HOUSE OF ASSEMBLY

Thursday 13 November 2008

The SPEAKER (Hon. J.J. Snelling) took the chair at 10:31 and read prayers.

STATUTES AMENDMENT (SURROGACY) BILL

Second reading.

Dr McFETRIDGE (Morphett) (10:33): I move:

That this bill be now read a second time.

I thank the Hon. Bob Such, Mr Kris Hanna and the Hon. Iain Evans for allowing me to move this motion ahead of their business. The Statutes Amendment (Surrogacy) Bill has a long history. It has passed the other place after two years. It was introduced in June 2006 by the Hon. John Dawkins. It has had a fairly tortuous path through the other place and is now the Statutes Amendment (Surrogacy) Bill 2008.

The bill has been withdrawn on motion a number of times and was referred to the Social Development Committee in 2006, and I will refer to the committee's report at a later date. The Social Development Committee reported in November 2007 and recommended that the state government prepare a bill legalising gestational surrogacy and making the necessary changes to the birth certificate arrangements. No government bill was introduced but the Hon. John Dawkins reintroduced this bill that we have before us now in February 2008.

The bill seeks to amend the Births, Deaths and Marriages Registration Act 1996 and the Reproductive Technology (Clinical Practices) Act 1988 to ensure that the genetic parents are listed on the child's birth certificate. At present, the surrogate mother and her partner are listed on the birth certificate as the mother and father.

The bill also seeks to amend the Reproductive Technology (Clinical Practices) Act 1988 to recognise the rights of children born through gestational surrogacy procedures. This is a conscience vote for both parties. I understand the government is supporting this legislation. It will be good to see this legislation pass through both houses; it will be an historic moment.

This is a controversial and complex issue. There are legal, ethical, medical, psychological and social consequences that need to be addressed, and it would be quite right to say that public opinion on the issue is divided. I think it is not an even divide, though. I think the vast majority, as with many of these issues, are in favour of this legislation passing.

The purpose of gestational surrogacy is to enable childless heterosexual couples, either married or in de facto relationships, to use their genetic material to have children when the woman is unable to carry a child due to medical reasons. This is not to discriminate against same sex couples but to give heterosexual couples the opportunity to have children.

Surrogacy laws differ across Australia: some allow surrogacy to occur, while others prohibit its use. South Australians are able to travel interstate to undergo gestational surrogacy procedures. The Standing Committee of Attorneys-General has agreed to consider the possibility of introducing consistent surrogacy laws across all Australian states and territories, and we look forward to that move.

The need for reproductive medical clinics providing surrogacy technology and the necessary medical expertise in those clinics is vital, and the need for this legislation to be enacted will allow that to take place. When considering this legislation it is vital to consider the welfare of children born of gestational surrogacy procedures and to ensure that they are completely protected by law. The needs and best interests of genetic parents and surrogate mothers should also be taken into consideration.

I acknowledge the hard work that has been done by the Hon. John Dawkins and Mrs Kerry Faggoter, who has been an advocate for this legislation. It has been a long time coming. It is good to have it introduced in this house and I look forward to further debate in the ensuing weeks.

Debate adjourned on motion of Hon. L. Stevens.

STATUTES AMENDMENT (ENTITLEMENTS OF ELECTED REPRESENTATIVES) BILL

The Hon. R.B. SUCH (Fisher) (10:37): Obtained leave and introduced a bill for an act to amend the City of Adelaide Act 1998; the Local Government Act 1999; the Parliamentary Remuneration Act 1990; the Parliamentary Superannuation Act 1974; and the Remuneration Act 1990. Read a first time.

The Hon. R.B. SUCH (Fisher) (10:38): I move:

That this bill be now read a second time.

Members may recall that I have previously introduced an identical bill but, due to the prorogation of parliament, I now need to reintroduce it. In essence, this bill puts in the hands of an independent tribunal all those matters referred to in the title, and that includes allowances for local government, salaries and superannuation for MPs, and other entitlements that MPs may need as a result of undertaking their duties.

This should have happened a long time ago. Allowances, superannuation and all other entitlements should have been considered by a genuinely independent tribunal. We do not have to create one; we already have one, and that tribunal makes determinations in respect of justices and other senior officers. We currently have the farcical situation where our salaries are linked to those of federal MPs which, in turn, are linked to the federal public service; and, as members know, our salary is $2,000 less than the amount federal MPs receive.

The superannuation arrangement for new MPs in this state—the ones who were elected in 2006—is very different from that for people who came in many years ago. Since entering this parliament in 1989, superannuation schemes have changed considerably. It is in the interests of not only MPs but councillors, mayors, and the like, that any pay or allowance is determined by an independent body, not by MPs or councillors themselves, or by the LGA. That is quite inappropriate, and MPs and local government would be held up not so much to ridicule, but there might be suggestions of feathering one's own nest whilst we continued with a system where we avoided having an independent tribunal determine what salaries and other benefits should be.

The tribunal is in a position to carry out a proper analysis, and I think that we would avoid the unfortunate situation that occurred following the behaviour of Mark Latham, who carried on about superannuation for federal MPs. Then, in an unfortunate reaction to what Mark Latham generated, the then prime minister, John Howard—instead of getting a considered view and putting this issue to an independent panel of experts—cut the superannuation of new members drastically in a knee-jerk reaction, and subsequently elevated it slightly for federal MPs.

Decisions about superannuation or salary should be determined by people who are expert and competent in that field; they should not involve knee-jerk reactions by people like the former MP Mark Latham who, ironically, went on to claim his full super after having helped to deny new members the benefits of the scheme that he enjoyed, and currently enjoys. So, there was an irony in his behaviour as it affects new MPs.

I am not sure what superannuation should be paid to MPs. If I knew the answer, I would not be advocating an independent tribunal, but I suspect the superannuation now payable to new MPs does not really reflect their situation vis-a-vis federal MPs, the private sector or even the wider community in terms of their responsibilities, and so on. That should be determined by an independent body. How much is an MP worth? Well, how long is a piece of string? The independent tribunal can determine judges' salaries, so I am sure that it would be quite capable of getting advice and determining MPs' salaries.

The current situation is clearly unsatisfactory. If MPs allow the situation to continue involving this fragile, flimsy and questionable arrangement whereby they are linked to the salaries of federal MPs and federal public servants, over time they leave themselves open not only to being criticised but ultimately to being subject to the whims of people such as the current Prime Minister who, as we know, has frozen the salaries of federal MPs and, as a result—as a flow on, in effect—has frozen the pay of local MPs. I took up that issue with the Prime Minister and said that I disagreed strongly with that approach. My argument is: why do you freeze the pay of MPs when you do not freeze the pay of anyone else? If you are going to have it—and I thought it was a union principle—one in, all in. Apparently, that was not to be the case. So, MPs have their pay frozen—

Members interjecting:

The Hon. R.B. SUCH: Well, the point I raise, and continue to raise, in this knee-jerk reaction by the Prime Minister is: what do you do next year? I have not seen the quote but I am told that he said something like, 'There will be no catch-up.' When do you adjust? When I wrote to him, the answer came back from the finance minister, Lindsay Tanner, I think, and the argument was: 'We had to freeze MPs' salaries because of inflation.' The number of MPs in Australia is not all that great—less than 1,000. If it is such a critical issue, why don't you freeze everybody's pay? It cannot be that critical.

It was a political exercise—some would say a political stunt—to freeze the pay of MPs. It achieves nothing. As I pointed out in the letter, I am in the fortunate situation where I do not have a mortgage or little children, but a lot of young MPs do and, not only that, those who are in a party have to contribute about $8,000 currently towards their party, and I think that is very reasonable. However, when you take into account that contribution to their party, their mortgage and all their other expenses—and we all know that, as MPs, we are always putting our hand in our pocket to support various things—the new MPs, in particular the younger ones, I think have been dealt with very unfairly and harshly in that move by the Prime Minister which was designed presumably to get him an extra vote.

You will not get one extra vote for freezing the pay of MPs. You could literally flog every MP on North Terrace and you will not get one extra vote. Sadly, we have had a few MPs in another place who have taken the opportunity to give their colleagues a whack around the ears over the matter of a car and, in that regard, the Hons Sandra Kanck and Nick Xenophon (former MLC), I think did not behave in the way they should have. You can always score a point by whacking other pollies around the ears.

The car deal which, once again, should have been dealt with by the independent tribunal, which is what I wanted, is not all that generous a deal when you look at it closely. It has helped country members, and I am pleased it has, because, apart from the fact that they have to drive tremendous distances, the cost to them of doing their job was really out of the ordinary. To any MP—and only a couple do not need a car, I acknowledge that—who is not using a car to do their duties as an MP, I do not know what you are doing. How can you be an effective MP without using a motor car for work purposes? We pay, as we know, $7,000 for the private benefit. When looking at the statistics, I noted that one MP used less than $1,000 worth of petrol in a year.

An honourable member: They are not doing their job then.

The Hon. R.B. SUCH: They could be living at the top of a hill so that they can come down in neutral so that they are only paying for petrol to get back up. I do not understand how anyone can do their job in this day and age as an MP without using a motor car and I do not know any workplace that does not provide one for work purposes. We are not talking about pleasure, and I do not know any MP—certainly not in this house, and I am sure I speak for the other place—who does not pull their weight in terms of their job.

It is not a matter of bragging, but the other Sunday I had three functions in one day, some way down south. You have naturalisation ceremonies. It is not uncommon to be doing hundreds of kilometres a day. So, that issue should have been dealt with by an independent tribunal. It was not but it should be. Likewise, councils are going through this contorted process at the moment considering how much they should be paid in allowances. Let the independent tribunal determine it, using expert advice that is available in the community.

My plea is very simple. You see silly people suggesting things, for example, a letter yesterday implied that MPs only work when parliament is sitting. As I tell people, parliament is the smallest part of what we do—it is an important part, but it is the smallest part of what we do. So, let us have the issue of salaries, superannuation and all the other entitlements decided outside of the political process so that you do not have future prime ministers putting a freeze on or taking a freeze off. Let MPs be paid what the independent tribunal decides is appropriate. You will never convince everyone in the community about MPs because most of them do not understand what MPs actually do and, when you try to explain it, they say, 'You are a good MP.' But they categorise all other MPs as being unworthy, which is unfair and untrue.

I will try again with this bill and I suggest to members that, if you do not follow this particular path, it will not hurt me but it will hurt new members of parliament, particularly, and the younger members of parliament who are in here, and it will come back to bite you because you have not chosen to go down that independent path. I make no apology for creating a situation where MPs got a car. I think that was long overdue. I was prepared to wear the flak for it. I got some flak, but

MPs should not be in a position where they flagellate themselves and do not allow themselves to be paid a proper income or get proper allowances.

Anyone who has been a minister would know that, if they are doing their job, they work their butt off and they barely have time to go to the toilet. When you compare what ministers get with those at comparable levels in the private sector, most of them, although not all, are grossly underpaid.

I commend this bill to the house and I urge the major parties, particularly, to support it, because I do not want to hear in 10 years' time or so that MPs are saying, 'We are paid a pittance and the superannuation for new members is discouraging good people from coming into parliament.' The salary should be appropriate and the superannuation should not be instead of the salary; they should all be appropriate and they should be determined by an independent tribunal, as they should for local government. I commend the bill to the house.

Debate adjourned on motion of Hon. I.F. Evans.

LOBBYING AND MINISTERIAL ACCOUNTABILITY BILL

The Hon. R.B. SUCH (Fisher) (10:53): Obtained leave and introduced a bill for an act to provide for the disclosure of lobbying of senior public officials; to make unlawful the holding and trading of certain property by serving ministers; to regulate the post ministerial employment of ministers and ministerial advisers; and for other purposes. Read a first time.

The Hon. R.B. SUCH (Fisher) (10:54): I move:

That this bill be now read a second time.

This bill is also a reintroduction, so I will be briefer than I was with the previous bill. As the title suggests, the bill requires disclosure of lobbying of senior public officials and puts constraints on what serving ministers can do as well as on the post ministerial employment of ministers and their advisers.

At the outset I would like to say that I believe South Australia has been blessed with having a fine record of honourable behaviour in the public service and amongst elected officials. That is not blowing our collective trumpets too much, and it is fair to say that South Australia has generally had a tradition of integrity, honesty and proper behaviour by our public servants as well as by our members of parliament. That is not to say that there have not been occasional indiscretions and inappropriate behaviour, but they are fairly rare.

So, members may ask why we need to introduce a bill to regulate lobbying and provide a register of activities. Well, no society, state or country will ever be immune from inappropriate behaviour by elected officials or public servants—and we are no exception in that regard. This bill sets out clear guidelines and defines what is lobbying, it tightens up the code of conduct, requires lobbyists to lodge returns, and provides for ministers to divest themselves of shares. It also restricts certain behaviour by former ministers and ministerial advisers when they cease to be in those positions. If elected and public officials are not doing anything untoward then they have nothing to fear; however, I believe we have to be very careful that we do not create a situation that makes it possible for people to behave in an inappropriate way. There are often multimillion dollar contracts, investments and so on involved.

I was pleased to see that the Treasurer has cautioned all ministers, and I guess all public officials, about their dealings with people who are in the business of selling public-private partnership arrangements, and so he should; but I think we need to go beyond a simple caution from the Treasurer. We need to have in place mechanisms which help ensure that people do not step over the line. I do not have a problem with people trying to influence the government in a legitimate way; that has happened since the beginning of time, and it will continue to happen. However, we must make sure that we have proper rules in place so that we get the behaviour we would expect from elected members, ministers and senior public officials.

I commend this bill to the house. I believe it is a step forward in ensuring that South Australia continues to have an enviable record in regard to a high standard of integrity and accountability in respect not only of members of parliament and ministers but also senior public servants.

Debate adjourned on motion of Hon. I.F. Evans.

CORRECTIONAL SERVICES (PAROLE) AMENDMENT BILL

Mr HANNA (Mitchell) (10:58): Obtained leave and introduced a bill for an act to amend the Correctional Services Act 1982. Read a first time.

Mr HANNA (Mitchell) (10:58): I move:

That this bill be now read a second time.

I was deeply troubled by the story of a constituent, a Mr Trevor Cheesman, who was the victim of a home invasion a few years ago when he innocently visited his son's home. On that occasion three assailants entered his son's residence and, upon being challenged by Mr Cheesman, attacked and severely injured him.

Mr Cheesman's interaction with prosecution authorities and the court system has been deeply unsatisfactory. He attended the sentencing of the three offenders with his wife. He was aggrieved that one of the offenders, who was a juvenile at the time, was given a suspended sentence. He was also aggrieved that the two other offenders were given sentences of substantially less than five years, given the serious injuries he suffered and continues to suffer.

At the time, he was informed of the head sentence that had been handed down in respect of the guilty parties. Like many people, he assumed that was the sentence that would be served by the offenders. Although he was told that there was a nonparole period of nine months, he assumed that they would only be let out at the minimum time if there were exemplary behaviour on the part of the offenders and that it would be in somewhat exceptional circumstances that a person would be let out at that bare minimum. He did not really think about it much at all because he was focusing on the head sentence.

He was quite shocked when he learned subsequently that, in fact, for a sentence of less than five years, even in the case of such a violent crime, the nonparole period is, in effect, an automatic release date. It does not matter terribly much how the offenders behave in prison, it does not matter whether they receive any rehabilitation help, and it does not matter whether they appear to have been rehabilitated (nobody even checks that), they are released at the end of the nonparole period. In the case of sex offences, that is not so. There needs to be an evaluation of the offender before their release at the end of the nonparole period.

The bill I bring to the House of Assembly today suggests that the same process should take place in respect of violent crime. The legislation I bring forward is very simple. It ensures that there must be consideration of whether it is suitable to release a person at the end of the nonparole period if it is an offence of personal violence, and I define those offences of personal violence. They are existing offences, such as home invasion, robbery or a conspiracy to do one of those things and, indeed, include an offence that is committed with violence or the threat of violence.

I am paraphrasing, but members can look at the definition of 'offences of personal violence', which are described in the legislation, and decide for themselves whether they are sufficiently serious to warrant an evaluation of the offender at the end of the nonparole period, rather than have them released back into the community without any real assessment.

The way things work at the moment is, in a sense, a failure in terms of the truth in sentencing principle, because most members of the community, if they hear, for example, that an offender has been sentenced to three years' imprisonment with a one-year nonparole period, assume that it is a three-year sentence of imprisonment. They assume that the offender is facing three years of imprisonment. They do not really expect that, without any real consideration, the offender will automatically be released after that one-year period.

So, to ensure that there is more truth in sentencing, and to satisfy the wishes of the community for sentencing to be readily understandable and straightforward, I bring this proposition to the house. I need not explain the clauses of the bill more than I already have.

Debate adjourned on motion of Hon. I.F. Evans.

LOCAL GOVERNMENT (LITTER) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 October 2008. Page 513.)

Ms BREUER (Giles) (11:05): I want to speak briefly on this issue because it is of concern to us. Litter certainly concerns both local and state government; therefore, the state government is

developing an integrated response to littering that will involve both local governments and state government agencies. We know that in the past local government has been very good on this issue, and it has been interesting to look at the Tidy Town Competition over the years and see what happens in communities and to go into those communities and see how clean and wonderful they are.

This is different from the old days, and I remember that my mother had the old attitude to litter. We would be driving along in the car, and she would open the car window and throw something out. The kids would say to her, 'Mum, you can't do that.' She would say, 'Yes, you can. There's no-one behind us.' That was very often the attitude for many years. I think that she was like that until the day she died and she would consistently do that. A lot of people have that attitude. It is interesting when you go overseas and see the amount of litter in various places. You can work out the government's attitude to litter and that of the council, shire, or whatever, just by looking around the place.

The Minister for State/Local Government Relations will be writing to the LGA asking for views, not just on appropriate penalty regimes for littering and associated practices, but also to raise problems associated with cigarette butts, which are becoming a major problem, and litter in the vicinity of fast food outlets. If you go to a car park where there is a fast food outlet such as McDonald's, Hungry Jack's or Kentucky, there is always litter. People seem to think that they can just drop it anywhere. A lot of the time I think that could be alleviated with more rubbish bins, but they are often not around. However, it is a problem in fast food outlets.

The honourable member opposite suggested that a scheme in Victoria, under which members of the public dob in litterers, has been a great success. Maybe it has, but what he is doing there is equating success solely with an increase in infringement notices rather than, perhaps, any reduction in litter; so, we would want to see that further qualified. Are we talking about more people getting fined, or are we really getting some sort of reduction in litter?

There is no need for dob in provisions that are unique to litter, because any member of the public can already report the commission of any offence to the South Australian police or any other enforcement body. This is certainly something that I have been tempted to do at times when I have seen people just dropping stuff and really not taking any notice.

One of the big problems that is occurring, particularly in country areas, is people dumping their rubbish out in bushland and ruining that bushland. I know that there are areas in Whyalla that people seem to see as an alternative rubbish dump. That can be reported by anyone. Deciding whether or not to issue an expiation notice for any offence is always a matter of discretion for police and councils. Some councils are certainly very hard on littering and do issue those notices. It is often not hard to find out who has actually dumped the litter.

The provisions proposed by the member opposite would certainly do nothing on their own to alter the position. I am opposing this measure. Litter is certainly a problem of our age, but I do not think that this would alleviate anything.

The Hon. I.F. EVANS (Davenport) (11:10): I thank the member for Giles for her comments.

Second reading negatived.

GAMING MACHINES (HOURS OF OPERATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 October 2008. Page 514.)

Mr GOLDSWORTHY (Kavel) (11:11): I rise to speak in support of the bill that the member for Davenport has brought to the house. I know that it has been reintroduced from the previous session of parliament. When parliament was prorogued, the bill fell off the *Notice Paper*, and the member for Davenport has reintroduced it. When it was before the parliament previously, I spoke in support of it.

I think it is important that licensed premises that operate poker machines close at a consistent time for some period during a 24-hour period so that people who have issues with problem gambling do not have the avenues to pursue that problem by locating a venue to continue gambling on poker machines. I am pleased to support the member for Davenport's legislation.

Mr VENNING (Schubert) (11:12): Likewise, I always take the opportunity to speak on matters like this, and I congratulate the member for Davenport. I will not speak for very long. I was here in this house when poker machines were introduced. I did not support it then and I never have since, because poker machines should never have gone into local hotels. They should have been restricted to specific licensed clubs. I am happy to support this measure because it restricts the operating hours.

In our communities we see that poker machine hours are causing a lot of havoc, and I think it is common sense that we have some conformity and at least force people to go home to their family rather than spend all night playing pokies. Again, I commend the member for Davenport, and urge the house to support the bill.

Debate adjourned on motion of Ms Breuer.

ENVIRONMENT PROTECTION (PRODUCT DEPOSIT SCHEME) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 October 2008. Page 731.)

Ms BEDFORD (Florey) (11:13): The government welcomes the interest being shown in these issues. However, the measure is at odds with the opposition's stance on plastic bags, and, so, the bill will not be supported. Extension of the container deposit legislation (CDL) may provide a solution for some wastes—those passing quickly from purchase to consumption where cleanliness is not the issue, such as cardboard milk cartons—but it is unlikely to provide a solution for the wider range of products in the waste stream.

In any event, there are solutions based on a complement of products, stewardship and extended producer responsibility. Exploring these solutions will be a government priority. Just last week, the Environment Protection (Waste to Resources) Policy (EPP) was released for consultation. This draft policy is the first step in banning waste from landfill, including e-waste, compact fluorescent lights, fluorescent tubes, batteries, medical sharps, and tyres.

The purpose of the EPP is to provide a time frame to ensure systems are in place for the resource recovery of waste prior to the ban of waste to landfill; that is, computer monitors and TV bans are proposed to take effect one year after the commencement of the EPP, with other electronic waste three years post commencement.

The design will be complex. It will include the responsibility of the consumer, producer, broader communities and regulators. It will be economically feasible and responsible. A national approach is obviously desirable, and at last week's ministerial council meeting the ministers supported the development of a national waste policy and the compilation of a comprehensive report on waste. Council also resolved to support several initiatives to improve the management of priority waste issues (including product stewardship policy) at the national level. If an agreement is not reached, the government has resolved to go it alone. A simplistic solution, such as the extension of CDLs, is not believed to be the best answer.

The Hon. I.F. EVANS (Davenport) (11:15): I thank the honourable member for her comments. Obviously that brief was provided by the department. Unfortunately, the arguments put forward by the honourable member are simply not valid. The CDL program about which she talks has been operating for 25 years without a national scheme. We talk about needing a national scheme for waste, recycling or litter reduction, but the fact is that the proof is in the pudding in South Australia—our system works.

The reality is that to bring in product deposits on a range of other goods would be a community benefit, and simply banning them from landfill does not solve the problem. I give the honourable member the example of rubber tyres that are banned from landfill. If you drive around the country you can see mountains of rubber tyres, because the system has not dealt with them. Once you ban them, you need a market to get them recycled. What the deposit system does—as it did with the container deposit system—is to work hand in glove with developing a recycling market. What my bill did and does is set up a framework. It commits the government to do nothing. All it does is set up the framework so that in one, two, five, 10 or 20 years, when the recycling market is developed, a product deposit can be introduced. The government's response essentially says, 'This idea is not our idea, so we will not support it.' The government's stance is pathetic.

Second reading negatived.

CIVIL LIABILITY (OFFENDER DAMAGES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 September 2008. Page 264.)

Ms SIMMONS (Morialta) (11:20): The government's position is that it supports the general policy of this private member's bill, but thinks that the details are sufficiently flawed that the bill should be opposed. The government thanks the honourable member for bringing the question to the attention of the parliament. The government has asked its legal and policy officers to examine closely the proposals this bill contains. The reasons why this bill cannot be supported in its present form include the fact that, as drafted, it requires each victim to litigate the claim against the offender to final judgment. There is no provision for settlement.

This seems unnecessarily difficult, expensive and time consuming for victims. There is no guarantee about what, if anything, they will get from the trust fund on completing this exercise. Even if they do get something it might not suffice to cover the costs of litigation (which are not recoverable from the trust fund), so they could still be out of pocket. It also appears that in this bill there is no option to settle out of court. So, I ask: why put victims through this process? A more administrative system that pays attention to the reality that the vast majority of claims are settled would, I believe, be much better.

