the organisation screens a film or uses a computer game, then I can exempt it from the classification process, and I do so because I can trust that organisation to abide by the classification rules without forcing it to take all its films and computer games through the classification process. I would not be able to do that for most—indeed, any—commercial organisations, because so many commercial organisations will flout the classification rules to make a quid.

Mrs Redmond: They might flaunt them, as is so often the case.

The Hon. M.J. ATKINSON: Yes. We are against flaunting, especially in this area. But some non-profit organisations of an educational, cultural or artistic nature can be relied upon to abide by the classification rules. For instance, one of the jobs that I have—usually each day of the working week—as Attorney-General is to—

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: No, not watch R-rated videos. Thank you for the nice thought, but, no. My job is to receive applications from educational, cultural and artistic organisations wanting to screen a foreign film or cartoon, which has not yet been classified in Australia. They sign a statutory declaration in which they say that they are aware of the classification rules and that the film or cartoon they wish to screen in South Australia is not higher than a particular classification. They so swear and sign it, and I accept their assessment. However, often I will ask them to include a summary of the plot, a description of the film or cartoon and the audience to whom it will be screened.

Sometimes I will know those organisations well. For instance, there is a man in Adelaide who screens films in Telegu and the Tamil languages from India, and I know that, as Attorney-General and from six years' experience, if a film is produced in the Telegu or Tamil languages it will not flout our classification rules. Indeed, it will not even be MA15+. It will be produced in accordance with the norms of our parents and grandparents, and therefore it is a film that can be screened at the Mercury Cinema without my having to sit down and watch it. But, of course, when I am criticised by Katrina Sedgwick, Margaret Pomeranz and others for asking the Classification Review Board to consider the classification board's classification of a film, they say, 'Oh, why didn't the Attorney-General look at the film himself?'

Well, of course, if I did that, what would they say, member for Heysen? The next thing they would say is, 'Made you look you dirty chook!' That is what they would say. So, I do not watch these films. I rely on the statutory declaration of the promoter, and, after this bill is passed, I will rely on the good reputation of the educational, cultural or artistic organisation. If they cheat on the rules,

they will no longer be exempt. I hope that has answered the member for Heysen's question, because, if it has not, she does not have another go.

Bill read a third timed and passed.

ADJOURNMENT DEBATE

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

That the house do now adjourn.

PLANNING

Mr VENNING (Schubert) (16:10): I never waste the time of the house, but, if they wish, members can go. I want to take the opportunity this afternoon to raise a couple of issues that have been bugging me for quite some time, particularly planning. Planning is always an issue, and MPs often hear plenty about it. I want to bring one such event to the attention of the house relating to the Waechter family vineyard at Eden Valley. Apparently, the family bought the vineyard as a going concern a few years ago and began to expand the plantings. A neighbour living alongside objected. He used to work for the Barossa Council as its planner. Of course, one can imagine the problem here. It turns out—

The Hon. J.D. Lomax-Smith interjecting:

Mr VENNING: Absolutely. It turns out that the neighbour objected and the Waechters will now have to build a three-metre high earth mound the full length of the vineyard with a buffer strip. That is the first time I have known that to happen in the Barossa Valley. I believe that if you live next to the airport you have to put up with airport noise. If you live next to a vineyard and the vineyard was already there, certainly, you have to get used to living next to the vineyard. The noise factor occurs only a couple of times a year, particularly during harvesting. There is not much noise any other time, but that was the problem.

The problem was the actual harvesting and also the spraying of the vines. We have this three-metre high mound. I am very concerned about what sort of precedent this sets, because it is damn unsightly. Eden Valley is a beautiful part of South Australia—absolutely beautiful. Here we have this three-metre high mound just so that people living there will not have to hear the tractor for two or three days a year, and I find that ridiculous. This is planning gone mad, and a very bad precedent to boot. I took it up with the council and the council said that its hands were tied. The person who objected obviously knew his rights; and, as the minister reminded me, he does have rights. Yes, he does.

But I think that common sense in this instance should have prevailed, and now we see this family having to incur the huge cost of putting in this huge mound. Of course, that mound will take up the room of some of the vineyard, so that is another expense.