Another problem with the bill as drafted is that if there is more than one victim the appointment rules do not work because each individual judge will not necessarily know how many eligible victims there are. Some of those claims might not yet be ready for trial and others might be before other judges of the same or different courts. The damages likely to be awarded to those victims will depend on many imponderables, such as whether the other judges will find those victims or their witnesses to be truthful. Suppose there are three victims of the same offender (given that we are talking mainly about offenders who were sentenced to imprisonment, and given that, once there is money in the fund, any victim of any of their offences could claim), that is entirely possible.

Let me continue. The trust fund contains $30,000. Each victim's case is tried by a different judge. Each judge decides that the victim before him is more deserving than the other two and orders that she gets $20,000. Then what? In other words, where there is a finite fund of money and competing claims on it, it is hopeless trying to process each claim in isolation without any apportionment rule. We have to decide sensibly who will be eligible under this scheme.

Another problem with the bill is that there is no definition of 'victim'. It is not clear whether the bill intends to pick up the definition of 'victim' as in the Victims of Crime Act or what is actually meant by 'victim'. Experience with the former criminal injuries compensation act suggests that a wide range of persons might consider themselves to be victims of crime, including those physically hurt, those psychologically hurt, their families, witnesses, people who are later told of the offence, people distressed by seeing television footage, etc. Access to the trust fund depends on being a victim and a definition is essential to minimise litigation.

I believe that these examples should be enough to point to the size of the major problems. I understand that there are many other problems of lesser magnitude. In conclusion, I would like to add that, although the bill proposed by the honourable member is based on existing New South Wales law, it does not necessarily mean that the proposed scheme will work. The government therefore opposes the bill.

Debate adjourned on motion of Mr Griffiths.

VOLUNTARY EUTHANASIA BILL

Adjourned debate on second reading.

(Continued from 16 October 2008. Page 513.)

Mr KOUTSANTONIS (West Torrens) (11:24): I oppose this bill, and I oppose this bill not only on the grounds of my personal beliefs—and I understand the member for Fisher has gone on radio and condemned members of parliament who vote in here based on their personally held views and claimed that members of parliament were voting based on instructions either from Rome or their church, which I personally found offensive.

The Hon. R.B. Such: That is untrue. I never said that.

Mr KOUTSANTONIS: And I have the transcript.

The Hon. R.B. SUCH: Mr Speaker, I rise on a point of order. I seek leave to make a personal explanation.

The SPEAKER: You can only do that when there is an interruption or a break in proceedings. You cannot do that now.

The Hon. R.B. SUCH: I will do so at the first opportunity. The member's comments are incorrect.

Mr KOUTSANTONIS: The member for Fisher went on radio and said that members of parliament should vote in accordance with the views of their electorate and not their own personally held views. I have made my views known on these moral issues from day one. There is not a person in my electorate who is interested in these issues who does not know my personal views. I put them to the people every four years. The idea that I take instructions from my church or that I represent my church here rather than my electorate, I find offensive.

I do not for a moment ridicule the intentions and good intentions of the member for Fisher in the conduct of his duty in bringing this bill. I believe he is a passionate advocate for voluntary euthanasia. I am a passionate advocate in opposition to voluntary euthanasia. I do not condemn his intentions; I do not condemn his motives. I attack the idea, not the proponent of the idea. That is the difference. I will put on the record that I think the member for Fisher is a man of great integrity and an excellent servant of his constituents, and I think he has served them well and shown a fiery independence, as have I. The idea—

Mr Hanna interjecting:

Mr KOUTSANTONIS: On these issues. If the member for Mitchell thinks it is easy to be in a party and hold views that are different from the majority of members of the party on moral issues, I can tell him that it is not.

Mr Hanna: There is always something you can do about it.

Mr KOUTSANTONIS: Unlike the member for Mitchell, I am Labor to my bootstraps. I will just say this about voluntary euthanasia. Basically, the member for Fisher is asking the government to administer a system of deploying the termination of life. During my 11 years in this place, I have witnessed government run agencies, and can I just say that, with all due respect to our current ministers, previous ministers and previous governments, I would not trust a government department to run the administration of death.

Human error occurs: it is not intentional, but you cannot legislate away human error. We find it difficult to administer water bills sometimes; we find it difficult to administer accident and emergency wards. We do these things with good intentions. We pour in resources and efforts—and in my personal humble view, this government has done more than most—to address those issues, but mistakes are still made and they are made by humans.

I do not know of any politician who can guarantee that, under a system of legalised voluntary euthanasia, someone will not be euthanased against their wishes. Let us say zero out of 100 are carried out perfectly. Let us say that zero out of 500 are carried out perfectly—family's wishes, patient's wishes: it is all done properly. What about that one example of someone who, because of their language skills, cannot communicate, an ambiguous will, an overcrowded hospital, or guilt being forced on the family about the suffering their father, mother, grandparent or son is experiencing without that son, parent or grandparent being able to communicate their personal wishes?

What if on that one occasion the state authorises the death of a person who has committed no crime and their life is taken? That is the reason I oppose the death penalty, even though, member for Fisher, an overwhelming majority of my constituents support the death penalty. They support capital punishment, yet every election I go to them and say, 'I oppose capital punishment for even the most heinous of crimes because the state cannot ever guarantee that an innocent person will not be put to death.' It is irreversible.

The Hon. R.B. Such: What was Mr Rudd's position on the Bali bombers?

Mr KOUTSANTONIS: I am not Mr Rudd. The member for Fisher has to be very careful when he passes judgment on radio on other members of parliament and the way they vote. I am happy to be judged on my votes in this parliament based on my speeches and on what I believe,

but the idea that I take orders from my church, my local parish priest or any authority other than my own on how I vote on these issues is offensive.

Debate adjourned.

MEMBER'S REMARKS

The Hon. R.B. SUCH (Fisher) (11:30): I seek leave to make a personal explanation.

Leave granted.

The Hon. R.B. SUCH: The member for West Torrens suggested that I have, on radio, indicated that people in here should not be directed by Rome. I do not believe I ever used the word 'Rome'. What I said was that people are in here to represent their electorate. They are not in here to represent Bob Such, a church or any pressure group: they are in here to represent their electorate.

That is why we do not use names in here, to reinforce the fact that we are here to represent the electorate. We are not allowed to use names in here. So, I make the point that I did not make the claim as alleged by the member for West Torrens.

MATTERS, MURIEL

Ms BEDFORD (Florey) (11:31): I move:

That this house—

(a) recognises the centenary of the Grille Incident and the unique and outstanding role of South Australian born Muriel Lilah Matters-Porter in the United Kingdom Suffrage Movement;

(b) acknowledges her work for women's rights and issues that included abolition of sweating, promotion of women's unions, equal divorce laws, equal pay for equal work, endowment of motherhood and support for unmarried mothers; and

(c) recognises her other main areas of activism including access to education, prison reform, peace and disarmament.

I feel very privileged to put this motion to the house, because it will put on the record the role of South Australian born woman, Muriel Lilah Matters, and the role she played in women's suffrage and so many other areas of social reform. While I use 28 October and the centenary of the Grille Incident as the focus of this motion, as members will hear, it was just one of many highlights in the remarkable career in activism that Muriel forged in her adopted home country of the United Kingdom.

The Muriel Matters story started for me in about 2003, when I read a short paragraph on her in the research monograph written by Myra Scott entitled, 'How Australia led the way: Dora Meeson Coates and British Suffrage'. Dora, who was born in 1869 and died in 1955, was a contemporary of Muriel's, and I feel sure that they must have met, as both were involved in the Women's Freedom League, one of the prominent women's suffrage groups, but more on that later.

An artist, Dora was born in Victoria, migrated with her family to New Zealand and lived on the Continent, finally settling in England. Dora painted the banner, 'Trust the women, mother, as I have done'. It is a celebration of women's suffrage in Australia and the banner depicts a young woman (symbolic of Australia), a shield of the Southern Cross by her side, appealing to the maternal Britannia, urging that Britain grant women suffrage, as New Zealand had in 1893, and of course our own great state in 1894, when South Australian women were also given the right to stand for election.

As Myra Scott says in the introduction, where she details the dates that the various Australian states granted women dual suffrage:

> These electoral rights were achieved after considerable struggle but without the devastating campaigns, violence and civic turbulence which characterised the movement in what was then known as the 'Mother Country', or Great Britain.

It was in these tumultuous times that Muriel arrived in London in 1905, but her story really started here in Adelaide in Bowden, where she was born on 12 November 1877, the third born daughter of John Leonard Matters and Emma Alma, nee Warburton. A further seven siblings arrived to complete the family over a period of about 15 years. Many of her siblings are distinguished in their own right, perhaps the most notable being Leonard Warburton Matters, a journalist and an adventurer, who was himself elected to the House of Commons in 1929. We have located his direct

descendants in the United Kingdom, Patricia and Hugh Dunseith, who remember Aunt Muriel well, and I hope to have more information from them in due course.

John Matters had three brothers and two of them, Charles and Thomas, were the brothers who founded Matters & Co., for many years located in King William Street, opposite the Town Hall, where *The Advertiser* stood for so many years. John is shown as a carpenter in the Sands & McDougall Directory of 1876, eventually becoming prosperous through various endeavours that reportedly tried his marriage. We see him following his family to Perth, Western Australia, in about 1894.

By this time, Muriel has become a gifted elocutionist and been influenced by the themes in Ibsen's *Doll's House*. She returned to Adelaide in 1901, performing at the Cowandilla Salon and Mrs Quesnel's Music Rooms, among other venues. This was a time when entertainment consisted of live performances, and Muriel had studied music and was in great demand. She lived in Sydney and Melbourne and appears to have performed in Robert Brough's Comedy Company in those cities. She also directed Pinero's *Sweet Lavender* for the Appendreena Dramatic Club.

We have also located a program from 1896 where Muriel plays Ophelia in a performance of the Adelaide University's Shakespearean Club, which demonstrates that Muriel is actively moving around this young nation's capital cities. While moving around the country, Muriel was influenced by European friends, who imbued her with socialist ideals and no doubt encouraged her to broaden her experience.

She left for London on 26 August 1905 and taught for a time. In London she met the Russian revolutionary anarchist Peter, Prince Kropotkin, and many others with similar views and soon abandoned acting. We must appreciate that by now in Britain there are many groups working for social reforms of all kinds and women are playing leading roles in all sorts of reforms.

Muriel formally joined the women's suffrage movement on 7 March 1907, becoming part of Pankhurst's Women's Social and Political Union (WSPU). When their actions and methods became increasingly violent, Muriel left (later that year) and became part of Charlotte Despard and Emmeline Pethick-Lawrence's new movement called the Women's Freedom League (WFL), whose members adopted a policy of constitutional militancy.

It was around this time that the Votes for Women caravan began its tour around Great Britain, with Muriel at the reins, driving through Surrey, Sussex and Kent. She spent a year in Wales and time in Dublin. Pictures depict a large wooden vehicle, similar in size to a modern day caravan, with a woman and four horses (or two) galloping around the countryside.

A gifted orator, Muriel reportedly had no trouble gathering crowds around the van, pulling up and speaking from the rear steps. She is reputed to have lectured in Hyde Park. On 21 June 1908, there was a massive rally there, attracting around half a million people. It had been many months in the planning and an area had been arranged around 20 speaking points, with four women to speak from each of the points.

The event went for over an hour, with a motion unanimously passed on the voices at the conclusion of the rally. While there is growing evidence to confirm that Muriel was one of these speakers, there is little doubt she spoke throughout the country at rallies and public meetings as an organiser for the WFL, and was heavily involved in several by-elections at that time.

Around mid-1908, planning began for the Grille Incident to take place in the Ladies Gallery in the House of Commons. Women were allowed into parliament to witness the proceedings of the house, but only behind something that resembled a modern day screen door through which a person could see but not be seen by those on the other side. The 'vile grille', as it was known, was seen as a symbol of women's oppression. Muriel said in her article, 'My Impressions as an Agitator for Social Reform', written in 1913, that she regarded the offensive barrier in the ladies' gallery as 'a symbol of the conventional attitude towards women, of many men in this country', and compared it unfavourably with the conditions designed to stifle women in other countries.

On 28 October, Muriel and two other women managed to smuggle lengths of burglar proof chain—carefully wrapped in wool so they would not make rattling noises as they moved—into the gallery. They padlocked themselves with the chains around their waists to the grille and hid the key in their clothing. They unfurled their banner listing suffrage demands into the chamber, and Muriel began shouting suffrage proclamations. When the attendants came to remove her, it became apparent that the grille would have to be taken down with her. When the grille was eventually removed, the ladies were technically in the house, thus making Muriel's remarks—as she was still

speaking—the first speech by a woman in the House of Commons. Sympathetic men in place in the public gallery then threw brochures onto the floor of the chamber and the sitting ended in uproar, resulting in the galleries being closed for some days after the incident.

The women, still chained to the approximately six foot by two foot metal grille, were ushered into a committee room where tools were used to file off the chains. They were then taken to the Westminster Bridge side entrance of the house and put outside. Muriel ran back around to the front of the house to check on her comrades who were demonstrating there and was promptly arrested, along with four others who had been in the house, and 10 who had not. She was tried the next day and sentenced to a month in Holloway Prison.

Her protest, arrest, trial and sentence made headlines and brought great publicity to the cause. A report of the incident in the Adelaide *Advertiser* on 30 October 1908 noted that Muriel informed the interviewer that she had voted twice in Australian elections. Another result of the day's protest was that the grille was not replaced for some time. It now occupies a place in one of the Commons hallways.

While in prison, Muriel became passionately concerned about reform of gaols. Many suffragettes were imprisoned during the troubles, and many began hunger strikes—36 were subjected to force feeding, a barbaric practice that gained so much bad publicity that it eventually resulted in the government of the day abandoning imprisonment as a strategy to stop the women. These militant rather than violent acts attracted a great deal of media attention, and Muriel already had a clear understanding of the importance of publicity. She became the person looked to for an audacious stunt.

The next big event was planned for February 1909 to coincide with the royal opening of parliament. Muriel and the WFL organised what can only be described as a very large airship piloted by Captain Spencer, who is perhaps a relation to the late Princess of Wales. The balloon had 'Votes for Women' painted on one side in large letters, with WFL on the other. The plan was to fly over Westminster and drop handbills calling for support for the vote. However, weather conditions were not favourable, and the balloon rose to a great height and went off course. Nevertheless, 100cwt handbills were dropped in a 'not too inefficient distribution', according to an article headlined in the papers the following day, 'Handbills from the clouds'.

A motorcade of suffragettes armed with megaphones followed the balloon along the countryside, stopping to give out extra handbills and making one-minute speeches along the way. Muriel later wryly noted that she had been refused insurance for her role in the stunt.

In 1910, Muriel returned to Australia to visit her family and she undertook a lecture tour in Perth, Adelaide, Melbourne and Sydney, which featured slides on a lantern show. Over three nights in each city, she covered her activities for suffrage and other social causes. While in Melbourne, a reception was held in Parliament House in her honour. She worked with Vida Goldstein on a motion that passed through our Senate to be sent to the British Prime Minister, Mr Asquith. It encouraged him to support enfranchisement of women by pointing to the success and good results of female suffrage in this country. The motion was moved by Senator Rae on 17 November 1910. Sadly, this association with Vida is not mentioned in the history of Victoria's struggle for the vote. Their centenary will be celebrated shortly, and I hope that we can ensure Muriel's inclusion in this historic event beforehand.

On her return to England, Muriel remained an activist for suffrage and other social issues. She worked to further educational opportunities for women in the Lambeth slums and spoke widely on many issues. She undertook another caravan campaign, this time in Buckinghamshire. She worked to ease the hardships caused to workers by the Dublin lockout in 1913 and, in October 1914, she addressed the Bedford Women's Suffrage Society.

Also in that year, she married William Arnold Porter, a divorced Bostonian dentist with rooms in London's fashionable professional area. During the Great War, she produced a pamphlet entitled 'The False Mysticism of War' and worked in the peace and disarmament movement, organising a peace conference for women in London in April 1915.

In 1916 she travelled to Barcelona to train with the noted educationalist, Maria Montessori, later using her teaching skills in the Bow Street School established by Sylvia Pankhurst. In 1922, she again returned to Australia for a family visit and another lecture tour, again to four cities. In 1924, with suffrage finally granted, she unsuccessfully stood against a Tory Lord as the Labor candidate for the seat of Hastings under the name of Muriel Matters-Porter.

Very little is written about Muriel's life after about 1934 when she appeared in the High Court as a witness for Hanah Sheehy Skeffington in her libel case against the Irish Catholic *Herald*. In 1957, Muriel attended the golden jubilee of the WFL. Her husband, William, died in 1949 and they had no children. We know, however, that she lived happily in Hastings, independently until shortly before her death from pneumonia on 17 November 1969.

What influences would nurture one person more than another to want to be an agent for change—not change for change sake but, rather, changes that are fairer and more equitable for the common good? Spending her formative years here in Adelaide—a settlement unique and founded on the sorts of principles that sought a fairer society—must have played some role. Muriel's family worked hard to forge a life for their children and showed a true pioneer spirit, moving around the country in search of work and a better life. This mobility stayed with Muriel all her life. It is remarkable to think of a woman sailing to and from the UK and visiting many parts of Europe, often on her own, and then to America with her husband on his dental congresses after their marriage.

Muriel's means are still a mystery. She did work as a performer and elocutionist, having held rooms at 12 Pirie Street here in Adelaide (in the old Bank of New Zealand building) at least for one year in 1904. There is much to discover about her motivations and later life, and I hope to be able to inform the house of future research when I make my concluding remarks on the day that I hope this motion will be passed.

It is not possible to cover all of Muriel's endeavours in this contribution. The information in the one paragraph on Muriel in Ms Scott's monograph which started my interest in this fascinating woman is referred to from various sources. When I began to look into Muriel, I soon found her entry in the Australian Dictionary of Biography, dating back to 1986, written by a woman called Fayette Gosse. This provided a treasure trove of other references but little did I realise how this would connect to Muriel's history. I commissioned a paper from the parliamentary library, for which I thank David Brooks and the many other wonderful research staff under Coral Stanley and Jenni Newton-Farrelly—particularly John Weste, Sandra Kane and Alex Grove.

At the same time, I contacted Marie Maddocks from the family research area of the State Library of South Australia. I cannot thank her enough or commend her too highly for her wonderful and professional assistance with what has become the Muriel project to many who have helped to reach this day, including my colleagues the Hons Jane Lomax-Smith and Stephanie Key, who suggested that the Premier would be interested, and I thank him for his comments to the house on the day of the centenary.

After assembling material for this motion, I realised that, if I could, I should contact Muriel's family. To my great joy, this led to meeting Mrs Jocelyn Davis, Muriel's favourite niece, who was born in 1922. Her birth was the catalyst for one of Muriel's return visits to Australia. Jocelyn and her daughter Helen travelled to Adelaide for the centenary and met their relatives, Frank and Janice Hatherley, who travelled from New South Wales, and Mr Robin Matters, an Adelaide relative through one of Muriel's uncles.

Most importantly, though, through the member for Adelaide, eventually I found out that Fayette Gosse was a great friend of her friend, Elizabeth Thomas. A Matters by birth, Fayette had married the brother of South Australian icon, Lady Mary Downer. Both these ladies are friends, too. Sadly, I was not able to meet Fay as both she and her husband passed away within a few weeks of each other—a few weeks before I realised the connection. Ironically, Marie mentioned that other staff of the State Library of South Australia had remembered Mrs Gosse spending many hours in the library researching. It could have been part of the research for the Muriel entry in the Australian Dictionary of Biography, apart from her book on the Gosse family.

I am indebted to all the people I have mentioned to date and so many more: the staff of libraries all over Australia, including Cheryl Hoskin of the Barr Smith, Jenny Scott of the State Library of South Australia, Tricia Fairweather of the State Library of Western Australia, and Robyn Holmes and Liz McKenzie of the National Library of Australia. Thanks also to Susie at the State Theatre Company's prop shop, Helen Trepa from the Performing Arts Collection and Creon Grantham and his team for their help on centenary day, which was especially appreciated by all who attended.

The Adelaide City Council archivist, Michial Farrow, Wayne Price, Linda Lacey and Trevor Porter from the City of Charles Sturt have all assisted, and I look forward to working with local historians from the City of Unley. Many book indexes have been searched, newspaper articles

sourced and contacts made. I thank all involved, too many to name. Internationally, researcher Mari Takayanagi from the House of Lords has been helpful, and we have even had help from the National Library of Ireland. I look forward to the contributions of other members and I commend the motion to the house.

Debate adjourned on motion of Hon. S.W. Key.

COMMONWEALTH DENTAL PROGRAM

Ms SIMMONS (Morialta) (11:47): I move:

That this house condemns the federal Liberal opposition for failing to support the commonwealth dental program.

I move this motion today because I am appalled and disgusted that the federal Liberal opposition and minor parties in the Senate voted to disallow the commonwealth dental scheme. I see this move as a direct vote against the most vulnerable in our society—the elderly, disabled and indigenous communities and others on health care cards.

Before coming into this place, I sat on two state committees and two national committees looking at the oral health of older people. I am shocked at the number suffering unnecessary pain and deteriorating oral health which affects all aspects of their physical and social life. However, it is not just the quality of their life that is compromised. Recent research shows a direct correlation between poor dental health and gum disease and a range of serious health conditions such as coronary heart disease, stroke, peripheral vascular disease and pancreatic cancer.

These diseases cost this country about $220 million per year to treat; that is substantially higher than the direct annual cost of dental health care itself. We know that preventative oral health would save tens of millions of dollars in other health areas, and I assure you that the federal opposition must also know this fact.

This year, the Rudd government committed to reintroducing the commonwealth dental health program which was dumped by the Howard government in 1996. The Rudd government made it clear that funding for the commonwealth dental health program was dependent on redirecting funding from the former Liberal government's small dental scheme for people with a chronic disease. But the opposition and minor parties in the Senate have conspired to prevent this from happening.

The Howard government program targeted people with chronic conditions and has done very little to help reduce waiting lists for access to public dental care. The scheme was not means tested and relied on the patient being able to pay their dental fees upfront with Medicare repaying a rebate of $4,000 over a two-year period. The majority of poorer people, of course, do not have the capacity to pay expensive private dental fees upfront and were effectively shut out of using that scheme. Instead, middle to high income persons with medical conditions gained easy and immediate access to a comprehensive range of dental services. In addition, the Howard program has not helped a single child under the age of 14 in this state.

Just $2.5 million was spent by the commonwealth on this program in South Australia over the eight months to 31 July this year and only 1,256 South Australians accessed the program. This is about a 2.8 per cent share of the national total compared to 8.7 per cent which South Australia would receive under Labor's commonwealth dental health program. While over 30,000 people remain on South Australian waiting lists for basic dental care such as check-ups, fillings and preventative services, the chronic disease dental scheme has been providing dental services including high and expensive dental care to a small group of about 1,400 South Australians.

In comparison, the new commonwealth dental health program committed $24.7 million for South Australians over the next three years. This funding would have provided for an additional 85,600 dental visits over the next three years. This would have had a major impact on public dental care waiting lists which would have rapidly reduced from 19 months in June 2008 to 11 months by June 2009, and they would have been expected to fall further in the coming years.

The proposed commonwealth dental health program in its first year would also have included 1,900 visits for indigenous people, particularly in our rural and remote areas, 3,100 visits for preschool children in South Australia and 3,000 visits for people with chronic illnesses and, therefore, adequately cater for those targeted under the Howard government scheme. On what grounds therefore would you oppose it? As the program is further expanded, adult concession card

holders will be able to enrol for regular check-ups and preventative dental care. As I have explained, preventative oral health care is the key to avoiding several other major diseases.

Let us examine what happens to dental care under Liberal governments. Under the tenure of the Howard government, funding for public dental care in South Australia was slashed by more than $100 million—that is in South Australia alone. That is despite the fact that the commonwealth government has a constitutional responsibility for the dental care of all Australians. Under the former Liberal state government the waiting time for restorative dental care hit a peak of 49 months in 2002. Since that time this state Labor government has provided an additional $56 million for public dental services, resulting in current waiting times being reduced to 18 months.

Also under the Rann Labor government, the number of people on the restorative dentistry waiting list has been reduced from 82,000 in mid-2002 to 32,429 in June 2008. That is a 60 per cent reduction, and represents the lowest number of people waiting for dental care since the loss of the commonwealth dental health program in 1996. So let us make this clear: under the last state Liberal government people were waiting for 49 months—over four years—for restorative dental care, but by the end of this financial year they could be waiting just 11 months if these measures could only pass the Senate.

Opposition in the Senate has centred on how the commonwealth dental health program would integrate into the existing schemes that operate within the states, including how those who are currently receiving care under the Medicare EPC program would be supported. Considerable work has been undertaken by the South Australian Dental Service to evaluate the merits of both schemes, and I must congratulate Dr Martin Dooland and Ms Anne Pak-Poy for their dedication and care for those vulnerable patients in our state. The minister has received unequivocal advice that the commonwealth dental health program would be of greater benefit to South Australians, as it also encompasses those with chronic health needs.

In moving this motion I also condemn the federal opposition and minor parties in the Senate for blocking this measure, and I call on the South Australian Liberal Party to impress upon its federal colleagues the importance of these measures to the people of South Australia.

Debate adjourned on motion of Mr Venning.

FOOD LABELLING

The Hon. R.B. SUCH (Fisher) (11:55): I move:

That this house requests that the state and federal governments implement more comprehensive food labelling laws.

Members will know that this has been a passion of mine for a while, for various reasons. It was initially triggered by a Social Development Committee inquiry into ADHD and ADD, where there was concern about additives and so on in foods, as well as two other inquiries by the Social Development Committee, one into genetically modified foods and the other more generally into genetic engineering.

During one of those hearings we had representatives from the Grocery Council of Australia appear as witnesses. I asked them how they would define 'natural', which is on the labels of a lot of products sold in supermarkets, and they could not. Well, what is natural? Snake poison is natural, but it is not good for you if you get it the wrong way. Yoghurt is not natural—I am yet to see yoghurt lying around, occurring without human intervention of some kind or other. They are probably more trivial aspects, but these labels are thrown around. What does 'fresh' mean when you go into a supermarket? When was it fresh? 'Fresh daily', but what you get may not have come in that day; the label simply implies that they get fresh supplies each day—but maybe not for you, you may be buying something that has been there for a while.

'Lite' (which is spelt differently to what I was taught at school) does not mean there is no fat in it. A lot of these so-called 'lite' products still have 3 per cent fat; they will brag about 97 per cent fat-free but they still have 3 per cent fat in them. The label may suggest that the product has 30 per cent less fat than the standard product, but how much fat does that have? You do not really know. Then we get into areas such as 'homemade'. I suggest that most of the 'homemade' things sold in shops are not actually made in the home with a little stove and a Mixmaster. There are also 'handmade' products, such as pies and pasties—and I am always a bit concerned when it says handmade, because I hope the hands that made them were clean.

You can go on and on through what I believe are all these vague and misleading labels. For example, a lot of people think they are on a good thing because they are eating vegetable oil. However, without their knowing, as it is presented, it is probably the worst oil they can consume because they are almost certainly consuming palm oil. They do not have to list palm oil, because it is not required to be listed. However, they must list peanut oil, soy oil and sesame oil. We know that peanuts can cause allergies and that palm oil is not good for your system, but you do not have to be told that you are consuming palm or coconut oil. The label often states 'vegetable oil', and people assume that 'vegetable' must be good, but that is not the case.

If you go through many other products, you will find that in Australia they do not have to tell you the percentage of water in a product. In supermarkets, I have seen water bizarrely labelled 'organic water'. The last thing you want in your water is organic material, but that is what you can buy if you are silly enough to pay for it or if you are misinformed.

Here and in other parts of Australia, we make beautiful olive oil. Tests recently done by the New South Wales government found that many of the imported oils were not true to label. These were big brands (I will not name them all, but there was Moro and others) but they were found not to be true to label. They were not virgin or extra virgin oil as they had been heat-treated. Nine of the oils that were tested failed.

Unlike Germany, we do not have a standard in Australia for virgin or extra virgin olive oil. Some of the Australian oils were tested, and they all met the criteria for being genuinely virgin or extra virgin olive oil. There is no legal standard, but the test will tell you whether or not the oil has been heat-treated or whatever. An alleged olive oil spray sold by Woolworths actually contained quite a bit of canola. Canola is not a bad oil, but it is not olive oil if that is what you think you are buying. So, we have this misleading and inappropriate labelling going on.

If you look at the area of so-called 'free range', you will find that there is no definition of free range in Australia for poultry or eggs. People are selling products that they claim to be free range, but they are not. There are some genuine free range products in South Australia; some come from Kangaroo Island, and the member for Finniss will attest to that. Although they are a little more expensive, I buy those eggs. People are being fooled and duped.

A business at Glenelg was repacking eggs and putting them in containers that made them look as though they were free range when they actually were not. There is no standard for free range eggs or poultry. A company called Farm Pride (they always use these rustic names), near a large regional Victorian city, has 40,000 hens in each shed. The hens form a queue behind a trapdoor so that they can get outside for a little while. If they are free range, you would think they would be going out to get some green food. However, in the *Weekly Times*, the manager said, 'Oh, no, there is no vegetation out there, but we're going to plant some trees.' As far as I know, chooks do not eat trees, but maybe one day they will get a bit of shade.

There are some genuine free range producers, and some have done very well, and their hens can genuinely move around. There has been controversy in Victoria because the RSPCA suggested that barn-raised chickens are free range chickens, but they do not fall into my definition of free range. They may be barn raised, but they are not free range. Certainly, caged hens are not free range.

The UK has a definition of 'free range', and the ACCC has been looking at it here. There has been one prosecution where a company in Geelong was deliberately misleading the public about free range, but there is no agreed definition. A group called the Free Range Poultry Producers, which produces poultry meat as well as eggs, is trying to get a definition and a legal standard, but it is being resisted somewhat by the Egg Corporation. Members can draw their own conclusions as to why that might be the case.

We also have the farcical situation of logos and expressions. People think that the Australian logo is a government logo, but it is not; it is owned by business groups and the government gives them a donation. You might think that, if it has the 'Australian made' or 'product of Australia' logo, it is totally Australian, but that is not necessarily the case. According to the definition (which is owned by this business group), there has to be a 'significant transformation' in Australia.

We currently have a product, under the name of Goulburn Valley (which I think is now owned by Coca-Cola), which comprises 100 per cent imported apple juice, but the container states that it is made in Australia from imported ingredients. That is a farce because it is not made in Australia and the juice is totally imported. However, they can claim the packet as made in Australia.

So, we have this farcical situation where these labels and symbols are used and the public can quite easily be misled.

The situation is worse for products such as fish. I do not know whether members realise, but Australia is now importing almost half its fish. Even though we have the best fish in the world, we export a lot of it. We are getting what years ago people would have understood to be mulloway, but it is now called butterfish, coming in from China. I do not have a problem if people want to buy butterfish from China, good luck to them, but they should know what they are buying.

At long last, supermarkets are starting to tell people whether our prawns and fish are locally produced in terms of whether they are wild or farmed. If members do the shopping, like I do, they may have noticed that, increasingly, the big supermarket chains are telling us not only whether the product is from overseas but also whether, if it is local, it is a farmed product. Many people think that prawns are a wild catch when, in fact, many of the prawns sold in supermarkets come from farms. There is nothing wrong with that. My point with all of this is that you have a right to know. In a democracy, the most fundamental right is to know what you are eating. Dieticians will tell you that you are what you eat. We know that that is somewhat of an exaggeration, but it conveys the message that if you do not eat appropriately you may pay a price.

In Australia, if you add something to a food product for a technological purpose you do not have to tell people what it is; whereas, in the United States you do. If you buy dried bananas in America, they will tell you that they have added an ingredient to make the banana look like a banana in dried form; but in Australia you do not have to be told that, because it is done for technological reasons. Once again, in my view, that is a form of deception.

When it comes to additives, Australia is pretty free and easy. A lot of our additives in foods are not allowed in Europe and the United Kingdom. I have an allergy to 211, sodium benzoate, which is in virtually every soft drink except Coca-Cola. Coca-Cola does not need a preservative because it has enough sugar in it, but all of the other drinks, except Schweppes bottled lemonade, contain sodium benzoate (211), which is generally not approved in Europe and the UK. It is also in biscuits, chocolates, and a lot of other things. Likewise, in the UK they do not allow artificial colourings in things like kids' Smarties; here we do.

What is the issue? I notice the Minister for Health is here. He is a good minister, not only competent, but also a pleasant person. He is not artificial; he is real. He is our representative on the Australia New Zealand Food Standards Authority (ANZFSA), which is the body responsible for this whole issue of identifying what is in foods and so on. As our health minister, he has been putting the case. I think he needs to be even more vigorous and really get stuck into his fellow ministers to push the case.

It is not only a question of what you are eating and the effect on individuals, children, and so on: it is the fact that our growers are missing out, because people are not being told the truth in terms of the products they buy. To that extent, almost half of our pig producers have gone out of business in the last year or so because they cannot compete with imports from Canada and the United States. One big producer of processed meats in Australia was importing pork meat and then pressing it onto a local pig bone, and calling it 'ham on the bone', which it was. It is ham on the bone, but it is dodgy. They had to withdraw it; but that is what they were up to.

That is the sort of thing that pig producers here have had to compete with: dumped ham, which local processors have used. As a result, this Christmas, if you have not already bought your Christmas ham, you will find that it is a lot dearer than last year, because the pig producers have been forced out of business.

So it goes on. With generic engineering and genetically modified foods I do not have a problem. The ones that I am aware of are safe to eat. Our Social Development Committee inquired into it, and we had top people from Waite—Dr Langridge and others—speak. If it is good enough for them and their kids to eat, it is good enough for me. But, the point I make is that people should know; people have a right to know. If they do not want to eat genetically engineered food it should not be snuck in on them. I suspect that, at the moment, a lot of what people are eating is genetically engineered or genetically modified without them knowing.

There are a lot of other points that I could make, but I urge our minister, John Hill, to put the case more strongly through ANZFSA for better, more comprehensive labelling in Australia so that the ongoing deception of the public in Australia ceases. I commend the motion to the house.

Ms SIMMONS (Morialta) (12:12): I move the following amendment:

Delete all words after 'That this house' and insert:

> calls on the state government to support the Australia New Zealand Food Regulation Ministerial Council and Food Standards Australia New Zealand in ensuring comprehensive food labelling laws that protect the health of the community and assist consumers to make healthy food choices.

I move this amendment because it is important that we use the correct mechanisms to make the changes necessary to achieve this aim. South Australia is party to an agreement which establishes a national food regulatory system with nationally consistent food legislation. The Australia New Zealand Food Regulation Ministerial Council (ANZFRMC) is responsible for establishing food regulation policy and reviewing food standards. Food Standards Australia New Zealand (FSANZ) is responsible for the development of food standards.

As we are all aware, and as the member for Fisher has so correctly pointed out, food labelling standards play an important and well-established role in Australia in protecting health and safety through mandatory requirements such as ingredient and allergen labelling and date marking. Increasingly, South Australia has pushed for the role of food labelling to be expanded to include necessary information, which allows customers to make informed decisions about health aspects and their diets.

Australians are becoming more and more educated about the effects on the body of chemicals ingested and body reaction. Food legislation can contribute to the reduction of diet related diseases. At the Australia New Zealand Food Regulation Ministerial Council meeting on 24 October 2008 ministers agreed in principle to commission an independent comprehensive review of food labelling law and policy. The review will be undertaken by an independent expert panel comprising prominent individuals appointed by the ministerial council and chaired by an independent public policy expert.

At this meeting the ministerial council also agreed to continue working on a front-of-pack labelling system for Australia. This work includes the consideration of the very simple UK traffic light labelling system that can be useful. It is easily understood information to consumers about the fat, sugar and salt content of foods.

This system assists consumers to make healthy choices and provides an incentive for industry to formulate foods that qualify for 'green lights'. South Australia also successfully placed the issue of trans fatty acid (TFA) content of food on the national agenda. This resulted in a review by Food Standards Australia New Zealand of a number of voluntary industry and non-regulatory initiatives aimed at reducing the TFA content of foods and a commitment to keep these measures under review. The Minister for Health, the Hon. John Hill (who, as the member for Fisher points out, is an excellent minister), raised this issue again at the October 2008 meeting, and ministers agreed that the national survey of TFA content in food currently underway will also include a dietary assessment of TFA intakes using the new information provided by the National Children's Nutrition and Physical Activity Survey.

Ministers also requested that a report on the progress of voluntary industry initiatives to reduce TFA intake be provided to their next meeting. I commend the amendment to the house.

Mr PEDERICK (Hammond) (12:16): I rise to speak to the initial motion moved by the member for Fisher. I support the fact that we do need better food labelling laws, because, when they go shopping, people are confused when they see 'Produce of Australia' or 'Made in Australia'. What does it all mean? I doubt whether many members in this place would know all the criteria involved in how companies, manufacturers and importers get around the various nuances of labelling to sell their products.

Personally, I have a bit of an aversion, not just with respect to cost, or anything, but to some of the Black and Gold foods, because I think you do pay for a lot of water in some products. I want to add to my brief comments and talk about genetically modified food. I think there should be better food labelling, because people would be absolutely surprised at how much genetically modified food they are consuming currently. They would be absolutely stunned. We get a lot of furore in the public about genetically modified substances, but, whether you are for it or against it, we do need to be educated about what is already out there so that we know exactly what is going on.

I have an understanding of most breeding, especially grains, and it is certainly current at the moment with the harvest of the first genetically modified crops in Victoria and New South Wales happening as we speak. It makes us focus on what goes on with genetic modification. The fact is that, before some of this technology, we did have genetic modification of plants but it happened

over time frames of 10 to 20 years. Essentially, what has happened in the new processes is fast-tracking in the principal form. Food labelling would clear up some of the misconceptions no matter what people's views are on genetically modified substances, as well as providing a more informed debate.

I refer members to genetically modified BT cotton. People are growing this cotton in northern New South Wales and Queensland and they do not need to spray insecticides, or they may need to use one insecticide instead of eight. You would think that wanting to be more green and wanting a better environment that we are better off not using those insecticides. However, back to the debate of better labelling. Whether we are looking at imported food or whether we are trying to learn whether food is a blend of imported food (and we see that quite a bit with fruit juices, such as Brazilian juice blended with Riverland juice, depending on supply and demand), better food labelling would certainly be a good thing. I would like to know whether genetic modification is used on any food. I think people would be surprised at how much is already on the market shelves. I commend the motion.

Mr GRIFFITHS (Goyder) (12:20): I wish to speak briefly on this. I commend the member for Fisher for his motion, as well as the member for Morialta for her amendment which does improve it and which probably takes it to a greater level. No doubt society in the last 35 years, or so, has changed. The options available now to consumers in any product they wish to purchase is enormously larger than it was a generation ago. It is also very true that now consumers want to be far more aware of the food they put into their mouths. So, we should ensure that appropriate labelling occurs to give the opportunity to those consumers who want to review every item or morsel of food they consume to make sure that it does not react against a problem they might have with their physical wellbeing.

Importantly, it allows them to provide their family with a diet with which they are very comfortable, because society is made up of different people with different attitudes. I know that, growing up as a young child, we ate what was put in front of us. All consumers are now far more aware. I believe the motion is a good one, and it is probable that all members will support it. I hope that it goes through, because it allows only for an improvement to occur and it is important that we give that information to people. Many people wish to make deliberate decisions. They do not want to consume blindly whatever is put in front of them and whatever is available on their supermarket shelves. They want to make sure that the choices provided to them have been acted upon, and that, when purchasing their goods, they purchase items they know will only improve their health and not be detrimental to it. I commend the motion.

Amendment carried; motion as amended carried.

COUNCILS, METROPOLITAN

The Hon. R.B. SUCH (Fisher) (12:22): I move:

That this house requests that the state government initiate an independent review to ascertain the optimal number and size of councils in the metropolitan area.

I say at the outset, I am not anti-council. I think our local government sector is generally a very good one. In fact, I was a councillor many years ago. Under our current law, you are not allowed to be a councillor and an MP, which I think was an unfortunate reduction in opportunity to serve the community. I notice that Clover Moore, the Independent member in the New South Wales parliament, is also a very successful Lord Mayor, and I do not see that either of those roles suffers because she does both things. I notice she was challenged by Meredith Burgman, who, members would know, produces a list of silly comments by silly men, but we will not get into that today.

As I said, I was involved in council, Mitcham council, for several years and I thoroughly enjoyed it. I have said this before, but maybe one day I might even become involved again, but I cannot while I am in here. As I say, this is not an attack on councils. The motion does not say how many councils we should have in the metropolitan area. I should clarify that, obviously, I am not focusing on the country area by definition because that is a different situation from what exists in the metropolitan area in terms of council and local government, their size and so on. If you do not take into account the special features of rural South Australia, then I think you are being very foolish.

In my definition of 'metropolitan Adelaide', I include 19 councils, and I include in that Mount Barker. The list includes: Adelaide Hills council, the Burnside council, the Campbelltown council, Charles Sturt, Walkerville, Holdfast Bay, Marion, Mitcham, Mount Barker (which I mentioned

before), Norwood Payneham and St Peters, City of Playford, Port Adelaide Enfield, City of Prospect, Salisbury City Council, Tea Tree Gully, City of Unley, City of West Torrens, Gawler and, of course, the City of Adelaide. I emphasise that I do not know how many councils there should be. I think the current Lord Mayor has suggested three, which was not well received by the Mayor of West Torrens and some others, but I think they raised concerns at that suggestion. Anyway, the point is why we need to look at it and why we need an expert independent panel to do it.

The LGA has not been supportive of anything suggesting a review of the number of councils in the metropolitan area and the state government has been very coy about it, too, because, for some reason, it does not want to be seen to rock the boat. I think in government you sometimes have to take tough decisions. The last time there was any significant attempt to change the number of councils in the metropolitan area, we had some reluctant brides, and we had some councils playing all sorts of fancy footwork to ensure that they were not amalgamated.

Amalgamation is one option, but there are others. Recently, many of the metropolitan councils created a cooperative venture. I think that there already was one involving about eight councils (I think the latest one involves 13) in terms of things such as bulk buying and so on. There are arguments clearly for and against reducing the number of councils. Some people say that you take 'local' out of local government. I think that is a bit of a cliché. I think it is more important that a council interacts with its people, and that is not necessarily determined by the size of the council: it is how the council is organised and operates. You can have a large council that is very effective in communicating with its ratepayers. The fancy term now is 'engagement', because they do not consult any more, they engage, but it still means the same thing, I hope.

The one advantage of having fewer councils and larger councils is that I believe they are less likely to have corruption in them. We do not have evidence of any significant widespread corruption, but the argument that is put is that, if you have a larger council, you are less likely to have anything untoward happening in respect of corruption. That is an argument that is put: people can evaluate it for what it is worth. Some of the councils share services. I indicated earlier that some of them are moving to share more, but there could be a lot of cost saving if councils shared payroll, computer resources, as well as more common tendering for vehicles. Some of them do it, but not all. Things such as sharing rangers on the weekend. Some councils have extensive library facilities, others have minimal, if any, library facilities.

There are opportunities for considerable savings which, as I say, could occur through amalgamation or through a more tightly organised cooperative arrangement between metropolitan councils. However, the bottom line is that councils generally—mayors, elected members and their senior staff—do not really want to give up their own little patch to come in with others. I notice that, at the moment, my own council (Mitcham) is extending its council chambers—more accommodation and so on—yet you can almost throw a stone from the Mitcham council chambers to the one at Unley, and you can almost throw a stone from the Mitcham works depot to the one at Unley. It is no longer called a 'works depot' because, as we know, names change: it is now called an 'infrastructure centre'. These are buzz words which afflict all of us.

If you look at it in a comparative sense between councils in the Adelaide metropolitan area and the Brisbane City Council, because that is often used in a comparative sense with Adelaide, you come up with some very interesting statistics. This table, for some reason, omits the City of Adelaide, which is unfortunate because it is a very important council and it is a very significant one in terms of its operating budget.

If you compare the 19 councils that I have listed, minus Adelaide—as I say, Adelaide should be included but I do not have its actual figures in this table here—with Brisbane, the total operating budget for metropolitan Adelaide is around $850 million (rounded off) and for Brisbane it is $2.2 billion. The figure for basic allowances paid in metropolitan Adelaide is about $3.9 million; in Brisbane it is $3.4 million. The number of councillors in Adelaide (including the mayor and deputy mayor) is 264; in Brisbane it is 27. Brisbane's councillors are full-time paid people; similar to us in a way.

Metropolitan Adelaide's population, according to the ABS, is 1.1 million (rounded off); Brisbane's is 956,000. The total number of employees in metropolitan Adelaide is in excess of 8,000, according to the LGA website; in Brisbane it is 6,913—and, of course, the Brisbane City Council provides some services which are not provided in Adelaide, so you have to take that into account.

Brisbane City Council runs the buses, provides the water and also deals with sewerage, whereas the councils here do not. If you add in subsidies from the South Australian government in relation to buses, it is $3.1 million direct to councils, but, in addition to that, the TransAdelaide bus and the subsidies to bus companies would be well in excess of that. In addition, according to the information in the Auditor-General's Report, the operating budget for water and sewerage in the Adelaide metropolitan area is about $603 million.

Even if those figures are approximations, it demonstrates that in metropolitan Adelaide we have many, many times the number of councillors and mayors and deputy mayors compared to Brisbane. I think it is worth exploring whether being on council now is beyond the scope of a volunteer part-time person, particularly in a busy council. They do a fantastic job and they do not get paid what we get paid, but I think it is getting to a point where you have to question whether being on council as a volunteer is beyond the reasonable demand to be put on an individual in the community, and whether we should be moving to something more akin to the Brisbane system, where they have full-time paid councillors with a staffed office.

If you compare those figures for metropolitan Adelaide and Brisbane you will find that in many respects we could probably do things differently down here—and I will come back to my earlier point. Some people would say that having 264 elected members in metropolitan Adelaide on councils is a good thing because you can interact more frequently with them, but in speaking with people in Brisbane, they say that their system works well with 27 elected members, whom they can go and see in the local shopping centre, or wherever.

People in local government often say, 'You are suggesting that we'—that is, local government—'reform ourselves, change, have fewer councils'—I am not saying that, because it may be that the status quo is the best number, I do not know, that is why I want an independent expert panel to have a look—'what about your own backyard? What about state government and federal government?' Well, I do not believe that they should be immune either.

A long time ago the federal Labor government under Gough Whitlam was looking at more regional governments. That seems to have gone off the boil lately, off the agenda, but maybe it is time in Australia that we had a look at that issue again, because I think in many ways many of the things that we do arising out of this parliament are largely irrelevant.

Many aspects of state government have now been superseded, replaced or outsourced, and one has to ask whether or not it is time to redefine the boundaries of state and local government. Local government will tell you that there has been a lot of cost shifting with the state and federal governments pushing things onto them. So, if one looks at the whole issue of the number, role and function of councils in the metropolitan area, it might be opportune to look at how that should interface with state and federal government and see whether there is an opportunity to improve the whole package, not just one part of it.

Local government is obviously not keen to hear any suggestions of fewer councils, because elected members and senior staff want to protect their patch; they want to keep their little castles and, in some cases, their big castles. The fundamental issue is: what is best for the people of South Australia and, in this case, the people in the metropolitan area? We should ask ourselves the same question, and we should be prepared to say whether or not we have the best format in regard to governance as it comes out of the parliamentary system. I guess that will be part of the debate relating to what happens with the Legislative Council. I do not believe that the Legislative Council will be abolished; I do not think the public will support it, but they will support reform.

For some reason, the government is very cagey about anything to do with local government. I do not know whether it is scared of them or whether the LGA has it in a headlock, but it seems to be very scared of local government. The government is scared to rock the boat, and councils continue on their merry way, not necessarily doing bad things, but maybe not doing things as well and as efficiently as they could, or should.

I think it is opportune to look at this issue. I do not think that we should be frightened of any issue. It does not matter whether it is local, state or federal government: I think we should put all the issues on the table and, in this case, have an independent expert group look at the possibility of the number and composition of councils in the metropolitan area. Up until now, the LGA has avoided the issue and focused on financial aspects, because it does not want to buy into this issue of whether or not there should be a change. It may be that the status quo is the best arrangement, but I do not know; that is why I am calling for this investigation.

Mr GRIFFITHS (Goyder) (12:37): Given my role in local government prior coming into this place, I feel that it is reasonably appropriate that I make some comments on the member for Fisher's motion. Some history is attached to it also. I know that, in the 1970s, there was a royal commission about the structure of local government as it was intended to be then. I have read some of the reports from that, admittedly many years ago, so I cannot remember any specific details about it; but I do know that submissions were invited, public meetings were held and a detailed report was prepared which I do not think was actually acted upon. It might have been in some minor way, but there were recommendations that extended from that royal commission about the amalgamation of councils within the metropolitan area and regional South Australia.