To top it off, this week Mrs Waechter again contacted me (and the Waechter family is a very respected family), because they had bought a small chemical shed in which to store their chemicals, which is required by law. You buy these sheds off the shelf; it is a bunded chemical shed, two metres by two metres. Because it is not greater than 10 square metres you do not normally need development approval for it. However, we found out this week that, because it is used 'as a business', it is classed as a business use and, therefore, is a class 7, and it has to have development approval and all the bizzo that goes with it, including a lit exit sign and all the works. Can you imagine a lit exit sign in a little shed two metres by two metres? It is bloody ridiculous. It is just a nonsense.

I object to it, because these sheds are sold by most of the agricultural resellers. You can buy one of them off the floor in a flat pack and you build them. I would say that their use will always be classed as 'business', because the people who are buying them are farmers or the owners of vineyards. So, they will all be classed as class 7. What a nonsense this is: a little shed two metres by two metres and you have to have full approval to put it in your backyard. This means that the Waechters will not be able to build that shed. They did not apply for it in the first place because they did not think they had to, and now they will not build the shed. So, they will be keeping chemicals somewhere else.

What sort of message are we sending to these people? We applaud them for trying to buy a shed and store their chemicals safely in a fully regulated and approved bunded shed; in other words, if the chemicals leak they cannot get out. So, again, the wrong message is continually being sent. Commonsense seems to go out the door when we come to discuss these matters, and it really gets up my nose.

When I was the presiding member of the ERD Committee we often had to look at planning issues, and I thought that when we set up the new development approval panels within the councils we would have solved a few of these problems; but apparently not. These problems should never have reached this level. It is ridiculous that these good, law-abiding people and good citizens are continually frustrated by matters such as this. Here we are with a vineyard with a massive mound, and there is this nonsense about the shed.

I was privileged last week to visit Seppeltsfield with the Minister for Water Security (Hon. Karlene Maywald) to christen Seppeltsfield under its four new owners. It was good to meet Mrs Janet Holmes a Court there. It certainly was a great occasion. I was even more pleased to partake of the brilliant wines, because Seppeltsfield arguably has the greatest and best fortified wine collection in the world. That is a big call but, after trying all of them out, I report to the parliament, on your behalf, it is a justified—

Mrs Redmond: The Barossa Valley made that list of 53 places you must go.

Mr VENNING: You are dead right. This is one of 53 places you must attend. Certainly, Seppeltsfield's reputation that it has the finest fortified wine collection in the world is justified. I can testify to that, because both the minister and I did a regular routine testing of the product, from the 100-year old ports right down through the fino sherries, and it was just wonderful. It will certainly add to the tourism drawcard: instead of being in 53rd position for the most visited place, it will be the first or second because, without a doubt, Seppeltsfield is a lovely place.

I am very pleased to report to the house that the new owners will certainly promote the heritage part of Seppeltsfield. They are refurbishing a lot of the old areas, particularly the gravity tanks that they used to use for wine making in the old days. So, it will become an even greater tourist attraction than it already is, not only because of the fortified wine collections but also the fantastic buildings and the beautiful grounds.

However, I was concerned when I realised that this beautiful icon of ours is not in the Barossa Council: it is in Light Regional Council (not that I have a big problem with that). I had a great discussion with the Mayor of Light Regional Council, but the Mayor of the Barossa Council was not there, and that highlights the problem. As I said to Mr Robert Hornsey and his lovely wife Anne, 'It's great to see you here, but where is the Mayor of Barossa?' He said, 'Well, it's not Barossa; it's Light council.' So, there is the problem.

I am very quietly discussing with the Minister for Local Government the issue of council boundaries in my area. It is a controversial issue for a member of parliament to become involved in: you do not make friends. You can easily upset half of your electors real quick. However, I believe it is my responsibility, because I think that areas such as this should at least come under some scrutiny.

If people do not want to do it, leave it like it is. But as their member I should give them a chance to say, 'Hey, it is a bit of a nonsense that Light council boundaries go right into Nuriootpa,' which the biggest town in the Barossa—in fact, all the Marananga area and Seppeltsfield are in Light Regional Council. Should that area not be in the Barossa Council? Likewise, the beautiful Henschke winery at Keyneton is in the Mid Murray Council area. For the sake of moving the boundary a kilometre, should that not be in the Barossa?

These questions need to be asked. I believe that, 10 years ago, when the amalgamation of councils was undertaken, we erred in not straightaway looking at these boundaries. The boundaries we are using are 100 years old. They need to be reassessed and placed along modern lines where the community interest is and where the communities have grown, because they have certainly outgrown the old boundaries.

Time expired.

Motion carried.

At 16:21 the house adjourned until Wednesday 7 May 2008 at 11:00.