The next time that I was aware that the number of councils within our state came to the fore was in the 1990s, when the Ministerial Advisory Group (MAG) report came down, and many members in this chamber today who were in any way involved in local government at that time will recall what occurred there. I think there were 118 councils at the time of that MAG report being submitted and, eventually, through amalgamations, incentives were supported and, through voluntary movements, we got down to the 68 councils that we now have.

In considering the ideal number of councils, it is important to think about what they are there to do. They are there to be representative of the community, to provide the best possible range of services and to provide those services and infrastructure at the best possible cost, and to reduce the financial impost upon the people who pay their bills: the property owners and the taxpayers of the state.

I recognise that the member for Fisher's motion is not suggesting any figure that should be realised of the current 19 councils in metropolitan Adelaide. He is, though, suggesting that a review be undertaken. It is interesting that, only in the past week or so, we have had the announcement of seven councils forming the Eastern Alliance—I think it is called—through which concerted discussions at all levels (not through an amalgamation process) will ensure that efficiencies are created, that bulk purchasing powers are realised, and that a common thought on important issues will give increased bargaining power when it comes to representing that part of metropolitan Adelaide as one voice.

It will create some interesting debates because, no matter how well informed we want to be, whenever a group of people come together and have diversity of opinion, it is hard to form a view that everyone will be comfortable with. So, the formation of this eastern alliance has potential problems but also enormous benefits.

It is interesting that the member for Fisher's motion has noted the 19 councils. My recollection is that the population ranges in those council areas vary from a little under 10,000—Walkerville might have 7,500 or 8,000, and I apologise if I am wrong—but the larger council areas have 120,000 or 130,000, as in the case of the Onkaparinga council. That shows an enormous diversity in the area they are responsible for and the roles that they themselves are able to undertake.

While there might be comments from both sides of the house about the change that local government has undertaken in the last generation, as someone who has worked within that industry, it is obvious to me that the social responsibilities being demanded by the communities in many cases were accepted willingly by local government, in most cases, with the frustration that it would not have the resources, but importantly, local government has accepted that challenge. They work closely with the state and federal governments to try to resource those social responsibilities.

We need to ensure that we have the right structure in place. We cannot assume that boundaries that have existed for decades, or even longer periods in many cases, would always remain the correct boundaries. We need to forget about lines on maps; we need to ensure that service provision is the key. I think everyone here would agree with the fact that the key issues are: the people on the ground, the services they receive, and the cost. The motion itself is not a bad one; it is only trying to move the debate forward, and I think that is where debate is a progressive step because it makes all of us think about the role we play.

The Local Government Association has been a very active, well-informed and spirited voice for local government as an industry for the past 30 to 40 years. On every occasion that I have had interaction with local government, I found it to be well led. They have been outspoken and they have tried to ensure that local government is informed and expresses opinions on important issues. I know that local government accepts the challenge of many roles and let's hope that, as part of the consideration of what future they themselves might hold, one of those is to consider how they can

best structure themselves. We do need some level of review. The parliament considers issues all the time; it is important that local government also takes that up.

The member for Fisher is not talking necessarily about amalgamation; he is talking about the opportunity to share services or the opportunity to ensure that discussions take place and that the best possible options are presumed and acted upon at all times. So, it is reasonable to say that his motion is good.

We, as an opposition, have not considered this issue. I confirm the fact that my comments are based upon my own thoughts on this matter, and my opinion is not a party held view. It is important that we express our views on this because local government affects the state. The Outback Areas Community Development Trust has responsibility for the vast land mass of the state and it is funded to some degree and operated as a local government entity. However, for the settled areas of South Australia—certainly for the Adelaide metropolitan area—local government provides an important role, and it is part of the responsibility of the parliament to ensure that the structure under which it operates is the best one.

Mr PENGILLY (Finniss) (12:44): I also rise to contribute to this debate. I agree with the sentiments of the member for Fisher; I think it is worthy and that it will not cause any degree of angst in the local government sector. If we did have an independent review, I do not think that would do any harm—and I stress the word 'independent'. I think it is critical that, if this were to take place, it would have to be conducted by people well outside both the state government and the local government sector.

My colleague the member for Goyder has made a number of comments that I could have made myself. I think they were very balanced. The question of just how many councils you have in the metropolitan area is one that rightly and properly should be discussed. Last week I was in Perth with the Public Works Committee where we visited a metropolitan council that had lost $20 million in the collapse of Lehman Brothers and it was interesting that they said that it was not going to affect them. Heavens to Betsy! I was very grateful that I was a South Australian, because we did not have any exposure whatsoever—and I think that says a lot about the good management and organisational structures within the local government sector in South Australia.

As has been mentioned, the issues of resources, duplication and things like stormwater are all part and parcel of local government. Of course, if you refer to planning you can see what the Rann Labor government did with Adelaide City Council on the issue; there was an agreement one minute and then it changed its mind the next. I believe councils obviously feel uncomfortable about where things are going.

My colleagues also mentioned the great disparity in sizes of councils in the metropolitan area—as mentioned, I believe Onkaparinga is about 120,000 while Walkerville is a lot smaller, I think under 10,000. Over and above that, there is the issue of what is urban metropolitan and what is country. We have a number of councils in and around the Adelaide metropolitan area—Onkaparinga being one—that contain what is very much an urban metropolitan area as well as what is very much a rural area.

The Adelaide Hills Council is another one, it comes right down and joins Campbelltown and others in the foothills; and Mount Barker is in the Adelaide phone book. The list goes on, so where is the line drawn between what is urban or metropolitan and what is country? That is a debate we need to have, and I think the member for Fisher's motion regarding an independent review could look at all those things and would be well worthwhile. I am sure the local government community would view it with interest and that the Local Government Association would be supportive of it.

Whether it be state, local or federal government, it is no good hiding your head in the sand and saying 'We're doing everything properly, we don't need to change anything,' because that is just not right. We currently have an extremely strong president of the Local Government Association in Mayor Baluch from Port Augusta, who takes these things on board and thinks through them sensibly, so there is that aspect of it. Looking into the future, 40 or 50 years down the track, you wonder where the metropolitan area of Adelaide (which now spreads, I think, for about 90 kilometres) will start and finish. Brisbane is a great example where one size seems to fit all, but that is not necessarily in the best interests of Adelaide. It works in Brisbane, and has done for a long time, but it may not work down here.

Of course, sideline events always go on in local government. The minister in another place recently talked about putting in place an independent panel on remuneration. That still has not happened, and they are still hassling about how much they should be paid and how much mayors

should be paid. Of course, this goes beyond the city of Adelaide and the metropolitan area; it comes up fairly regularly even in my own electorate. Indeed, the other day I received a letter from a constituent of one council who suggested that the mayor and councillors should not get paid anything. I do not think that went down all that well but it is in my office, it will not be circulated. However, the reality is that there are councils where councillors do very little and councils where councillors do a great deal; equally there are some mayors who seek to do more than others. That is just the way it is, and the way it has been for a long time.

In moving this motion, it is obvious that the member for Fisher has given the matter a great deal of thought. My colleague the member for Goyder has spoken to it, and I have appreciated the opportunity to say a few words. My support of the motion is based on the fact that we need to plan for the future. Let someone outside have a look at it. Do not let the Attorney-General get his sticky fingers into it, because he is all for making the mayors and councils political. We do not want him anywhere near it. If indeed it comes to pass, I totally support an independent review, and I think it is just good politics that we should be discussing it in here. I would appreciate some comments from the government side, although we probably will not get them; however, it is my view.

Debate adjourned on motion of Ms Chapman.

NEW ZEALAND ELECTION

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (12:50): I move:

That this house congratulates the Hon. John Key and the National Party on their landslide win in the New Zealand election on Saturday 8 November.

It is with pleasure that I move this motion. Within days of the great event of Super Tuesday in the United States of America—as a result of which we will see the inauguration of Barack Obama in January next year and the installation of he and his wife, Michelle, and family in the White House—we had Super Saturday in New Zealand. The Hon. John Key, the leader of the National Party, and his team were swept to victory. I understand from New Zealand that it is likely that within a few days the new cabinet will be sworn in and ready to action the new administration for the benefit of New Zealand.

It is important to understand and appreciate the situation in New Zealand, namely, that every week 500 people migrate to Australia. Sadly, almost all of them go to Queensland, but of course one or two along the way have stayed here. I remember one who dropped in in 1975, returned for a few years and came back in 1977. He is still here, of course, and he is in this house—the Premier. So, we have had a few who have turned up.

Every week, 500 New Zealanders migrate to Australia, and they match the 3,500 that we lose from South Australia every year who migrate to other states, mostly to Queensland. There must be something wrong with our administration here in South Australia. Nevertheless, the important event to celebrate today is the Hon. John Key's magnificent victory in New Zealand.

I think it is important to place on the record that the National Party secured 59 seats in its national parliament; the ACT, five; one United Future member; Labor retained 43 seats; the Greens won eight, and they were joined by the Progressive Party member. Overall, after the coalition negotiations, it was a 65:52 victory, and our congratulations go to Mr Key. I read this important comment he made in the press:

New Zealanders have voted for prosperity, for a brighter and more ambitious future.

He is a person with an incredible history. Until six years ago, he was operating in private enterprise, but since then he has been in the New Zealand parliament. He said:

What inspired me then, and still inspires me today, is the belief within ourselves that we have the ability to make our lives better.

That is a great accolade. Incidentally, some members of the house may not know this, but he is the first generation X Prime Minister of New Zealand, having been born on 4 August 1961. Interestingly, Senator Obama was born only five days later, on 9 August. So, we have two fresh faces of the post baby boom army, generation X, who are now in senior positions in the United States and New Zealand. Ms Helen Clark, New Zealand's Labour Prime Minister for the past nine years, acknowledged defeat early on Saturday night. I think it is important that we at least place on record the contribution that she has made as a prime minister. No matter what political persuasion, it is an extraordinary contribution in life, in her case, to serve for nine years as prime minister, and that should be acknowledged.

What she may be doing, I suppose, is almost weeping in her milk and cereal—I do not know if they eat Weet-Bix over there—the next day, thinking, 'Why did I take advice from the President of the ALP in Australia when he came to visit us in New Zealand to help us with our campaign, when he spoke wise words to help contribute to a stunning win of the Labour Party in the New Zealand election?' She must have been weeping into whatever cereal they eat in New Zealand, because, of course, the great contribution from the Premier of South Australia, the President of the ALP, to help her with a campaign was a monumental disaster—a landslide loss for the Labour Party in New Zealand; a big help, of course, from the Premier of South Australia. This is the man, of course, who said in the 2006 election: 'Rann delivers'.

The Hon. S.W. KEY: On a point of order: I am just wondering about the relevance of this contribution with regard to the motion that the member for Bragg has moved. I ask whether you can clarify whether her present contribution is in order.

The DEPUTY SPEAKER: The contribution does seem to be straying a little, but I will listen closely to the debate.

Ms CHAPMAN: There is no question, though, that the people of New Zealand made a decision that the Labour administration in New Zealand was tired, out of ideas, and no longer able to connect with the aspirations of most of today's voters, and they overwhelmingly swept them out of office. Sadly, no matter what political guru came across the Tasman, flying across to the rescue, to New Zealand, in this case, from Adelaide, it was not enough for them.

I acknowledge John Key. His father died at a young age, I think when he was a pre-schooler. He was raised with his two sisters by his mother, and did not come from beginnings of wealth, comfort or security. I think it is a credit to those who have aspired to be great leaders, and, in this case, gone on to be Prime Minister of New Zealand. I think that that should be acknowledged. It is another story, I suppose, similar to that of Barack Obama. A great leader is now installed in New Zealand. He should be very proud of that achievement, for which we in Adelaide wish to congratulate him.

I have had the privilege, over the last 12 months, of dealing with Mr Tony Ryall, who is the current shadow minister for health in New Zealand. Tony has been inspirational at our national meetings in relation to health reform, funding, workforce issues, primary health, all of the challenges of chronic ill-health, all of the concerns of elective surgery, blow-out lists, budget blow-outs, and the adequate provision of services in emergency departments. These are common in our countries, and they are common problems to address. He has brought, to the table and the political table in New Zealand, with the applause and support of voters in New Zealand, a health policy which I think will stand him in good stead.

What was very clear to note, of course, during the time that he was at our meetings, and which, clearly, the voters in New Zealand totally rejected, is a centrally administered, managed and controlled health system, which was the aspiration of the Labour government in New Zealand. Voters totally rejected the management, clawing out and slashing of services in regional parts of New Zealand, which they also did here in a very clear way. They were outraged that the government administration in New Zealand, on last count in one major district area, was $70 million blown out over budget. It happens to coincide exactly, I think, with what was a blow-out in budget in '07-'08 for the health department here.

Voters were outraged that a government that had been in administration for nearly a decade failed to deal with the workforce issues and requirements for the planning and implementation of doctor and nurse shortages. Not doctors and nurses with a mobile phone, or doctors and nurses running around in offices or cars provided, but doctors and nurses who had the opportunity to contribute their skills in wards in hospitals, next to sick beds. This lack of planning by the New Zealand health minister and the administration under Ms Clark was wholesale rejected. It is an important lesson for South Australia.

Debate adjourned.

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

FROME BY-ELECTION

The SPEAKER (14:00): I rise to inform the house that I have received a resignation from the House of Assembly of the Hon. Rob Kerin. I have spoken to the Electoral Commissioner, Ms

Kay Mousley, and, after consultation with her, it is my intention to issue the writs for a by-election. The writs are to be issued on 28 November 2008 for a by-election on 17 January 2009 for the seat of Frome.

PAPERS

The following papers were laid on the table:

By the Minister for Tourism (Hon. J.D. Lomax-Smith)—

Adelaide Entertainment Centre—Report 2007-08

By the Minister for Industrial Relations (Hon. P. Caica)—

Construction Industry Training Board—Report 2007-08
Construction Industry Long Service Leave Board Report on an Actuarial Investigation of the State and Sufficiency of the Construction Industry Fund
Industrial Relations Court and Industrial Relations Commission—Report 2007-08
National Code of Practice for Induction for Construction Work–dated May 2007
National Code of Practice for Precast, Tilt-up and Concrete Elements in Building Construction—dated February 2008

TRAINING OPPORTUNITIES

The Hon. P. CAICA (Colton—Minister for Industrial Relations, Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Youth, Minister for Volunteers) (14:02): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P. CAICA: The inaugural application round of the joint South Australian and Australian Government Productivity Places Program for Existing Workers was launched on 9 September 2008 and closed on 17 October 2008. This round is a pilot for the implementation of the joint Productivity Places Program for Existing Workers in South Australia. The response from South Australian industry has been outstanding. The demand for existing worker places has been exceptionally high from across a wide range of industry sectors, including areas of high skill demand. Under the Memorandum of Agreement with the Australian government, South Australia agreed—under this pilot—to allocate a minimum of 1,880 qualifications worth $14.1 million.

The number of qualifications applied for was far in excess of this and totalled 6,601. Under the arrangements for the pilot program, 752 qualifications were to be targeted at certificate IV level training, 752 at diploma level, 188 at advanced diploma level and 188 at certificate III level. I am pleased to announce that the program has greatly exceeded these targets. In total, the program will fund 2,780 qualifications of which 1,206 qualifications will be allocated at the certificate IV level, 1,018 at the diploma level, 193 at the advanced diploma level and 363 at the certificate III.

All these qualifications will contribute to meeting the skills demands of industry across our state. This comprehensive spread of qualifications will be distributed across a wide range of industry sectors, across regional areas and across identified target sectors. The health, indigenous and disability sectors are major beneficiaries of this program. Also, 744 qualifications have been allocated to various health proponents, 294 of which are at diploma and advanced diploma levels. Indigenous workers stand to benefit from a total of 136 qualifications, 86 of which are at the Certificate IV level and above.

All proponents will be notified in writing of the outcome of the assessment process. The enthusiastic response received for this program vindicates the recognition by the Australian state governments of training and skills as a critical priority that underpins our economic and social developments. The state government will continue to work closely with the Australian government to build on this exceptional response to this pilot program.

BUILDING SAFETY

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:05): I apologise to the house because I should have tabled this ministerial statement yesterday. I table a copy of a ministerial statement relating to building safety made yesterday in another place by my colleague the Hon. Paul Holloway.

VISITORS

The SPEAKER: I draw to the attention of members the presence in the gallery today of participants in the Business and Parliament Trust, who are my guests.

QUESTION TIME

FROME BY-ELECTION

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:05): My question is to you, Mr Speaker. Is 17 January the first date at which a by-election for Frome could be held?

The Hon. K.O. Foley interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! Members on my right will come to order.

The Hon. M.J. Atkinson: Sookie sookie la la.

The SPEAKER: Order! The Attorney is warned.

Mr HAMILTON-SMITH: The 17 January by-election date will leave the people of Frome unrepresented in the parliament for almost nine weeks. The opposition understands that the State Electoral Commission could have supported a by-election on 13 December.

The SPEAKER (14:06): I thank the leader for his question. Any election date over the coming period presents enormous challenges and difficulties, with the time immediately before Christmas and the time over January. It is a judgment call on my part, in consultation with the Electoral Commissioner. While, yes, it was technically feasible for the date of 13 December, it was my judgment that that did not provide enough time, and that is a decision for which I take full responsibility. The weeks immediately after 20 December presented problems for the Electoral Commission, obviously being just before Christmas—

Members interjecting:

The SPEAKER: Order! The Speaker is on his feet: I expect silence. It also presented problems in terms of the receipt of postal ballots in the time after polling day, with the public holidays and no receipt of letters; and I considered the couple of weeks immediately at the beginning of January not possible because of their being over the holiday period. I agree that 17 January is not an ideal date but, in consultation with the Electoral Commissioner, I made the judgment call that it was the 'least worst' day that was available.

DEFENCE SECTOR

Mr RAU (Enfield) (14:08): My question is to the Premier. Will the Premier inform the house of recent developments in South Australia's defence sector?

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) (14:09): I am delighted to answer this question and to recognise the presence in the chamber of Doug Caster, who is the Managing Director of Ultra Electronics, from Great Britain and also senior executives from that organisation who will be setting up in Adelaide. We welcome a new industry and a company that is pre-eminent internationally in a number of spheres of defence, including marine systems.

We are delighted with what happened this morning. Defence has been a high priority for this government since we came to office in 2002. Just remember what we faced in 2002: huge pressure on our manufacturing industry. Together with the Economic Development Board, we made a decision that we would not only go hell for leather to diversify the economy but also to get mining going and to secure defence projects. There was one big defence project coming up, which was the $8 billion air warfare destroyer project.

All the predictions were that Melbourne was going to win, that the Tenix bid would be successful in terms of its facility at Williamstown. Despite the fact that the Premier of Victoria—and I can now reveal this publicly—I am told, was told the night before that Victoria had won the bid, we put in a massive effort to secure that very important contract for South Australia.

It was about getting a critical mass, just as it was important to win the submarine project back in the 1980s, again in association with organisations like the DSTO, which provided the intellectual infrastructure for our defence capability, and then out of that we were able to build a series of companies around it that helped us get a critical mass of expertise to assist us to win other projects.

A key part of our bid to win the air warfare destroyers project was to make a commitment to put our money where our mouth is as a state; it was not just the commonwealth. This was a partnership with the commonwealth. We, unlike our competition in other states, made a commitment that we would invest up to $400 million in establishing a common user precinct, a maritime defence precinct, at Port Adelaide, next door to the Australian Submarine Corporation's submarine manufacturing facility at Osborne. That meant that it was available for Tenix, should they win, or for the ASC, if they won the project, and for a range of other defence projects and contracts that could be run concurrently.

The $8 billion air warfare destroyer contract is the biggest and most complex defence contract ever let in Australian history. It is to build three air warfare destroyers. We are hopeful that eventually we will get a decision on a fourth. What we are doing now is building the infrastructure. I can announce to the house that it is expected that construction on the air warfare destroyer, the actual building start, will be next year (2009), which will see a considerable take-up of jobs in the area as people are recruited.

The Maritime Skills Centre is part of Techport. The minister for employment, training, further education and many other things was with me this morning for the opening of the Maritime Skills Centre, which is the first stage, the first completed building in this giant Techport complex. There is a lot more to come: a systems centre, Raytheon's facilities, a Rolls Royce ship lift, the biggest ship lift of its type in the southern hemisphere, capable of lifting an air warfare destroyer. There are wharf facilities that should be handed over to us next year as well.

What this means is that there will be a series of contracts let. We have already let about $250 million worth of both contracts and subcontracts, and much of that to local companies. As part of our economic development thrust, our State Strategic Plan target is to lift the number of defence jobs from 16,000 to 28,000 by 2013 and to double the size of the industry's contribution to gross state product to $2 billion.

Earlier this week, the first major flow-on contract for the AWD project was signed with the British defence and aerospace company, Ultra Electronics, which has been awarded the $78 million contract to supply integrated sonar systems for the destroyers. That is very good news for South Australia, because this company will deliver the contract from its new Australian head office in Adelaide, and we welcome them as new corporate citizens in our state. We can look forward to other companies establishing or expanding their presence in South Australia as a result of their involvement with the AWD project.

Techport is home, of course, to the Maritime Skills Centre, which was opened this morning. It is a key component of Techport Australia but, in addition, we want it to become a hub for maritime training in Australia. To this end, SABRENet, the state's high-speed fibre optic broadband network, will be rolled out to Techport Australia, linking the Maritime Skills Centre to all of the state's other education and R&D centres. I think that is important.

Techport Australia's commercial campus is also taking shape. I announced this morning that final documents have just been signed with the cornerstone tenants of the campus, the AWD Alliance, and Raytheon Australia. The $40 million campus will be delivered by local private developers, Prime Space Projects, and, of course, we had a range of other announcements this morning. It was a very good event and, if we can develop weapons of mass destruction against the flies down in Kevin Foley's electorate, we will all be happier at these launches.

GOVERNMENT ADVERTISING

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:15): Will the Premier immediately suspend, in accordance with his conscience and principles, until the completion of the Frome by-election, his multimillion-dollar, taxpayer funded, political advertising campaign during which he promotes himself?

Members interjecting:

The SPEAKER: Order! The Premier.

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) (14:15): Can I just say this: here we have the Leader of the Opposition—

Mr Hamilton-Smith: Or do you just live off of taxpayers?

The Hon. M.D. RANN: Do you want to talk, or do you want me to answer your question? You are getting very flushed in the face again. I find it extraordinary that the Leader of the Opposition is carrying on about the date of a by-election caused by the other side. It is very easy to avoid a by-election, and that is by serving out one's term. I know what would have happened if we had held it in December: it would have been disruptive to the retail trade. If it happened on 27 December, it would have caused disruption to the holiday break between Christmas and New Year. If we held it on the long weekend when Lance Armstrong were here with me, it would have been a diversion; we would have been trying to blot it out.

Here we have a seat that, even in the very best of Labor years—at the last election—is regarded as a semi-safe Liberal seat, and they are whingeing about the date! There is one way to avoid a by-election, and that is by not quitting your seat in the middle of the holiday season. We could, of course, have had it on 31 January—

Ms CHAPMAN: Point of order, Mr Speaker. It is one thing to be circuitous in getting to where we are with this, but the question is: are we going to be paying to look at your face for the next two months, or not?

The SPEAKER: Order! I think the question is being answered in the spirit in which it was asked. However, I will draw the Premier to the substance of the question, which is about government advertising. The Premier.

The Hon. M.D. RANN: Thank you very much. There are very clear and established rules, established by precedent generation after generation, building on the mother of parliaments in the Westminster tradition in relation to government advertising, and at what stage that cuts out. Given that we did not get the resignation until last night, I make this pledge to this house today: only the most appropriate government advertising will be in place during the requisite period.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Because I know that the Leader of the Opposition is a student of Camus existentialism, as well as Jim Hacker, there will be no cessation of bushfire advertising during the election period—and if that is controversial, I apologise.

PREMIER'S FOOD AWARDS

Ms SIMMONS (Morialta) (14:18): Will the Premier inform the house of the 2008 Premier's Food Awards?

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) (14:18): This is one of the great nights out—

The Hon. R.J. McEwen: You wouldn't go home last year.

The Hon. M.D. RANN: That's funny. I am told that I would not go home last year. I must say, there was one year when some extremely unusual people appeared on stilts to welcome me, but we will not go into that. I am delighted to inform members of the house that the 11th Premier's Food Awards will take place at the new Goyder Pavilion at the Royal Adelaide Showgrounds on Friday 14 November 2008. Before the opposition jumps up and says, 'Why has he badged this the Premier's Food Awards'—

The Hon. K.O. Foley: Why have you?

The Hon. M.D. RANN: It was done by the previous government. Again, as you know, I abide by tradition. My relationship with the food industry is well established. Apart from previously chairing the state's Food Council, I also eat a lot. The prestigious annual food event recognises outstanding achievement in the South Australian food industry and is delivered through a partnership between industry and government. From memory, the minister who started this was, until last night, the member for Frome. I want to recognise that.

The awards finalists, who have demonstrated a level of excellence in their individual fields and who have made an enormous contribution to the state's food industry, will be announced at the green-themed gala dinner, and that is not like St Patrick's Day green which seems to have a big impact on members of the front bench, but we will go into that another day. The finalists come from every corner of the state, including the city, Adelaide Hills, Limestone Coast, Eyre Peninsula and the Riverland.

Three nominations have been received for this year's KPMG Young Leader Award: Carly Cannon, technical services manager for SAFCOL; Sam Tucker, director of Tucker's Natural; and Dr George Ujvary, managing director of Olga's Fine Foods. There have been two nominations for the Food and Beverage Development Fund Workforce Award: Barossa Fine Foods and B.-d Farm Paris Creek. Three nominations have been received for the Peats Soil and Garden Supplies Environmental Sustainability Award: Agri Exchange, AqaOyster and B.-d Farm Paris Creek. There are four nominations for this year's NAB Export Award: Almondco, AqaOyster, Beerenberg and Mayura Station. Either Fruit Wise, Mayura Station or Robern Menz will receive this year's SARDI Innovation Award.

Three companies are vying for the San Remo New Product Award: Humbugz Honey, Pendleton Estate and Robern Menz. The Rural Solutions SA Services to Industry Award is fiercely contested this year by the Adelaide Showground Farmers Market; SA Freight Council, great friends of mine; and the Spencer Gulf and West Coast Prawn Fishermen's Association. There are two Food Adelaide Value Adding Awards. One award is provided to businesses employing fewer than 15 FTEs. The nominees for this award are Bushmin Farmed Rabbits, Careme Traditional Pastry and Tutto Pasta. For those businesses employing more than 15 FTEs, the nominees are Almondco, Meatpak, Mitani and Richard Gunner's Fine Meats. Another exciting aspect of the night will be the announcement of this year's inductee into the Hall of Fame, proudly sponsored by Coopers.

This year our agri-food industry contributed about $11.5 billion to the South Australian economy and accounted for around 145,000 jobs. In addition to our reputation for producing distinctive, world-class foods, South Australia is now becoming increasingly known for its environmentally sustainable or 'green' cuisine. There is a lot more to be said, but I am aware that time is passing. I look forward to joining other members on this night of nights for the food industry.

SOUTH AUSTRALIAN GOVERNMENT FINANCING AUTHORITY

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:23): My question is to the Treasurer. How much of SAFA's investments are comprised of bonds and what impact has the federal government's guarantee of bank deposits had on state government bonds and future capital raisings? Financial experts are publicly raising concern that investors are abandoning state government bonds in preference for federal government guaranteed bank deposits.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:23): The government primarily puts paper into the domestic market and, at present, if we do have any paper offshore, it would be a very small amount because of the very small funding requirement. As you would be aware, as at 30 June this year, we have no state budget debt; in fact, we have built up assets. The last figures I saw were of about $200 million as at 30 June but, obviously, the world has changed quite a bit since then.

SAFA manages, through the mandate which I put in place when I came to office, the borrowing program for SA Water and other government trading enterprises. Going forward, we clearly have a substantial borrowing program. The size and the duration of that program is currently under review, given the collapse in financial markets, as to how we will reprofile that capital expenditure. Having just returned from overseas, I can say that the issue of subnational issuance of bonds or paper into European or United States, or Asian markets for that matter, is proving problematic for state governments. That is because, through the decision of the commonwealth—understood and supported by most if not all people in our banking system—and notwithstanding state governments, a AAA credit rating and sovereign governance in our own right, the buyers of this paper, buyers who want to take up bonds, prefer national government sovereign bonds and bank bonds that are guaranteed by the commonwealth government.

My advice is that we do not have a major funding requirement until about September next year, I think, when we are looking at going into the market for about $A1.5 billion. We have started to source some borrowings through the issuance of bonds, and I am not quite sure where we are

at; when I was away I was with the general manager of our financing authority, who at that point was looking at a placement. However, the problem we are facing as a state government is more acutely faced by other state governments—and by that I mean Queensland and New South Wales, which are long participants in foreign debt and the raising of debt in the issuance of overseas bonds. My understanding is that they are having similar problems.

My colleague Andrew Fraser, the Queensland treasurer, has taken up this matter at the commonwealth level on behalf of all state treasurers, and we are meeting formally as treasurers ahead of COAG to attempt to sign off on arrangements with the commonwealth government on SPPs and national partnership payments for the premiers to endorse the following day. Hopefully we will get agreement and not leave too many things undone. At that time we will also have a meeting of the Loan Council, where this matter will be discussed. Indications are, and we are more than confident, that the commonwealth will assist with some form of back-to-back issuance of bonds or some arrangement that will allow us to access foreign capital through the support of the commonwealth. So in terms of the price of the debt we raise and its availability, the commonwealth will clearly ensure that state governments are not impacted upon.

Yet again, this shows the extraordinary financial environment in which we are all operating. With the complexity and problems associated with the world's financial markets, there is a new story every day, and I hear that overnight the governor of the Bank of England said that in his opinion this financial crisis is the worst financial crisis the world has faced since the First World War. So he puts it—

Ms Chapman interjecting:

The Hon. K.O. FOLEY: Since the Somme. If you read the business section of today's *Australian* the reality is—

Mr Williams interjecting:

The Hon. K.O. FOLEY: He says to get on with my drivel. I am trying to answer the question and giving as much information as I can, and the member for MacKillop says it is drivel. If those opposite want to bury their heads in the sand and imagine that nothing has changed in the world, so be it. Just because their federal leader is one of those guys who got us into this trouble does not mean they can be oblivious to what happened. Those merchant bankers—

Members interjecting:

The Hon. K.O. FOLEY: Malcolm Turnbull of HIH fame and his good mate Larry Adler. What did he get from Goldman Sachs when he walked out? About $50 million, I believe. So, their federal leader is one of the reasons the world is now confronted with this type of financial crisis. Those new money merchant bankers—

The Hon. I.F. Evans: Don't take donations.

The Hon. K.O. FOLEY: From whom?

Members interjecting:

The Hon. K.O. FOLEY: Yes, do it on the same day. The reality is that we are in an extraordinarily difficult time, and the raising of capital by the private sector is proving incredibly difficult. I have had a number of meetings this morning about the lack of ability for good quality corporates, good quality blue-chip companies in some cases, to raise capital. It is very alarming. The world's pipeline of funding and liquidity is just a logjam. We are not seeing the freeing up of capital globally, and I think that is something that should have us all very concerned.

PORT BONYTHON

Mr KENYON (Newland) (14:30): My question is to the Minister for Transport. Is he aware of any support for the proposed feasibility study for the government's deep sea port at Port Bonython?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (14:31): I thank the member for Newland for his question about this very important project and proposal. Of course, there are those who have concerns about the development of a deep sea port there, and we take those seriously and they will be fully addressed in the process. We have had a good deal of support. If the house does not understand what has happened there, we, the government, went to the private sector because we—

Mr Williams: No; they came to you.

The Hon. P.F. CONLON: Actually, the interjection is not true. The private sector itself will tell you that this proposal was developed out of my office, out of the Office of Infrastructure. This is the Libs all over: they cannot acknowledge a good thing done by government. They will not do it. Let us be clear: it came out of our office, and we went to the private sector and said, 'Is anyone interested, if we coordinate it?' They are certainly not interested, because it is good news for the state. We said, 'Is anyone interested in putting a private sector bid together to see if revenues can be put together to build a deep sea port to underpin the future of mining in South Australia?' We had 10 different serious consortia respond.

I am very pleased that the winning consortium is led by Flinders Ports—a good South Australian firm. It will spend a few months on the feasibility to see whether the private sector can put this deal together. The private sector has been very supportive of it every step of the way. As recently as last week or so, we had an iron ore mining venture in to see us to urge us to continue.

We have had support, and I am pleased to say that, on one occasion, we had some bipartisan support—at least for a little while. I have a document, the opposition's infrastructure bid to the Infrastructure Australia fund, the $20 billion fund. It was signed very recently, on 13 October, by the Leader of the Opposition. You would expect, of course, that would be a high quality document, because they are after $20 billion in funds. Perhaps I can show you the quality of the document by reading a sentence from it. I urge members to listen carefully, because it might be a little hard follow. It states:

> As a part of a major reinvention of the City West site we should the interstate train service will be brought into the city and could service the sports stadium, cultural precinct, major events as well as City West.

Obviously, when they got this in Canberra, they said, 'Can't argue with that! Better send those blokes some money. Can't argue with that—can't understand it, let alone argue with it!' But I do note that it refers to that famous disappearing sports stadium—the one that, until Monday, was part of the policy platform of the opposition. I have heard of retractable lights, but now we have a disappearing City West sports stadium. It no longer exists, and it is not a promise. We will find out what they are going to promise in March 2010.

The Hon. M.J. Atkinson: Read that sentence again.

The Hon. P.F. CONLON: I don't think I could. It was very hard. They did manage this on our proposal. This is what he said on 13 October:

> As a matter of urgency there must be the development of a major bulk commodities export wharf at Port Bonython.

They went further and said that it was so urgent they wanted the government to pay for it, not the private sector—the great friends of the marketplace, 'I know they want to pay for it, but don't let them. Get the government to pay for it.' That is a matter of urgency.

So, you can understand why I was a little surprised when, on 28 October (some 15 days later), the opposition spokesperson urged me not to go ahead with it. They held their nerve for 15 days. That was probably a record for them.

The Hon. M.J. Atkinson: Ridgway!

The Hon. P.F. CONLON: It was Ridgway saying, 'What we need to do is have a longer look at this.'

Let's make this clear: on 15 October it was a matter of urgency that had to have commonwealth funds. On 28 October the opposition said that we should not go ahead with it. Maybe now we see the general motif of this mob, because on Monday we found out that everything the Leader of the Opposition has said to this date has just been blowing wind at us. Apparently, none of it means anything, and nothing he says until March will mean anything. All will be revealed in March. So, what we will have is basically a good wind bagging session until March 2010 from the Leader of the Opposition. This demonstrates the stark difference between this government and the opposition—

Members interjecting:

The Hon. P.F. CONLON: It does. It's a stark difference. We have gone to the private sector, put together a deal that the private sector will pay for. If it does not pay for itself—

Members interjecting:

The Hon. P.F. CONLON: Well, the Sturt Highway proposal budgeted at $100 million, paid for by the commonwealth, we got it in at $80 million, and got them to give us the $20 million for a bit more.

The Hon. K.O. Foley: It's still not on budget.

The Hon. P.F. CONLON: Not on budget; that's right. We did spend it all. We spent the other $20 million in the member for Schubert's electorate. At least he is appreciative, because he is a slightly serious person, unlike their front bench. It is no wonder that Kerin wants out of this place. I know that he has caused a by-election, but I do not blame him. Who would want to sit behind this mob? Only 15 days after asking the commonwealth if we could have $20 billion, they asked us not to go ahead. How on earth can anyone take these people seriously?

The SPEAKER: The Leader of the Opposition.

TAXATION

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:36): Thank God that's over, sir; I was having trouble working my way through it.

Members interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: It's always entertaining listening to the minister for stuff-ups.

The SPEAKER: Order!

Mr HAMILTON-SMITH: No one can stuff it up—

The SPEAKER: Order!

Mr HAMILTON-SMITH: —like the minister for stuff-ups.

The SPEAKER: The leader will come to order!

Mr HAMILTON-SMITH: Right-oh, sir—

The Hon. P.F. Conlon interjecting:

The SPEAKER: The Minister for Transport will come to order!

The Hon. M.J. Atkinson interjecting:

The SPEAKER: The Attorney will come to order!

Mr HAMILTON-SMITH: We will pull ourselves together over here. Calmed down now, Pat? I can go ahead? I have a question—

The SPEAKER: Order! The leader will get on with it.

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order! The leader will ask his question.

Mr HAMILTON-SMITH: Will the Treasurer rule out introducing new taxes, fees or levies, or increasing rates on existing taxes, fees or levies above CPI for the remainder of this government's term? On 29 September 2008, when asked whether he would be increasing taxes the Treasurer said publicly, 'I have not said anything about increasing taxes.' He added: 'This is not a problem that can be or needs to be resolved through increasing taxes.' In Tuesday's mini budget, the New South Wales government introduced $3.2 billion worth of new revenue measures, including a new land tax and a city congestion levy.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:38): I am trying to put my hands on it. I do not appear to have it, unfortunately. Yes, I do. Is this the one I'm after?

Ms Chapman: The question is: do you rule out new taxes?

The Hon. K.O. FOLEY: Yes, I do rule out new taxes. We heard the Leader of the Opposition on radio just a week ago blaming me for not being like John Howard and Peter Costello and saying that I should have had bigger surpluses. Although, to have had a surplus big enough to have withstood the recent meltdown in the financial markets, I would have been running $1 billion-

plus surpluses. I tell you what, if I was running $1 billion-plus surpluses, I think I would be under a bit of pressure from everyone on my front bench, and the back bench—

The Hon. M.J. Atkinson: And theirs.

The Hon. K.O. FOLEY: And particularly from that side. How many times have we been criticised by those opposite for not spending enough? What else did Martin Hamilton-Smith say on that day? In the report that I read he said that the government should have cut taxes more—more than the billions in taxes that we have already cut—and then he said that he would now have the ability to raise taxes to deal with the current financial crisis.

This guy walks both sides of the street. He said on radio that we should have cut taxes more aggressively so that we have the capacity to raise taxes to deal with this financial crisis. You will say anything at any time that comes into your head, and we have it all recorded. The Leader of the Opposition has no consistency in message, and each and every one of those front bench members know it. Have a look at their faces. They know they have a leader who is neither competent nor capable of engaging in a debate on the matters relating to the economy and finances. No, we will not be bringing in new taxes. We will not be dealing with the financial crisis as New South Wales has done by putting new charges in place. I will certainly not do what the leader advocated, that is, to increase those taxes that we have already cut.

TAXATION

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:40): As a supplementary question from listening to his reply, the Treasurer has now ruled out any tax increases for the remainder of this government's term. Will he answer the question fully and rule out any further increases to levies and charges beyond CPI in this government's term?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:41): That is the same question. You know—

Members interjecting:

The SPEAKER: Order!

An honourable member interjecting:

The Hon. K.O. FOLEY: Yes; that's right, he just asks the questions. Look—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —a point will be reached where he will have to be accountable. At some point you will have to line up all your promises with all the money that you think you may have available and explain to the people of this state how you are going to pay for it, because you want to. You said you want to cut taxes. You said you want major tax reform in this state. That means winners and losers. That says winners and losers. Tell us who the winners will be in your tax cuts and then identify who the losers will be. The government will do nothing more than the government has done in the past in its budget, and we increase—

Mr Hamilton-Smith interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —charges and fees—

Members interjecting:

The Hon. K.O. FOLEY: **Y**ou don't want to listen.

Members interjecting:

The Hon. K.O. FOLEY: Well, you don't want to listen. I am happy to give you the answer.

ATTORNEY-GENERAL

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:43): My question—

Members interjecting:

The SPEAKER: Order!

Ms CHAPMAN: —is to the Premier. Will the Premier require the resignation of the Attorney-General in accordance with his Ministerial Code of Conduct if the Attorney-General is found by a court to have defamed a senior judicial officer? The Attorney-General is being sued by the Chief Magistrate, Andrew Cannon. Section 2.3 of the Ministerial Code of Conduct states:

...in the discharge of his or her public duties a minister shall not dishonestly or wantonly and recklessly attack the reputation of another person.

An honourable member interjecting:

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) (14:43): That is right. We know what you say about your own leaders. I mean—

An honourable member interjecting:

The Hon. M.D. RANN: Yes. They said the former leader and the one who resigned yesterday. Extraordinary! Can I just say that this matter is currently before the courts. I know that there are days when the Deputy Leader of the Opposition stands up, and it is kind of like, 'May it please, m'lud' and all the rest, but the fact is that she should know better than anyone, given that she believes that she is a distinguished expert in jurisprudence, that it would be absolutely improper—in fact, I believe it would be a breach of the code of conduct—to comment on matters currently before the courts.

As members know, I am very reluctant to enter into debate with the judges or, in fact, in any way interfere in the course of justice with the criminal law. This is not in the criminal courts, and I can tell members that the Attorney-General is not being prosecuted for criminal libel; therefore, I have every expectation that his reign as Attorney-General will be long.

DESALINATION PLANT

Mr WILLIAMS (MacKillop) (14:45): My question is for the Minister for Water Security. Is the full cost of the desalination plant, the land upon which it is to be built and the associated pipelines that form part of the project actually around $1.7 billion, not the $1.4 billion that the government has recently claimed? The government has previously told the house that the cost of the desalination plant would be $1.1 billion and the associated pipelines a further $300 million, a total of $1.4 billion. However, this week the minister told the house that the desalination plant itself had blown out from $1.1 billion to $1.374 billion. No mention has been made of the additional cost of the associated pipelines and infrastructure.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:46): I will ask the Minister for Water Security for a response—

An honourable member interjecting:

The Hon. K.O. FOLEY: Hang on; the question was to her not me.

Mr Pisoni: You said you would take it.

The Hon. K.O. FOLEY: Yes, well, I can't give you the answer, I'm sorry. You are asking me to take on face value that what you are asking is correct. I will refer it to the minister and let her have a look at it and compare it with her answers, and come back to the house. However, I can say that the desalination plant is being progressed extremely well under the very firm leadership of the Minister for Water Security, and we are on track, hopefully, to deliver that desal plant a year earlier than had been planned originally. I heard the nonsense yesterday from the leaders of the opposition—leaders are probably right—or members opposite about the cost of this plant blowing out.

Along with most governments of Australia, we are building desalination plants. Desalination plant costs have increased. I watched CNN news, as I often do before coming to question time, to get a dose of the real world, I mean from America—sort of an unreal world, America. They had a piece on their weather talking about the Australian drought and how we are already the driest continent, but the quality and the length of the drought is quite extraordinary. They actually made reference to the fact that Australian governments are now embarking upon a major build program for desalination plants. There are limited suppliers of the equipment that go into desalination plants. The lead times and the cost of those plants have gone up commensurate with the demand for those desalination plants. It is not surprising that those desalination plants are costing more.

There has been no blow-out in the cost of the desalination plant, because we have not received the bids as yet. We have not signed off on the tender, though we will be doing so in the very near future. The important point is that we have acted on water security. We will provide Adelaide with desalination. It is an insurance policy for this state for decades to come, and we have been the first government with the courage, the will and the ability to deliver it.

DESALINATION PLANT

Mr WILLIAMS (MacKillop) (14:48): I am delighted to direct my next question to the Treasurer. Why is the government proposing to pay more than twice the price for its desalination plant than is paid in other jurisdictions? Yesterday, the Treasurer told the house that the desalination plant will cost what it costs. On 10 October 2008, international infrastructure analysts, Global Water Intelligence, released information which shows—

The Hon. R.J. McEwen interjecting:

The SPEAKER: Order! The Minister for Agriculture.

Mr WILLIAMS: On 10 October 2008, international infrastructure analysts, Global Water Intelligence, released information which shows that the average capital cost of desalination capacity in Australia is some $3,500 per cubic metre per day of capacity compared with $1,600 per cubic metre per day capacity in the rest of the world. Its report on the water market in Australia states that the high price is because Australian governments are 'desperate for water'. The SingSpring desalination plant in Singapore—which I visited earlier this year, as did the Minister for Water Security at another time earlier this year, I believe—which is the same size as the plant proposed for Adelaide, was completed in 2005, only three years ago, at a total capital cost of $S200 million.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:50): Does anyone understand that question? Look at the face on it. It's like a guppy. Why are we paying double? Does the deputy leader honestly believe we would pay twice the price for a desalination plant than we otherwise would have to? Are you honestly suggesting that? Are you honestly suggesting that we are going to go to the market and say, 'This is how you should tender for this desalination plant. Charge us double. Charge us double, and we will be dumb enough to accept it.'? What a silly and inane question. What was the other bit? That apparently Australian governments are desperate for water. You better believe it. It has barely rained for the past three years. We are—

Mr Williams interjecting:

The Hon. K.O. FOLEY: We have been mismanaging the rain. Hallelujah! We have been mismanaging the rain. Give me a break.

Mr Williams: You have been mismanaging your response.

The Hon. K.O. FOLEY: The member opposite is just a—

The Hon. M.D. Rann: Curmudgeon.

The Hon. K.O. FOLEY: —curmudgeon. I do not know what this plant is in Singapore. I have seen a couple of desal plants overseas. A plant built three years ago would be cheaper than a plant built today. That would make sense, given what has happened to the cost of steel and construction, the scarcity of the equipment and the demand for these plants around the world—that is obvious. What I know is this: what we will pay for our plant here will be the cheapest price possible in the market today. It really shows the lack of sincerity in the opposition's questioning when they can ask such a dumb question.

ARCADIA SUPPORTED RESIDENTIAL FACILITY

Mr PENGILLY (Finniss) (14:52): My question is for the Minister for Housing. Is the minister aware that the Arcadia Supported Residential Facility in Port Elliot is closing on 4 December of this year; and what action will the minister take to provide accommodation for the 22 residents who currently reside there?

The private SRF is one of a number that have given notice of impending closure. Currently, SRFs are restricted to claiming 80 per cent of a resident's pension and a subsidy received from the state government. The 2002 Department for Families and Communities commissioned report, entitled 'Somewhere to call home', recommended that 32-bed facilities require an 85 per cent contribution from residents' pensions and a much greater subsidy to remain viable.

Currently, the government contribution is well below that recommended. In addition, selected non-government organisation (NGO) administered SRFs receive additional subsidies from government. The 2007-08 annual report of the SRF Advisory Committee repeated this warning of a critical financial situation for the sector.

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (14:53): Yes, I am aware of the circumstances at Port Elliot that the member for Finniss describes. Immediately upon becoming aware of that last week, we had officers engage with people there. I am happy to correct myself, but I think from discussions that I have had that we had people down there yesterday working with the residents about relocating them.

I am aware that the sector has raised a number of issues, but I am also aware that the government has put a number of measures in place to help support both the residents and these facilities in managing the issues that they are dealing with.

The Hon. R.J. McEwen interjecting:

The Hon. J.M. RANKINE: As the member for Mount Gambier points out, this has only really become an issue since this government took some responsibility and cared about those people who have found themselves in these most distressing of circumstances. The number of people who are sleeping rough in South Australia, in the city, has dropped something like 45 per cent with the last census.

Nevertheless, an issue is being raised by those people who manage the SRFs and, as I have said, we have put a number of initiatives in place. One initiative that is about to roll out is managing the referral so that there is one point of referral for people needing this type of accommodation, so they actually go to suitable accommodation—

Mr PENGILLY: Point of order, sir. The question deliberately asks what action the minister will take to provide accommodation for the 22 people who will lose their residence.

Members interjecting:

The SPEAKER: Order! The minister is answering the question.

The Hon. J.M. RANKINE: I am answering the question. We are acting as I speak, and I am happy to get more up-to-date information for the member when we leave the chamber so that he is fully briefed about what is actually happening with those individual residents. Let us not forget that these facilities are, in the main, for-profit enterprises. They are operating as businesses and they are privately owned. We have put a number of things in place to make sure that we support the individuals who have been suffering homelessness.

There are people who suffer mental illnesses and people who have drug and alcohol problems; they are dealing with a whole range of issues. There is something like $44 million over four years to ensure that people access their primary health care services and that they are getting assistance for their mental health problems. There is a whole range of those packages—and, as I have said, we are making sure that referrals are appropriate so that they are not put in a situation that the SRF itself and the residents cannot cope with. What we want for them is stable accommodation and for those facilities to have in place mechanisms that develop the skills of those residents so they can actually move out.

In fact, on Remembrance Day (Tuesday morning) I visited a supported residential facility, and I was incredibly impressed with the standard of that facility and the measures that they were putting in place to transition their residents out of their facility. So, rather than hold, capture and keep their client base, they are actually working with them to develop skills. Many of the people have jobs. They are developing new facilities to upgrade their living skills so that they can actually move out with them.

This afternoon, at 4 o'clock, I will be meeting with the Supported Residential Facilities Association to discuss and hear first-hand their concerns. I was to meet with them several weeks ago, but the president, who was then leaving on a trip to France, indicated that he would be away for five weeks and did not, as I understand it, want anyone to meet with me during the period that he was away, so I am meeting with him today.

WATER SAFETY

Ms BEDFORD (Florey) (14:58): Will the Minister For Emergency Services inform the house of any new initiatives in relation to water safety?

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (14:58): I take pleasure today in informing the house of the release of the State Water Safety Plan 2008-10. South Australia experienced 14 drowning deaths in 2007-08, which is one down on the five-year average of 15. The state has a proud history of water safety initiatives, and it is important that we continue to support and encourage water safety in our community.

The water safety plan provides a framework for achieving a coordinated approach to water safety amongst organisations and to minimise the risk of water-related injuries and drowning deaths through ongoing education programs and safety and preventative initiatives. The Water Safety Coordinating Committee was established in 2006 to guide this state's response to water safety and to encourage communication across the emergency services and recreation and sport sectors.

I would like to thank all members of the Water Safety Coordinating Committee and those individuals and organisations that have contributed to the plan. They include: the Royal Life Saving Society of Australia, SA Branch; the Boating Industry Association of SA; Surf Life Saving South Australia; KidSafe SA; Swimming SA; the Aquatics Recreation Institute; the SA Farmers Federation; and the Local Government Association. I can also inform the house that SAFECOM will now chair the committee, with the Office for Recreation and Sport providing support. This will ensure further coordination between the emergency services and recreation and sporting sectors.

Despite the many gains in water safety education and recognition over the years, recent trends justify an ongoing commitment by the government to water safety. New arrivals moving to the state with limited water experience, a trend of more people moving from the country to the seaside, more water bodies in urban environments, and increased participation in aquatic activities have all increased water related risks.

The water safety plan recognises the importance of education in relation to water safety. That is why I am pleased to announce that over $180,000 of funding will be available for organisations to focus on water safety programs. The government will continue to work with our community organisations by building on and promoting the many excellent programs and services that they provide and encourage the development of new initiatives and programs where needed.

HAWKER HOSPITAL

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:01): My question is to the Minister for Health. Will the government reimburse the Hawker Hospital the extra ambulance costs it will now incur as a result of the government's directions? A 94 year old patient at the Hawker Hospital requires multiple trips for X-rays and medical assessments at Port Augusta—some 107 kilometres away. The hospital was advised that the cost for SA Ambulance Service to complete the transfers was $1,333.60 return. It negotiated with a private licensed transport operator at a cost of $1,000 return. However, the hospital has been directed not to use any service other than SA Ambulance Service and is thus forced to pay the higher cost, notwithstanding that the private licensed provider includes the right to transport public patients.

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:02): I thank the deputy leader for her question. I am not aware of the circumstances that she describes. I am happy to have the matter investigated but from first look, if the facts are as she described, I would imagine that the interhospital transfers, which are done on a regular basis, particularly from smaller country hospitals which do not necessarily have the array of services that patients may require, generally have been provided by ambulance services so that we can ensure that patients are carried by people with paramedic expertise. If it is simply about taxi services, that is a different matter.

I would have thought if the patient is 95 and in a hospital and needs to be transferred to a more senior hospital for extra services, it suggests that they need medical care on the way. If another supplier is purporting to do that, then they would require licensing under the legislation. I am not aware of this particular supplier, but I am certainly happy to have a look at it.

GLENTHORNE FARM

Mr HANNA (Mitchell) (15:03): Will the Premier rule out urban development on the land known as Glenthorne Farm and, if not, why not? Glenthorne Farm in my electorate was given to the University of Adelaide on trust after the state of South Australia paid $7 million to the commonwealth. The trust deed, signed on behalf of the state government and the university, forbids the university from allowing or even seeking urban development on the land.

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) (15:03): I have fond memories of days gone by when the member was a candidate for the Labor Party. That was before he was a member of parliament for the Labor Party, before he was a member for the Greens and before he was a candidate with Mr Xenophon's support, now as an Independent. I remember standing there at Glenthorne—

Ms Chapman: He got smart.

The Hon. M.D. RANN: Pardon?

Ms Chapman: He got smart and got out.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: I remember standing by the road in front of Glenthorne as we fought against what was going to be some kind of developers' Panzer division that would have ripped up Glenthorne which I wanted to see—and I still want to see—as a shining, glimmering green belt in the midst of our city and which is in a crucial part—

The Hon. K.O. Foley: The lungs of the south.

The Hon. M.D. RANN: The lungs—exactly. The Deputy Premier is a person whose environmental credentials are renowned. In fact, I noticed that he was again being featured for his dolphin sanctuary and the baby dolphin called Hope. So, the lungs of the south. I would like to see Glenthorne developed into one of my urban forests. Indeed, as members would know, we are planting 3 million trees throughout the city.

The University of Adelaide purchased Glenthorne from the CSIRO with a state government grant of $7 million (under the previous government), which was the value of the land if it were to be developed for housing. The land was to remain as open space and be used for a vineyard and other viticultural ventures, with the profits to assist wine industry-related research. A deed of agreement between the university, the government and the Winemakers Federation, representing the wine industry, governs the use of the grant, the land and the proceeds of the land. The university experienced difficulties in finalising the vineyard proposal due to downturns in the wine industry and an oversupply of grapes.

Pursuant to the deed, the university is required to submit a concept plan and an initial business plan for Glenthorne. In late 2006 the university submitted a concept plan (known as 'the 2006 plan') which was refused, as it included housing and therefore did not meet the requirements of the deed or the land management agreement. We would not countenance it at the time. In late 2007 the university submitted a revised concept plan ('the 2007 plan'), which proposed the gradual development of a significant urban woodlands regeneration and maintenance research project on Glenthorne, as funding allowed, with agricultural activities continuing in the meantime. In April 2008 the government accepted the 2007 plan, subject to the provision of further detail and preparation of an initial business plan.

During 2008 the university extended its proposal, and on 18 June 2008 announced 'a world-class project to…revegetate the Mount Lofty Ranges, to stave off the effects of climate change and halt the loss of bird, animal and plant species', and that Glenthorne 'will play a pivotal role in delivering these outcomes'. Such a major initiative would require major funding. and the university advised of its intention to establish the Glenthorne Trust Fund and that it was considering possible funding sources.

On 30 September 2008 the university submitted its further revised concept plan and initial business plan for approval, and these documents include a housing or housing/commercial development to fund the woodland recovery initiative. The 2008 plan is therefore not in accordance

with the 2007 plan, which was conditionally approved in April 2008, and does not meet the requirements of the deed or the land management agreement.

So, to recap: the government has refused housing on the site and has approved a plan without any housing subject to provision of additional detail and a suitable business plan. The government has not given consideration to allow housing on this site, but will await with interest community views on the latest proposal by the university, which is now undertaking a consultation process. Obviously, as the honourable member who asked the question (and who, I understand, is listening to me) would know, this government would like to listen to the views of the community; that is the way it operates, because Labor listens.

GRIEVANCE DEBATE

ARCADIA SUPPORTED RESIDENTIAL FACILITY

Mr PENGILLY (Finniss) (15:09): A short time ago I asked a question in this house regarding the Arcadia supported residential facility in Port Elliot and its impending closure. This impending closure is causing a large degree of concern for the residents, their families, and the people of Port Elliot. The residents of that facility are known and trusted in Port Elliot and are part of the community—indeed, I am informed that one of the residents has been there for 29 years. It is the only home he has, and it is very sad that he will have to move out. The minister, in her answer, referred to the fact that they were private facilities making a profit. Yes, indeed, they are, and I do not know why anyone would have a problem with that. We hear the Rann Labor government regularly talking about the profits made by private companies and encouraging them in South Australia.

The issue in this case is that I am informed of the likelihood that some 350 beds will disappear in supported residential facilities in South Australia within the next two years, with the impending closure of other facilities, such as Arcadia at Port Elliot. I am further informed that the organisation has had communication with the Public Trustee and the Public Advocate. They have been attempting to get a meeting with the Minister for Mental Health and Substance Abuse for three weeks without any action. I note that the minister said that they are meeting with her at 4 o'clock this afternoon. I am pleased that they are, because we face an enormous crisis in South Australia, not only with the loss of Arcadia but also with the potential loss of another 350 beds.

These places are fine facilities, whether they be government, private or whatever. It is ensured that people get their medication and that they get three meals a day, plus morning and afternoon tea and various other things. The people who need these facilities are very fortunate that they are well cared for in the state of South Australia. That is not the issue when they are in there; the issue is the potential closure, and I mentioned earlier the closure of Arcadia at Port Elliot.

We have another facility on the South Coast at Victor Harbor. It is on Victoria Street just near my office and also houses a number of people. The residents are happy with the way they are treated there, and they are looked after by another organisation, which I understand is a combination, although I do not have the fine details. There will be a problem for these 22 people as there are not the facilities on the South Coast, and I am sure that the minister is aware of that. Earlier on, my question specifically asked where they would go. I am concerned for them.

The sister of one person who has been there for a long time contacted me at the weekend expressing her horror that it will close and asking what would happen to her brother. The rumour mill in Port Elliot has it that the government is closing the facility. I have actually said that that is not correct and that the government is not closing the facility but that it is closing because of the lack of government subsidy to the operator, which is a different thing. However, I made the point that the government is not closing the facility.

As the minister said, these places are home to many people with a mental disability or drug problems and, increasingly, a large number of people from the corrections department go into those facilities. I have been given some information on the make-up of who stays in some of these places; indeed, we are lucky that we are able to put them in such facilities.

To go back to Arcadia, although the minister has offered to give me some more information, which I appreciate, I am not satisfied where we will put these 22 residents from Arcadia. I believe that it has become a large public issue in the Alexandrina Council district in the last couple of days, and I am sure that there will be a great deal of interest in this over the next two or three weeks in the lead-up to 4 December. I am following this issue closely. It is an issue of great concern to me, and it should be an issue of concern to members of the house.

COMMONWEALTH DENTAL PROGRAM

Mr O'BRIEN (Napier) (15:14): I rise to call upon the federal senators representing South Australia to support the South Australian dental system. The Rudd government has attempted to reintroduce the commonwealth dental health program, which was entered into by the Howard government in 1996. The program was designed to reduce the waiting list across the country, which currently stands at 650,000. Coupled with the Medicare Teen Dental Plan, which will provide dental care for our children previously not available, the Rudd government's investment in dental health would have been around $780 million.

The commonwealth dental health program would inject $24.7 million into the South Australian dental health system over three years. The program is projected to provide 1,900 visits for indigenous people in addition to 3,100 visits for preschool children in South Australia. Importantly, the program is expected to provide 3,000 visits for chronic disease-related cases.

As the program extends, those who carry adult concession cards will be eligible for regular checkups and routine preventative dental care. Overall, an extra 85,000 dental visits over three years would be provided to South Australians as a result of this additional funding. Under the former Howard government's chronic disease dental scheme, South Australians received only $2.5 million in funding, representing about 2.8 per cent of the national share of the program. This resulted in only 1,256 people with chronic disease in our state benefiting from the program.

The DEPUTY SPEAKER: Order! The member for Napier will pause a minute. I advise the camera operator in the gallery that the condition under which you are allowed to operate is that you focus only on the person on their feet. It has been drawn to my attention that the camera is moving widely. You may not film anyone other than the person on their feet. The member for Napier.

Mr O'BRIEN: Given the need for increased access to more effective dental care for pensioners and low income earners, the vote to reject the Rudd government's commonwealth dental program by the Liberals, Greens and Nick Xenophon in the Senate will, in effect, deny our public dental system of funding to the tune of $24.7 million over three years.

Dental waiting lists in South Australia reached the lofty heights of 49 months under the previous state Liberal government. The Rann Labor government, by investing an additional $56 million into the public dental services sector, has managed to reduce the waiting time to around 18 months. Had the Rudd government's dental program not been rejected by the likes of Senator Nick Xenophon, the waiting list would have fallen further to around 11 months.

The argument put forward by Nick Xenophon during the debate in the Senate favoured the retention of the chronic disease scheme in addition to establishing the commonwealth dental program. However, the chronic disease scheme was ill-defined and economically irresponsible, given its potential to provide unnecessarily expensive, high-end treatment to the cost of $4,000 per patient. The package did not differentiate between the wealthy and the underprivileged, and did not concentrate on preventative care which could provide far greater value for tax dollars.

While demanding that the chronic disease dental program be retained, Senator Xenophon clearly acknowledged in the Senate the failure of the same program when he stated:

> I note that the previous scheme was poorly accessed in most states with my home state of South Australia receiving only 2.8 per cent of funding.

He then went on to acknowledge:

> I see benefit in the proposed new dental scheme that the government wants to implement, and that will be a good thing for South Australians.

Yet, Senator Xenophon voted against the Rudd government's dental program.

The Senate was established to ensure that the interests of smaller states were protected. Senator Xenophon has failed his constituents by denying South Australia the delivery of a better dental health care program. The importance of providing a solid dental program, which focuses on preventative treatment, is evidenced by statistics suggesting that Australia is ranked third to last in the 29 OECD countries for oral health among 35 to 45 year olds. That is primarily due to the non-affordability of private dental care compounded by the difficulty in accessing the overwhelmed public dental health service.

The Rudd government's dental health program would improve access to dental health care, including those with chronic disease, but, more importantly, it would provide greater support for

those with health concession cards. I call on the opposition, the Greens and Nick Xenophon in the Senate to reconsider their position on this issue.

EASLING, MR T.

The Hon. I.F. EVANS (Davenport) (15:20): Last sitting week I asked the Minister for Families and Communities a question about whether the Special Investigations Unit had the legal powers to conduct the Easling investigations. In her response, the minister made the following claim:

> We had people going into that house and finding semi-naked boys in his bed.

The minister continued:

> If you want me to go into detail I can. It is very unsavoury.

I sent this transcript to Mr Easling who happened to be away overseas at the time; he returned only this week. He is vehemently denying these allegations by the minister, to such an extent that his lawyers have written a four-page letter to the minister denying these claims.

The letter is telling. The letter to the minister states that, prior to the trial and as part of the disclosure process, in all the documents released through the FOI process, in all the documents disclosed by the DPP's office, in all the documents released in answering the subpoena issued by the Magistrates Court, in all the documents related to answering the subpoena issued by the Supreme Court, in every record kept by the Special Investigations Unit and in every record kept by the police, 'nowhere within can it be found any reference to any suggestion by any person ever that semi-naked boys were found in our client's bed'. I will repeat that. The letter from Mr Easling's lawyers to minister Rankine states:

> Nowhere within it can it be found any reference to any suggestion by any person ever that semi-naked boys were found in our client's bed.

The letter then invites the minister to provide the evidence. And let us not forget that the minister told the house—and it is clearly in *Hansard*—that she could go into details if we wanted but that it was 'unsavoury'. Clearly, the minister has the details of these allegations.

I say to the minister on behalf of Mr Easling: provide the evidence that proves these allegations or do the right thing and resign. Mr Easling went through what was an extraordinary investigation. He went through an extensive trial and he was found not guilty on all counts. The minister knows this and knew this before she made those statements to the house. This minister is the minister in charge of the very agency central to this matter. This minister is in charge of the protection of children and knows the damage that false allegations can do.

This minister has now made the statement to the house. This minister has a duty to prove it. No minister can come into the house and get it wrong on this type of issue. This is the most serious form of allegation: people going into his house and finding semi-naked boys in his bed. The minister has made this claim. The minister now needs to prove this claim. This illustrates why we need a royal commission into the investigation of Mr Easling, why we need an investigation into this matter, because, without an investigation, without an inquiry, Mr Easling will continue to be subject to innuendo, rumour, malicious gossip, false statement and false allegations for the rest of his life. The minister needs to prove her statement or do the decent thing and resign. The government needs to establish a royal commission as a matter of urgency.

Time expired.

AUSTRALIAN BROADCASTING CORPORATION

The Hon. S.W. KEY (Ashford) (15:24): I want to talk today on a issue that is very close to my heart and, hopefully, to the hearts of other members in this chamber. I want to talk about the Australian Broadcasting Corporation which, I must say, together with SBS, is my main form of entertainment. I am very committed to the ABC and its independence. I am also a great follower of *Media Watch*, in particular. It would be one of my most favourite programs, along with *Can We Help?* and a number of other programs, particularly the arts program on Sunday. I feel that by watching those programs regularly, I am all the more informed about what is happening. Of course, this is in addition to all the current events programs to which I am addicted like many other people in this place. I have to say that SBS is also a very close second in my choice of television viewing.

One of the things about which I am concerned is that much information has been circulated recently about advertising and the ABC. I know that a review is being undertaken at present and

we as Australians are able to contribute and say how we would like to see the ABC in the future. I notice that the community group of which I am sometimes a member—I say 'sometimes' because I am not entirely sure whether I am financial or in fact if it is run in that way—Friends of the ABC, has pointed out that ABC TV production has been involved in commercial advertising. We do see their ABC products advertised, but there has been commercial advertising on the ABC's internet broadcasting services using the ABC logo.

I know that when the ABC concept was introduced and certainly in recent iteration of the act in 1983, section 31 stipulated that the corporation shall not broadcast advertisements, although that activity did not include the activities of the corporation itself or proposed activities. They are not prohibited by the legislation. As we all know, the original intention of the act was to maintain the independence of our national broadcaster to its consumers so that it would be free of government and commercial advertising, and that this would not be inflicted on us as it is on some of the commercial stations. I do understand that commercial stations and also pay TV, by their very nature, have to have ads, but it is very pleasant to watch the ABC without any commercial advertising.

The point made by the Friends of the ABC is very important for us to note; that is, while we are going through this process of reviewing the ABC, the original spirit of the ABC needs to be kept in its next form. I understand that the Friends of the ABC is circulating a petition at the moment which states that, amongst many of the issues raised, first, there should be no advertising on ABC websites. This is the new form of multimedia with which we are now dealing and it was probably not envisaged in the 1980s when the act was introduced. Secondly, the ABC on-air promotion be limited so that it does not annoy audiences. I thought that was a very good principle for the Friends of the ABC to suggest.

Thirdly, that the ABC will not engage in business arrangements that may damage its integrity or influence its content, including the placement of ABC content on commercial websites or alongside commercial advertising. Fourthly, the ABC's production care will be rebuilt to ensure it develops a range of high quality programs and there is no longer a dependence on outsourced production. Fifthly, the ABC services, including access to past programs, are accessible to all Australians without fee. I hope that these points are taken up by the people who submit to the ABC review.

Time expired.

GRAIN HARVEST

Mr VENNING (Schubert) (14:29): Harvest is well underway in South Australia. We have made many speeches about the season during the year. About 50 per cent of the state is now well into the barley harvest and 20 per cent of it is now into the wheat harvest. There has been quite a lot of disappointment, especially in the marginal areas, and the member for Hammond would have as many stories to tell as I—and I note the minister is present in the chamber.

In the Mid North, an area that I am very cognisant of and my knowledge is very fresh, the barley, though yielding surprisingly well, is of very poor quality—very poor indeed—with most of it being feed 3 or feed 4. Feed 4, to many areas, is almost unmarketable. Some was even worse and is not deliverable. Yields of 12 bags to the acre of feed 4 barley was quite common, providing the crop was sown early with minimal or no weed competition.

Those farmers who went to the extra effort and cost to spray out their summer weeds, were certainly rewarded this year. The crops that are yielding 12 to 15 bags to the acre on 7½ inches of rain are remarkable. It speaks volumes for modern farming techniques and to the expertise and diligence of our farmers, particularly our younger farmers, which is very encouraging. It gives an older fellow like me goosebumps to think about it, because sometimes we do not give these young fellows much credit.

Wheat on many farms, not all of them, was also quite remarkable, again especially for the early sown crops. We have seen some unbelievable results, up to 15 bags, and some of it hard 1 quality, which is the best quality, again on 7½ inches of rain, but it was very important that they were sown early. Those in the Mid North who sowed after the third or fourth week in May will not be so lucky, in fact there is a stark difference, a huge difference. The early crops seemed to be able to exist on their own sap without the rain, they used their own growth early in the year to set and grow the seed, but those crops that were not that far matured did not do that—they died.

The prices are disappointing. For feed 1, as I have just been discussing with the member for Hammond, today's price is $180 per tonne. That is barely the cost of production. When we are looking at low yields and the cost of farming today, it is a very sad result indeed. The single desk issue is causing problems. ABB, which is now fully deregulated—some silos are not opening—does not have to take grain of low quality any more. Under the single desk it had to take grain, but it does not any more, and it is being fussy, and you really cannot blame it, in a fully commercial operating grain trader.

We have lost flexibility as growers, particularly with the selling operations which we had with the Australian Wheat Board. We used to have many categories under which we could market our grain and ways we could be paid, but they are now all but gone, it is down to a basic thing. It is sad to see AWB's demise, because, with the loss of single desk, it can no longer offer a guaranteed amount of a certain quality to our overseas markets as it does not know how much it has for sale until it is actually delivered.

When I was in Canada a few weeks ago, and I know the minister was there too, I met the CEO of the Canadian Wheat Board (an Australian) and they are already picking off some of our long-time key markets. The worst thing about losing the single desk is that you are now trading against a country that still has it. The impact means lower prices for Australian farmers, and we are certainly getting that.

Under the previous AWB and ABB single desk regimes there were the pools, and those farmers who did not know what to do put it in the pool, and you can bet your boots that nine years out of 10 they did okay. Canada also has more than one farmer political lobby group. The competition between the groups brings good service and results, and especially accountability to them. Is there a lesson here for us?

It has generally been a very difficult year for most South Australian farmers, and those in the marginal areas are in a very dire position, as the minister would know. Families are really up against it now, and there will be forced sales and properties coming on the market shortly, and some already are. I hope that we can bring in a new type of assistance for farmers, again looking at the Canadian model of farm protection insurance that they are using very effectively in lieu of the exceptional circumstances assistance funding that we currently use. It is working well. Farmers contribute, as do both federal and state governments, to help farmers. I think we have to look at it and try to help them.

Time expired.

FRENCH FESTIVAL

Ms FOX (Bright) (15:34): I rise today to speak about a major tourism event that will take place this weekend in Adelaide, and that is the 2008 French Festival at Carrick Hill. This biennial festival is run by the Alliance Française, which is a group that was founded in Paris in 1883 to promote French language and culture outside France. It is an organisation that has flourished and it now has more than 1,000 schools worldwide in about 133 countries.

The Alliance Française is growing steadily here in Adelaide. It has a growing number of students, and it has been having this festival on a biennial basis since the year 2000. Each year, the festival seems to be based on the different regions of France, helping to promote and celebrate the history of the country, its culture and language. Approximately 90 percent of the festival's attendees are Australians with no family links to France at all but they are curious to learn about what the festival offers.

As I have said, the Alliance Française d'Adelaïde is currently experiencing a growing number of enrolments, which is proof that French culture and language is of interest to many South Australians. On average, this event attracts between 6,000 and 7,000 people over two days, and organisers are expecting an increase in visitor numbers this year.

Two major areas that the festival focuses on are French music and, of course, French food and wine. The music that attendees will hear is a reflection of France's vibrant musical industry, which is open to both new and traditional influences. I think what is of even more interest is the food and wine, because there is a live cooking demonstration and wine tasting. I think we can safely say that, at the end of the festival, people do get a little tired and emotional.

Mr Pederick: You ought to know all about that.

Ms FOX: I am a teetotaller, I would have you know.

Mr Pederick: I meant generally.

Ms FOX: Yes, thank you; because I am not a drinker, coming, as I do, from a strict Methodist background. France's tourism industry is also represented at the festival, with attendees given the opportunity to discuss and inquire about travelling to France. This year, the festival's theme is Provence-Côte d'Azur. This is a region of France that has a very similar climate to that of Adelaide and it is therefore a fitting theme. Many members, of course, would be familiar with books like *A Year in Provence* and *Another Year in Provence.* Provence is very popular amongst the English-speaking world because of its extraordinary landscape, its food, its wine and its wonderful people.

Previous years have, of course, seen the festival celebrate regions such as la Dordogne, Normandy, Rhône-Alpes, new Caledonia and Brittany. The state government is a sponsor of this festival, which also incorporates the 2008 French Film Festival. The film festival highlights some of the finest French cinematic achievements which South Australians would not regularly have the opportunity to see. This year, The French Film Festival attracted 6,000 people, with 15 of the 37 screenings sold out, which is amazing.

I would really like to congratulate the Alliance Française d'Adelaïde and make special mention of its director, Mr Philippe Marsé, who works tirelessly to promote the French culture in South Australia, as well as continuing to offer South Australian students the opportunity to learn another language and to learn about the culture of France.

I think it is quite interesting that a number of MPs on this side of the house have some very good smatterings of French, in particular, of course, the Hon. Jane Lomax Smith—

The Hon. J.D. Hill interjecting:

Ms FOX: —and minister Hill, who has just demonstrated his outstanding linguistic achievement.

Ms Simmons interjecting:

Ms FOX: And so has the member for Morialta. If anybody else wants to chat in French afterwards, we can do that. It is obvious that South Australians have a passion for French culture, and I am honoured to be invited as a guest again this year. I encourage everyone to attend the festival this coming weekend at Carrick Hill and enjoy the best of what France has to offer.

South Australia has always been a proud multicultural state, which is constantly growing and ever-changing. By embracing different cultures, we have the ability to enjoy and learn from new experiences, while adding new dimensions to an already dynamic South Australia.

PLASTIC SHOPPING BAGS

Ms SIMMONS (Morialta) (15:39): I seek leave to make a personal explanation.

Leave granted.

Ms SIMMONS: This morning in another place, the Hon. Rob Lucas talked at length about the plastic bag bill. He brought up some issues which probably need to be addressed. I am very pleased that he has read my speech on that issue in this house. However, some of his comments pertained to a photo that I used in my newsletter when talking to my electorate about plastic bags, and my passion for us all trying to do our bit for the environment. I felt that it was important that we take this legislative step to ban one-use plastic bags in this state and hence lead the way.

Mr WILLIAMS: A point of order, Madam Deputy Speaker: I understand that the member sought and received leave to make a personal explanation, not to enter into a debate on the matter.

The DEPUTY SPEAKER: The member is giving a very detailed explanation and I ask her to confine her remarks to the exact manner in which she has been misrepresented and to correct the record.

Ms SIMMONS: Thank you, ma'am. I was probably giving too much background and I thank the member for bringing me up. This is the first personal explanation I have given, so I apologise if that level of background was not required. Most of his speech pertains to a photograph that I used in my newsletter that goes out to my electorate in trying to explain to my constituents my position and why I had spoken in parliament about the ban of one-use plastic bags. To illustrate the position, I used a photograph which I had got from the internet which I believed underpinned the

subject that I was talking about. This photograph is of a turtle with what looks like a blue one-use plastic bag in its mouth. The photograph in—

Mr WILLIAMS: A point of order, Madam Deputy Speaker: if the member—and I think the member might need some clarification—believes she has been misrepresented, my understanding is that she has the ability to seek leave of the house to make a personal explanation to point out why and how she was misrepresented. She does not have leave of the house to give a speech including debate. Obviously, there are other opportunities for members to do that.

The DEPUTY SPEAKER: I remind the member for Morialta that, as the member for MacKillop has outlined, you should indicate the way in which you claim to have been misrepresented and correct the record.

Ms SIMMONS: Thank you, ma'am. The photograph that I used came from the internet from what I believed were sites that had some reputation behind them and—

Mrs REDMOND: Madam Deputy Speaker, the same point of order—

The DEPUTY SPEAKER: I agree.

Mrs REDMOND: The member is not making clear what the misrepresentation is, correcting the record and putting an end to her personal explanation.

The DEPUTY SPEAKER: Do you need a minute, member for Morialta?

Ms SIMMONS: No, ma'am. The honourable member in the other place said that I needed to prove that what I had to say is correct and what NARGA had to say is incorrect. He said that it was important that I get on the public record in the parliament in relation to this matter, which is what I am trying to do. Neither I nor NARGA—

Mrs REDMOND: The explanation just given by the member for Morialta suggests that, indeed, what she needs is not to make a personal explanation. If what she is trying to do is address something that was suggested she should put on the record by someone in the upper house, that is not what is meant to be encompassed by a personal explanation at all.

The DEPUTY SPEAKER: I uphold the point of order. The member for Morialta needs to indicate exactly what was said that was factually incorrect. Unfortunately, a personal explanation does not allow space for an explanation of the events.

Ms SIMMONS: As I said to the member opposite, this is the first time I have done this, so I apologise if that is the case. Perhaps, Madam Deputy Speaker, it would be better for me to reserve my comments for a grievance at a later date. Is that correct? Is that what you are telling me?

The DEPUTY SPEAKER: What you are talking about does sound more like a grievance. I cannot give you leave to reserve your comments, but I can indicate that a grievance is the appropriate way to address the type of points you are currently raising.

Ms SIMMONS: Thank you, ma'am. I did seek advice beforehand, and I apologise for having taken up the time of the house on this matter.

STATUTORY OFFICERS COMMITTEE

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:45): I move:

That Mrs Redmond be appointed to the committee in place of the Hon. R.G. Kerin.

Motion carried.

LOCAL GOVERNMENT (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

GENE TECHNOLOGY (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

PLASTIC SHOPPING BAGS (WASTE AVOIDANCE) BILL

The Legislative Council agreed to the bill without any amendment.

STATUTES AMENDMENT (BULK GOODS) BILL

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:47) (for the Hon. M.J. Atkinson): Obtained leave and introduced a bill for an act to amend the Sale of Goods Act 1895 and the Warehouse Liens Act 1990. Read a first time.

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:49): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill is designed to overcome a difficulty in the law about the sale of goods. It is concerned with goods that are stored in a bulk store before being either on-sold or retrieved. It addresses two problems.

First, there is the risk for the owner who deposits the goods, if the operator of the bulk store becomes insolvent before the goods are on-sold. The High Court in the 1933 case of *Chapman Bros v Verco Bros and Company Ltd* ((1933) 49 CLR. 306) held that the deposit of goods in the bulk store in these circumstances could not be regarded as a bailment because it was impossible to return the exact goods deposited. It therefore reasoned that the arrangement under which the goods were deposited with the bulk store could only be a contract of sale. Property had therefore passed to the bulk-store operator at the time of deposit.

The result is that the seller who has deposited grain but has not been paid for it is at risk if the operator of the bulk store becomes insolvent before the goods are on-sold. The seller cannot retrieve the goods, but has not been paid the price, so he or she becomes merely an unsecured creditor in the liquidation.

This problem was highlighted when difficulty arose in New South Wales in 2005 when a silo operator became insolvent and the liquidator initially claimed that the grain deposited by various unpaid growers was his to sell. The case eventually settled and the growers were paid, but the New South Wales Government proceeded to amend the *Warehouseman's Liens Act* to ensure that the problem would not arise in future.

Second, a similar problem can arise for the buyer if the goods in the bulk store have been on-sold to him but not collected. The buyer has paid the price for the goods but has not yet taken delivery of the quantity he has paid for. Because of section 16, as these goods have not been ascertained, should the seller become insolvent, once again, the buyer, despite having paid the price for the goods, becomes an unsecured creditor in the insolvency.

The latter problem received the attention of the English and Scottish Law Commissions in 1993, resulting in an amendment to the United Kingdom *Sale of Goods Act* by the U.K. Parliament in 1995. That amendment gives the buyer of unascertained goods forming part of an identified bulk an interest in the bulk, in common with the other buyers, from the time the goods are paid for and the bulk identified. The buyers are treated as owners in common of the bulk. Property thus passes even though the goods have not been separated. This ownership in common is an interim provision to give the buyer some protection until the goods are ascertained and he becomes their sole owner. At the same time, some modifications are made to the rules of common ownership to permit dealings with the bulk.

The New South Wales amendment that I mentioned dealt with both problems at once by adopting the model of the English law, as it protects buyers, and adopting a mirror-image provision to protect sellers. The Bill now before us does the same as the New South Wales law.

Members should understand that the Bill does not seek to restrict the parties' freedom to make whatever agreement they wish. As with both the UK provisions and the New South Wales provisions, these are default rules, subject to any agreement between the parties to the contrary. They are meant to deal with the case where the contracting parties have made no provision for these matters but are not meant to stop the contracting parties deciding on some other arrangement that suits them better.

The purpose of this Bill, then, is to protect both producers, who deposit interchangeable goods in a bulk store, and the buyers of those goods, against the risk that the operator of the warehouse becomes insolvent before the seller has been paid for the goods.

The Bill is not retrospective. It will apply to contracts of sale or deposits in a bulk store that are made after the new law starts. In the meantime, it is, however, entirely open to producers and buyers who are worried about the present state of the law to protect themselves by the terms of their contracts.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Sale of Goods Act 1895*

4—Amendment of section A2—Interpretation

This clause defines *bulk* for the purposes of new section 20A.

5—Amendment of section 16—Goods must be ascertained

This amendment is consequential upon new section 20A.

6—Insertion of section 20A

This clause inserts new section 20A as follows:

20A—Contracts of sale for goods forming part of bulk

The proposed section applies to a contract of sale for a specified quantity of unascertained goods if—

- the goods, or some of them, form part of a bulk that is identified either in the contract or by subsequent agreement between the parties; and
- the buyer has paid for some or all of the goods that form part of the bulk.

The proposed section provides that, unless the parties otherwise agree—

- property in an undivided share in the bulk is transferred to the buyer; and
- the buyer becomes an owner in common of the bulk,

as soon as both of the conditions referred to in subsection (1) have been met.

Under the proposed section, unless the parties otherwise agree, the buyer's undivided share in the bulk at any time is the share that, at that time, is equivalent to the quantity of goods paid for and due to the buyer out of the bulk divided by the quantity of goods in the bulk.

If at any time the aggregate of all buyers' undivided shares in the bulk exceeds the whole of the bulk, those shares are to be reduced proportionately so that the aggregate is equal to the bulk.

If a buyer has paid for only some of the goods due to the buyer out of the bulk, any delivery to the buyer out of the bulk is to be attributed to the goods for which payment has been made.

Part payment for any goods is to be taken to be payment for a corresponding part of the goods.

The proposed section provides that a person who has become an owner in common of the bulk will be taken to have consented to—

- delivery of goods out of the bulk to another owner in common of the bulk, being goods that are due under a contract to that other owner; and
- any dealing with, or removal, delivery or disposal of, goods in the bulk by another owner in common of the bulk (but only to the extent of that other owner's undivided share in the bulk).

No cause of action lies against a person by reason of that person's having acted in accordance with subsection (7)(a) or (b) in reliance on the consent that exists by virtue of that subsection.

The proposed section provides that nothing in the section—

- imposes an obligation on a buyer of goods out of the bulk to compensate any other buyer of goods out of the bulk for any shortfall in the quantity of goods received by that other buyer; or
- affects a contract or other arrangement between buyers of goods out of the bulk for adjustments between themselves; or
- affects the rights of a buyer under a contract to which this section applies.

This section does not apply to a contract of sale entered into before the commencement of the *Statutes Amendment (Bulk Goods) Act 2008*.

Part 3—Amendment of *Warehouse Liens Act 1990*

7—Amendment of long title

8—Amendment of section 1—Short title

These clauses are consequential upon new section 14A.

9—Amendment of section 4—Interpretation

This clause defines *bulk* for the purposes of new section 14A.

This clause amends the definition of *operator of a warehouse* as a consequence of new section 14A. The amended definition reflects the fact that an operator of a warehouse is not a bailee for the purposes of new section 14A.

10—Insertion of section 14A

This clause inserts new section 14A as follows:

14A—Intermingled goods

The proposed section applies to goods that have been deposited with an operator of a warehouse by their owner (the *depositor*), or by his or her authority, and that have become intermingled with other goods of the same kind owned by, or deposited with, the operator of a warehouse so as to form a bulk.

The proposed section provides that, as from the time the goods become part of the bulk, unless the parties otherwise agree—

- the depositor's property in the goods becomes property in an undivided share in the bulk; and
- the depositor becomes an owner in common of the bulk; and
- subject to paragraph (d) the depositor and the operator of the warehouse each have, in relation to the depositor's undivided share in the bulk, the same obligations as they would have had in relation to the goods had they not become part of the bulk; and
- the obligation of the operator of the warehouse to deliver the goods to, or to the order of, the depositor becomes an obligation to deliver an equivalent quantity of goods out of the bulk to, or to the order of, the depositor.

Under the proposed section, unless the parties otherwise agree, the depositor's undivided share in the bulk at any time is the share that, at that time, is equivalent to the quantity of goods that have been deposited by the depositor less the quantity of goods that have been delivered out of the bulk to, or to the order of, the depositor.

If at any time the aggregate of all depositors' undivided shares in the bulk exceeds the whole of the bulk, those shares are to be reduced proportionately so that the aggregate is equal to the bulk.

The proposed section provides that a person who has become an owner in common of the bulk will be taken to have consented to—

- any delivery of goods out of the bulk to another owner in common of the bulk, being goods to which this section applies; and
- any dealing with, or removal, delivery or disposal of, goods in the bulk by another owner in common of the bulk (but only to the extent of that other owner's undivided share in the bulk).

No cause of action lies against a person by reason of that person's having acted in accordance with subsection (5)(a) or (b) of the proposed section in reliance on the consent that exists by virtue of that subsection.

The proposed section does not apply to goods deposited with the operator of a warehouse before the commencement of the *Statutes Amendment (Bulk Goods) Act 2008*.

Debate adjourned on motion of Mrs Redmond.

SOUTH AUSTRALIAN COUNTRY ARTS TRUST (CONSTITUTION OF TRUST) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 October 2008. Page 702.)

Mrs REDMOND (Heysen) (15:49): I am pleased to indicate to the house, and particularly to the minister, that I am the lead speaker on this bill, and I do not intend to hold the house very long—and I am sure all the advisers sitting back there waiting for technical, curly questions from me will be delighted to know that I have none in particular.

To that end, I first thank the CEO of Country Arts, Mr Ken Lloyd, who not only went to the bother of contacting me and providing me with a comprehensive briefing in relation to the matter but also made a point of speaking individually with, I think, virtually all the country members, certainly on our side of the chamber and, I assume, on the other side, too, so that those who had a particular interest in country arts understood the import of the bill; hence, I expect it to have quite a speedy passage through this and the other place.

As the shadow minister for the arts, I thoroughly enjoy my portfolio, and I get out into the regions on a fairly regular basis. As the minister knows, I spend a fair bit of time at the Hahndorf Academy and other such wonderful places in the Hills. Indeed, I was there again last weekend when Lee Warren opened an exhibition as part of the Feast Festival. It was really good because, on several occasions recently when I have attended the Hahndorf Academy, I have been happily wandering and looking at all the lovely exhibits when the director has come to me in a panic saying, 'The person who was going to open the exhibition hasn't shown up. Isobel, would you mind doing

it?' to which I have always said yes. So, it was a pleasure to go there and not have to do the opening and to see the person who was due to do it there.

I think the bill is relatively straightforward. Country Arts SA was established in this state as a statutory authority in 1993. In addition to its CEO, currently it has the equivalent of 60 full-time employed staff; of those 60, some 18 are employed around the regions of South Australia as arts officers. As I understand the structure, a lot of people are funded partly by Country Arts and partly by local councils. Country Arts SA concerns itself with the provision of not just visual arts but also a whole range of performing arts and other things. In a state where we have such a concentration of our population in the metropolitan area, in my view it is very important for us to give the sort of assistance that is provided through Country Arts SA to ensure that we get a good level of the arts—visual, performing or whatever—out into the regions.

The board performs a range of roles, and its board of trustees, which is currently chaired by Steve Grieve, comprises nine members. Although the board and the organisation run some of its own projects, their main activity, in terms of financial import, is that it receives a considerable amount of money which it distributes by way of grants. According to the briefing from Mr Lloyd, I understand that the bulk of that money, in fact, comes from the commonwealth. So, some $300,000 of the $470,000 it distributes annually for various arts projects in our country regions comes from the commonwealth. It will be no surprise to members of the house that there is considerable competition to get those grants into particular areas.

The main objective of the bill now before us is to restructure Country Arts so that there is a more statewide approach to the way applications for these arts grants are carried out. The instant concern that could arise is that, if you adopt a statewide approach, it can sometimes mean that it is centralised in Adelaide and we lose the essence of Country Arts—its regional flavour. However, as I understand the bill, it ensures that we have not only the continuation of regional representation but also, under the proposed system, the guarantee of a more secure regional representation than is currently the case.

The spirit of the original act was that regional members would have a majority, but, in practice, that was not always the case. Whereas, I understand that under the new scheme it will now move from four guaranteed positions to five guaranteed positions. Perhaps the minister can confirm for me, but, as I understand it, the regions will be redesignated and, essentially, this government is trying to designate regions which are consistent across a range of portfolios throughout the state, regardless of whether we are dealing with regional development, the provision of family services, arts, or whatever.

The idea—and I am not averse to it—is that there will be consistent boundaries for the regions. Rather than having 10 regions, there will be five lots of two regions joined together, with each of the five providing one member to the board. There will be a proxy for that member, so that if the member cannot attend the proxy will attend. Thus, we will move from a circumstance where the current legislation guarantees only four out of the nine being able to have their say. The new system will guarantee that there will be five regional representatives on the board.

I did not think to ask Ken Lloyd—and perhaps the minister can comment in his response—about where the meetings are held. I assume that, although some are held in Adelaide, they would, from time to time, be held around the state for the benefit of looking at arts issues and what is happening in the arts in various parts of the state. The essence of it will be that the decisions about the funding and this nearly half $1 million that we have annually at the moment, which is being distributed, should, theoretically, be distributed to the most worthwhile projects.

I assume that, although there would be some consideration as to the equitable distribution across the state, one would not want to see a situation where, for example, if every region was to be guaranteed a certain proportion of the funding, you might have a not so good project in one area getting its funding, whereas, one of two good projects in another area might have to miss out on funding. The idea is that it will be a statewide approach, and the best will be chosen.

As I said, my concern when I first started to think about this was that I did not want to see a statewide approach simply being a code for centralising everything into Adelaide. I am satisfied on the basis that I have spoken to Ken Lloyd, Greg Mackie and to people in some regional arts areas, that there is a degree of support for this new structure.

As I understand it, the existing five regional boards, which currently exist and amount to five people times five boards (25 people), will be reduced. There will now be a new section 11 committee. I suggest that there might be a better name for a committee than 'section 11

committee'; nevertheless, for the time being that is what is called. The total of the appointments will be reduced from 25 to 19, and, again, there is a guarantee that the majority, and in this case the vast majority, of them will be regionally based. So, 15 of the 19 on the new section 11 committee will, in fact, be regionally based.

In view of the fact that we have had extensive briefings, particularly from Ken Lloyd—and I thank him for the time and effort that he put into it—and in view of the fact that he, the board and the regional members, the people I have spoken to in the arts community and the regional arts committee all favour this amendment, the Liberal opposition has pleasure in supporting the proposed bill.

Mr VENNING (Schubert) (16:00): I want to speak very briefly about Country Arts, because—

The Hon. R.J. McEwen interjecting:

Mr VENNING: The minister is being very judgmental. I happen to appreciate the arts. It goes right back to when the minister was the Hon. Diana Laidlaw. She and I often used to go to the theatre together. She educated me. I want to pay tribute to Mr Ken Lloyd and the board of the trust, because they have done a fantastic job. Yes, he did come around to give us all individual briefings. If he wants to do that in the future, as whip, I suggested that we could do that collectively. It would save him a lot of time. However, I did appreciate the one-to-one briefing he gave us. I have known him for many years.

I commend the work the board does. I note that the board has been streamlined. I am a little concerned about the board being trimmed down. I notice that it has been trimmed down from 25 to 19, but, of the 19, 15 will still be regionally based. I pay the highest tribute to the Country Arts Trust. I am very aware of its activities, particularly in Port Pirie, where I have been to many of the—

The Hon. R.J. McEwen interjecting:

Mr VENNING: Well, it was not.

The Hon. R.J. McEwen interjecting:

Mr VENNING: The honourable member raises Port Pirie. I happened to be the member then. I was the member for Custance, as an honourable member said yesterday. The Port Pirie theatre was in my electorate, that is why I am mentioning it. Seriously, my late mother got so much satisfaction and pleasure out of going to this theatre. She would go to almost all the programs irrespective of what they were. I think the program selection has been excellent for people in country areas. The variety has been fantastic. Of late, of course, the Brenton Langbein Theatre in the Barossa has come on stream. For those members who have not been to this theatre, they should go and have a look because it is arguably better equipped than the theatre right alongside this building. It is at a school.

Again, I pay tribute to the previous minister in our Liberal government who fired this thing up in the first place with a government grant. It is a perfect example of a PPP before PPPs were invented. The government put in $1.5 million over five years. It has been about a $10 million project. Our bit of money primed the pump, and you have an asset there now which the performers come to. I know there were some initial glitches there which Ken Lloyd and I had some discussions about. There were some glitches about the cost of the theatre, the cooperation of the local managing board and also in relation to school activity.

We got over those glitches because the cost of operating a theatre such as that is expensive and the costs must be met. I am very pleased that this has happened. I think that Kevin Bloody Wilson is up there next weekend.

Mrs Redmond: I thought we were talking about the arts?

Mr VENNING: I presume it is one of the Country Arts' programs. I am amazed that this theatre can put on an artist such as him, but I am sure that Kevin B Wilson will confine himself a little. Again, I pay tribute to the Country Arts and the job that it does, because it does it right across the state. I think there are five theatres. Mount Gambier is another one. I think it is an excellent service. Yes, no doubt it is probably fairly heavily subsidised. It probably is, but all I can say is, 'Thank you very much.' It is a service that is hitting its target. I am very pleased to be associated with it; and, one day when I do retire, I reckon I will become even more of a patron.

Ms BREUER (Giles) (16:04): I want briefly to speak about Country Arts, because, if I get back in time, I will be appearing tonight on the Middleback stage in Whyalla. The ABC has chosen to go to Whyalla today and tomorrow. It is doing its shows from there, so I will be appearing tonight on stage with my old mate Peter Goers and a number of local identities. I am looking forward to it.

It is not the first time I have appeared on that stage. I have done many things on that stage in the past. We will not go into detail, but I am sure that the member for Schubert will remember my reference to my belly dancing on that stage at one stage, and I even showed him the photo. Of course, that was with the Whyalla Players of which I am now a very proud patron. I will also return to the boards when I finish in this place.

Country Arts does an incredible job for regional South Australia. It brings performances to South Australia which cannot possibly be profitable, but at least we have the opportunity to see them. It is wonderful for our young people to be exposed to so many different types of theatre, dance, music and performing arts. It is an incredible thing for country South Australia that they are able to do it. It is certainly very ably led by Ken Lloyd. He has done a great job. He is always very approachable and understands our country regions.

It would be nice if we could afford to put some more money into our country theatres and fix them up a little more. Maybe that will happen in the future, I certainly hope so. Well done to them. I think that what we are proposing will be for the good of country arts. I certainly know that people in regional South Australia, particularly with an interest in the arts—and not just Kevin Bloody Wilson but all types of arts—certainly appreciate what they do.

Mr PENGILLY (Finniss) (16:06): I also support this bill. I think it is a step in the right direction. I am very grateful for the briefings that I had from Mr Ken Lloyd. Indeed, it might surprise some members in this place to learn that I have had quite a bit of activity over the years in the arts and, indeed, I did perform in *The Big Men Fly* in my rural youth days in the 1970s. I was a radio commentator.

The arts are very critical, particularly in my electorate. A couple of weeks ago, I attended the renaming of the theatre at Noarlunga, the Hopgood Theatre. I was very impressed. I have been in that facility before, but of particular note that day I thought the way in which Don Hopgood spoke was terrific. He has always been good on his feet and he was terrific that night. It was a bit of a Labor Party feel good exercise but, besides from that, it was a good event.

I do point out that my electorate does struggle for facilities on both sides of the water. Kangaroo Island really has none, apart from district halls, and nor does the south coast. We would desperately like to have a performing arts centre of some description on the south coast. It is no secret that I have been chasing one for quite a while and it is no secret that the local communities also want one.

I regard it as critical. They are expensive, and I acknowledge that. Currently, when acts and things come to the south coast such as the National Boys Choir which performed a couple of weeks ago and which I attended, they perform in the Newland Church at Victor Harbor which is the most suitable place. The town hall at Victor Harbor is not suitable. There is nothing at Goolwa or Yankalilla that is suitable, and it goes on. There is nothing to project those magnificent things that come down. There are very active—

Mrs Redmond interjecting:

Mr PENGILLY: Yes, thanks member for Heysen. There are a lot of active Thespian groups down there. The fact is that they are very active and, indeed, they would also like to see some sort of facility that they could use. Interestingly enough, just today when I picked up the local papers, an article in the paper from Kangaroo Island, *The Islander*, was talking about having the Flaming Sambucas perform at the Wisanger oval just out of Kingscote. They are a terrific act if anyone has not seen them. The gentleman who has decided to do it is from Queensland and he has decided to reside on the island. I do not know him, but he wants to bring over an increasing number of acts, but it is difficult considering the venues in the country. I am all in favour of it, a terrific idea.

As has been indicated, the bill is a step in the right direction. When it is enacted, it will serve the purposes of rural South Australia. I hope that the minister is broad in his appointments to boards and ensures that they cover all aspects of the community and not just one sector. Knowing the minister, he will do that, especially now that it is on the record. I look forward to this new legislation being passed.

I want to record, once again, my thanks to all those people in my electorate. I know there are other places, but particularly the electorate of Finniss do participate widely. My wife herself is an artist. She says I am an artist, but a different type, but she is actually quite a good artist.

Mr PEDERICK (Hammond) (16:10): I will be brief. I cannot help but make a couple of comments about rural youth and drama after hearing from the esteemed member for Finniss. I too was a bit of an actor in my day, many years ago in my youth, when I did not have grey hair. I was part of a celebrated team from the Coomandook Rural Youth Club, who won the state drama contest in the Clare Institute—so, very proud. There were people involved in that such as Adrian Kirchner, an old school buddy of mine, Julie Zander, and I am sure there were several others, probably Paul Simmons, a friend of mine, and these people are going far back. They were very heady days and it is a great pity that Rural Youth does not exist these days.

I recently attended a performance of *Cats* in Murray Bridge and I acknowledge the connection of Tim McFarlane, who was Andrew Lloyd-Webber's right-hand man. Tim is one of the Wellington McFarlanes, and he was there that night and I spoke with him. It was a great local performance of *Cats* by the Murray Bridge players in the town hall. I also acknowledge what happens with the local council and the art gallery at Murray Bridge. There are many displays of art at various times, many collections such as: Aboriginal art, children's art and there has even been a recent collection of prisoners' art there.

I would acknowledge the work of the local Rotary Clubs in running their cultural weekends in Murray Bridge and bringing together many cultures. Murray Bridge has become more and more multicultural as time goes by, especially with the need for international workers at the local meatworks. There is a large Chinese population, there are Sudanese, Afghans, and many others throughout the community that make up quite a cultural blend in Murray Bridge.

Finally, and I know the government usually expects a belting from this side, but I will acknowledge the government and its contribution of, I believe, over $1 million towards the Murray Bridge council from South Australian Country Arts for the Regional Centre of Culture for 2010. I am sure that money will be well used.

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (16:13): I thank all members for their contributions. I particularly thank members opposite for their support for the legislation. As the lead speaker for the opposition, the member for Heysen said that politics is supposed to be theatre for ugly people. I do not want to reflect unkindly on any of the participants in today's debate, but all I can say is that I think they chose their careers wisely.

Before I get to some of the detail of comments that were made, there were some errors in the second reading speech in relation to the names of the regions. For the sake of the record, I will just correct those. They should have been: Barossa/Yorke and Mid North, Eyre and Western/Far North, Fleurieu and Kangaroo Island/Adelaide Hills, Murray and Mallee, and Limestone Coast. I apologise that some of the language was slightly wrong.

In relation to some of the points that were made, the member for Heysen, I thought, summed up the issues very well, and essentially what she said was correct, but just for the point of clarity: four boards will be abolished (I think she may have said five); there will be five regional trustees; and there will be 10 people on the select section 11 committee, but the essence of what she was saying was accurate.

The proposition before us today did not come from the government; it was not my suggestion. It came from Country Arts itself. I said that I was happy to do it provided that they could persuade the opposition that it was a good idea. I am glad to see that they have managed to do that. This organisational structure is a more rational approach to managing country arts. It does, as the member for Heysen said, pick up the new regions that the state government has put in place. By combining them the way they have, they essentially have five areas of the state to cover. In each area—in each region—there is at least one theatre.

For example, in the Limestone Coast there is the Robert Helpmann; in the Murray and Mallee there is the Chaffey Theatre at Renmark; and in the Fleurieu, Kangaroo Island and Adelaide Hills, there is now the Hopgood Theatre, which is being run by Country Arts. I hope that the people on the Fleurieu Peninsula will identify with the Hopgood Theatre and travel there to see performances which they otherwise would miss out on or for which they would have to go to the city. The Eyre, Western and Far North have the Middleback Theatre which, of course, is in Whyalla, and Country Arts also supplies a program to the Port Lincoln theatre—the Nautilus

Theatre—which is owned by the council, from memory. In the Barossa, Yorke and Mid North there is, of course, the Port Pirie theatre—

Ms Breuer: Keith Michel.

The Hon. J.D. HILL: Yes, the Keith Michel Theatre; thank you. Of course, the Langbein Theatre is in the Barossa, which the member for Schubert so well described. He did very well out of that bit of largesse. It is an excellent investment in that community. So, each of those regions now has at least one theatre, and some have two. So, there is very good infrastructure.

In addition, through the Centres of Culture program, over time, we will provide an upgrade of spaces in other communities. For example, this year, which was Port Augusta's centre of culture year, through the grant of $1 million plus and in cooperation with the council, we have created a beautiful—I guess you could call it bijou—theatre in Port Augusta, a big open performance area in what was known as the old stables, and a new art gallery in was the courts area.

I do not know whether the member for Hammond has been to have a look at Port Augusta, but I recommend that he go and see what has happened there as a result of the Centres of Culture. It might be useful for him in the coming year. It has really created a fantastic art space which has been well used with a relatively modest investment by state government and local council. It has created great spaces which will allow Country Arts to program other activities there in the future.

Many members commented on the great role that Country Arts plays in South Australia. This is a fantastic organisation which was established when the Hon. Anne Levy was minister for the arts. It has brought together a whole range of organisations and individuals who provide arts to country people. I think it has been a very good organisation, and I am glad that it enjoys such strong bipartisan support. It has taken on some extra roles in the time that I have been the minister responsible for it: the Centres of Culture, which is a biennial event; the Fleurieu Arts Biennale, which they now look after and do very well; and the dinner, of course, as the member for Mawson will know, which celebrates the grand event of the Fleurieu Arts Biennale. That will be held this Saturday night in the Hardy Winery. Of course, the Hopgood Theatre has come into the fold as well, so that gives them greater resources to do their thing.

As many members have said, Ken Lloyd is an outstanding leader of Country Arts and he, and all his staff have great times and they work very hard to ensure that they provide a good range of arts to people in country South Australia. I think that is very important, and I am very pleased that I am responsible for it in the ministerial carve-up. I congratulate Ken, his team and his board, led by Steve Grieve, on the great work they do.

Finally, in moving this second reading, I thank not only Ken Lloyd but also Alex Reid and Helen Richardson of Arts SA, who have helped developed this legislation, and Rita Bogna, of Parliamentary Counsel, for her assistance with it. I commend this legislation to the house.

Bill read a second time.

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (16:20): I move:

That this bill be now read a third time.

Mrs REDMOND (Heysen) (16:20): I want to confirm what the minister said that, after hearing the contributions of the members on my side of this chamber and the member for Giles, I think they all made a wise career choice based on the adage that politics is theatre for ugly people. I often contemplate that saying as I sit in this place, particularly during question time.

Bill read a third time and passed.

PLANT HEALTH BILL

Adjourned debate on second reading.

(Continued from 29 October 2008. Page 665.)

Mr PEDERICK (Hammond) (16:21): I rise as lead speaker for the opposition to speak to this bill. I note that it is a bill for an act to provide for the protection of plants from pests, the regulation of the movement of plants into, within and out of the state, and the controlled destruction and suppression of pests, to repeal the Fruit and Plant Protection Act 1992 and the Noxious Insects Act 1934, and to make related amendments to other acts and for other purposes.

I acknowledge that this bill is a strengthening of the other acts. It upgrades our protections for our fruit, grain and winegrape growing industries worth over $1.5 billion and, from my reading of the bill, it provides the protections required to keep South Australian industry alive and well. Industry, as we know, especially in areas reliant on irrigation, is suffering a fairly tough time at the moment, so we do not need anything to get in the way to upset that situation.

I will refer to the bill in the way it relates to taking over the Noxious Insects Act 1934. This relates to locust plagues or gregarious grasshoppers and, as a former practising farmer, locust plagues were at the forefront of my mind, and I believe the Hon. Rob Kerin, who has only just left this place, had to move quickly one year and push his department along when he was the minister to make sure that the appropriate actions were taken with the local councils up north around Orroroo, working with all the agencies to get the spraying done to get ahead of the locusts. Certainly, I am well aware that in the last five years I have had to spray for locusts as far south as Tintinara. They can just tear crops apart, so we do not want to see any dilution of this protection.

I want to make some comments on locusts. I looked up the 2008 forecast for locusts, and this relates to some of the things they have seen in New South Wales. They found a widespread nymphal infestation with many small bands developed in the Riverina and central west of New South Wales during October. They had some spring hatching in September, and over 1,500 reports were confirmed by the Rural Lands Protection Board in that state. Bands of high density nymphs developed in many areas. While the majority of bands have been less than 200 metres long, some have been up to a kilometre in length. They have had hatchings since early October in the Hume, Riverina and southern parts of the Murray and Wagga, where there have been over 200 reports. In northern Victoria there have also been reports of hatchings.

The APLC has carried out aerial control over 2,600 hectares of high density bands in eastern Narrandera and southern Condobolin during late October. The overall scale of their control operations is approaching 25,000 hectares. This is very similar to what happens here if work needs to be carried out against locusts, primarily through the efforts of landholders with the assistance and coordination from rural land protection boards, the New South Wales version, and the New South Wales Department of Primary Industries. It is also noted that fledging of residual nymphs will continue in early November, and adult population density will continue to increase during that month. There is a potential for numerous swarms to develop during November with the risk of crop damage.

I now move on to Victoria, where there have been over 200 reports of hatchings recorded through the areas of Wodonga, Wangaratta, Rushworth, Echuca and the River Murray. Most of these reports have been to the north and north-east of Shepparton. Landholders and local government authorities are carrying out controls in some of these locations.

I note that there have been some September surveys in northern South Australia, and, thankfully, they have identified a very low density adult population in the Far North and around the southern Flinders Ranges. Conditions are unsuitable for locust breeding, and populations are therefore unlikely to have increased. That is very good in the first instance, but I do commend everyone—all the volunteers, landholders, councils, government departments, and ministers who have been involved—because locusts can cause multi millions of dollars damage to our cropping areas.

To get back to the main thrust of the Plant Health Bill, having read the many submissions that came in (I think there were about 26) there was general agreement that responsibility to report was widened by this bill, and that was well supported. I do note (and I should have made this comment at the start of my remarks) that the Liberal Party will support this bill. I hope the minister can address any questions I may bring up in my remarks, as it may save us going into committee; if I do need some more investigation we may go into committee, but it may not be necessary.

Inspection powers are strengthened. Control and prevention powers give the state better management of pests, and there is some discretion for the minister to pay compensation. Most commentators express concern about how fees will be calculated and kept to a reasonable level so as not to add to producers' costs.

The bill states that a horticultural industry charges panel is being established to provide recommendations to the minister on the future level of fees. I am very pleased that they have already had two or three meetings, and I hope that the minister takes heed of their recommendations. There is certainly a concern about any increase in costs to anyone in the sector.

Matters of concern include those from apple and pear growers and the Horticultural Plant Health Consultative Committee, and the Virginia Horticulture Centre and Adelaide Produce Market Ltd had similar concerns in their submissions. Issues were raised about malicious reporting, prevention, penalties and the suitable training of inspectors and others to facilitate the pursuit of alleged breaches. Concern has also been expressed that action has rarely been taken and that success is unlikely.

I note that the bill certainly institutes quite a wide range of packaging and labelling issues that will be taken up, such as controls on identification. There needs to be enforceability against interstate consignors, with the return or destruction of noncompliant goods. Another issue about packaging and labelling, which was brought to me through the submissions, was how accurate those could be at farmers markets.

There is concern about whether there will be sufficiently trained auditors, whether unannounced audits will be sprung on people involved in the industry, how the reporting mechanisms will work for the auditors and what the process will be for appointing third-party auditors. The issue was raised about whether the audits could be coordinated and aligned with other required audits in order to increase efficiency and minimise cost.

The submissions also expressed concern about whether the 24-hour notice inspection was too long and involved; however, we believe that this has been overcome by clause 10(1) and 10(2). It seems as though the penalties are sufficient and will act as a deterrent, and I note that they have been increased significantly, especially for body corporates (up to $100,000). There will be on-the-spot fines, but we wonder about the department's willingness to impose fines. It has been noted that it has been extremely difficult in the past to achieve convictions.

It is believed that all producers and importers should be registered and that appropriate resources should be allocated to manage compliance. There is certainly a firm belief throughout industry that fines collected in this way should go back to bio security and quarantine activities and not into general revenue. There certainly needs to be a clearly defined communication strategy to raise awareness of the bill, especially when it becomes an act, and diagnostic tools and guidelines should be provided in relation to potential risks. It is believed that the new labelling laws will work as long as existing labelling procedures are used to minimise the additional cost.

There is certainly an issue for growers who have properties or industries, especially the horticultural industry I represent in the Southern Mallee, around Pinnaroo, Parilla, up towards Peebinga and working in with the Victorian Mallee. There will obviously be a lot of cross movement of goods across the border, and there are certainly issues surrounding how much manifest paperwork will need to be involved. I recognise that manifest will need to be completed in this legislation for those either sending produce into or through the state. The point has been made to me that we should perhaps consider the regional status of the Mallee to counter this, but I know that the state border gets in the way and that that could cause some issues.

In relation to integration and minimisation of costs, we can integrate the different required accreditation and audits to minimise duplication and cost, and perhaps that may mean single audit visits. I am certainly interested in the clear policy guidelines regarding emergency situations. A lot of the emergency situation sections of the bill are mirrored in the former act, where people can use powers under a warrant process to access properties or information.

I am also interested in what modelling has been done by the department to demonstrate that the penalties will encourage compliance. I am certainly heartened that the penalties, especially for body corporate, have risen significantly. We need compliance to make sure that we have plant health to protect the horticulture and permanent plantings in this state, apart from the grains industry. The money should be used throughout the industry.

There is another concern about the on-cost to purchase to producers. As I mentioned, I hope that that money will go back to the industry. It is more of a sideline, but it works in conjunction with the bill, but I would like to see greater control and inspection of produce imported from outside of Australia, although I know that goes outside our jurisdiction.

I have talked about the effect on Mallee potato growers. Obviously, there is a concern that any extra costs for packaging and labelling are likely to be borne by growers and packers. There are also concerns about quarantine signage and whether that becomes a too high business cost for industry. There is also the issue about corrective assistance being provided before any changes are made. This focuses on the ultimate objective of the legislation, which is to keep South Australia pest free, rather than spend time and money pursuing errant producers and importers.

One submission mentioned the possibility of phasing in changes to allow industry to manage the increased costs over time, rather than imposing all changes and fees at once. The minister may be able to ease that pain in his reply and let the industry know how much the extra costs may be as we move forward.

Another submission queried whether there was an opportunity to promote a diagnostic service so that people could identify something that is not familiar to them that could be a risk to plant health in this state; and, as far as the manifests are concerned with carting produce into or through the state, whether there could be electronic lodgement, which obviously would be searchable for quick and easy access to the information.

There have been questions raised with me about whether the bill covers all the ornamental nursery stock and grapevine cuttings that are currently not labelled. I know that we had an issue not long ago with a certain business in South Australia which had the wrong gear on board and was put out in the marketplace. Certainly, as far as a major issue—

The Hon. R.J. McEwen interjecting:

Mr PEDERICK: Yes, that's it. The issue of branched broomrape in the Murraylands is an issue that is near and dear to me. Concerns have been raised around that. People may be aware that there are a lot of requirements for visitors to paddocks that are quarantined to wash their boots in a tray filled with a liquid, as well as cleaning down equipment as you move from property to property. There are some concerns that the legislation is either a feather or a big stick. It was put to me that we must maintain long-term working relationships with people and businesses. I have been given an example of persistent non-compliance with transport paperwork—such as movement of stock to sale—with respect to branch broomrape, and this can be from an infested or non-infested property within the whole quarantine area. Some of these people are not complying with the administration of the quarantine area as opposed to non-compliance that places the integrity of the quarantine at risk. It is almost another stage in the whole quarantine story.

It was put to me that if these people do not fit the definition of 'minor offence' they must be put through the penalty process. It has been put to me that this is too severe and difficult to police and manage, because, obviously, as I indicated, stock will be coming off infested or non-infested property within the quarantine area, and there may be a minor offence enabling application of an expiation fee in that regard. In regard to warrants being issued, there was a concern on Kangaroo Island about the requirement of a magistrate to approve warrants to give inspectors the power of entry rather than a JP.

Evidently, no magistrates are resident on Kangaroo Island. It appears to me that that concern has been fixed up in the bill; and, under clause 47, it can be done by phone or fax. The local NRM/APC officer over there does not see this as a problem. The transport industry, which is one of the main bodies that carries a lot of produce through and into this state, believes that checking stations on main arterial roads should be manned 24 hours a day to police the laws fully if we really want to be serious about our plant health (this happens in Western Australia). It is suggested that consigners can easily avoid detection by falsely or incorrectly describing goods.

If a pallet is stretch wrapped for safety and security, there is no examination of goods to confirm the description because it is hidden under the stretch wrapping. This industry believes that freight personnel are not trained to inspect goods: they consider only temperature and loading requirements. As I mentioned earlier, there was concern about manifests and whether that would put undue time controls on freight companies and incur cost to these companies. As far as codes relevant to the bill are concerned, some people believe there should be an annual review of the codes to ensure currency and ongoing appropriateness.

Questions have been asked (and, I guess, the minister can address this later) about how consistent this will be with the other state and federal government legislation. Some people from interstate have commented on the bill, and they indicate that they do not see any major problems. It would seem that they are generally compatible. With respect to phylloxera—and I note the member for Schubert in the chamber—

An honourable member interjecting:

Mr PEDERICK: I do not know that he has got a dose of phylloxera. He might have had a grape! As far as phylloxera control in the grape industry is concerned, the changes are certainly supported. However, people are keen to see additional resourcing to facilitate the program, a specific education and awareness program and sufficient and appropriately trained plant health

operation staff to meet increased workload and annual audit reports for the South Australian Plant Health Consultative Committee. They want to ensure that there are additional resources to ensure inspectors are adequately trained and equipped to collect evidence and take statements regarding any reporting of any problems.

They recommend a system of enforceable undertakings be established to provide an avenue for those breaching the act to make immediate changes to comply. They believe that further breaches will result in court action. The benefit is that there will be less cost and less risk of failed court action. Earlier I mentioned the alleged import into South Australia of affected vines. That could have been resolved in weeks by an enforceable undertaking, instead of moving forward through the courts.

The Citrus Growers of South Australia are keen to see reporting of breaches to include all parties to improve surveillance and control of the outbreak, and again they mention the concern about farmers markets, roadside stalls and backyard produce. I do understand why people go into these arrangements, especially on almost a semi commercial basis, with the tough times in horticulture at the moment.

Plant Health Australia believes that this bill is compatible with Plant Health Australia's emergency plant pest response deed, but they certainly have a question about the definition of 'supply' and how gifts come in under the legislation. There are several references to supply and control, and prevention and prohibition on sale where this may become important. They raise the issue of the status and liability of an individual who has been given or gives affected plant material. The word 'supply' needs to be defined and the meaning clarified.

A submission from the Queensland Department of Primary Industries and Fisheries indicated that there was no particular conflict with Queensland legislation. One interesting comparison is that Queensland has the ability to take action in relation to some pest infestations before a confirmed diagnosis is obtained. It has been an important feature of their act and was utilised to take quick action on the citrus canker outbreak at Emerald in 2004. I wonder whether we have the facility to do this. It may come under the emergency response part of the legislation. My question is: does an inspector have the legal right to take assistance, vehicles, equipment, etc., to assist the investigation? That may have been addressed under the general powers.

One of the supermarket groups which has discussed this issue with me is concerned that it might result in increased cost of imported product, so becoming an impost on non-South Australian product. I mean, we certainly have plenty of good produce here and I believe that, in the Mallee, we probably produce about 80 per cent of the country's washed potatoes at the minute, especially with the stress on the river. I am also interested in traceability. Obviously with manifest there should be plenty of traceability through the bill.

I am very keen to see that consistency with packaging and labelling meets the requirements in other states and that, when this legislation is enacted, the fees should be nationally consistent across the board. I refer to the second reading of the bill which states:

> Stakeholders also forwarded their own proposals, including the establishment of a register of importers, which has been strongly supported by the Horticulture Plant Health Consultative Committee, representing key South Australian horticulture industry groups and the Adelaide Produce Market Limited. This proposal and a number of other minor proposed changes have been incorporated into the bill.

We on this side certainly do support the bill. It is quite broad. It will protect growers in this state. I believe it does strengthen how we manage the transport into and through this state of goods from interstate.

We are certainly concerned about increased costs—not just money-wise, but time is money with transport—and that they do not put an onerous burden on transport companies. I know that now in the modern world most would have very up-to-date manifests and it is just a part of business, but that can be clarified in the reply. We on this side of the house support the bill and I commend the bill to the house.

[Sitting extended beyond 17:00 on motion of Hon. R.J. McEwen]

Mr BIGNELL (Mawson) (16:51): I rise to support this bill. The horticultural, viticultural and the wider agricultural sectors are vitally important to this state, not just in terms of providing food and nourishment to the people of South Australia but also in terms of the valuable dollars earned

from the exports interstate and overseas of our fine fresh South Australian produce that is valued right across this country, and by many foreign countries as well.

In the McLaren Vale area, which is in the seat of Mawson, the threat of phylloxera is something that is treated quite seriously. I congratulate the grape growers and the McLaren Vale Winemakers Association for the tremendous work and vigilance that they apply to this threat to the wine region of McLaren Vale and other wine regions within South Australia.

I think we have done a good job to this point, over the past 160 years, to have kept phylloxera out of South Australia, but we can never take our eye off the ball. We need to be forever vigilant, because it is a devastating pest that can get into vineyards and decimate entire regions. It is for that reason that this bill is very important to strengthen the powers that we have to protect our horticultural and viticultural sectors.

The member for Hammond alluded to an incident—I think it was earlier this year or last year—where one of the big chain stores of hardware and nursery products was selling ornamental vines which had come from a region interstate where phylloxera had occurred. That was a huge threat. It was quite an idiotic thing for this store to do and totally irresponsible. If they had brought phylloxera into this state there is no telling the damage that would have been done to this state's wine industry. The cost would have gone into many millions of dollars. This bill goes a long way to help bolster the powers and the penalties.

The member for Hammond also mentioned branched broomrape. I think that, perhaps, if we had had this sort of legislation in place earlier, things like branched broomrape may have been handled in a different way. Under this new legislation, if someone finds a disease or pest on their property, they notify the authorities and they can claim compensation. If there is a quarantine barrier thrown up around their property, and even perhaps their neighbour's property, then they can be compensated for the loss of livelihood because of the fact that their crops have been quarantined and they cannot get their produce to market.

So, I think the compensation is a very important part of it. I think it will make people more willing to put up their hand, or if someone spots a disease outbreak on someone else's property then they will not feel quite so bad. You can imagine that if someone spotted something they would think, 'If I dob Fred in then Fred is going to be in trouble and lose his whole season's crop and livelihood', but I think that if compensation is there and payable to people who have a quarantine thrown up around their property then it is a much fairer system, and the small price that would then have to be paid out in compensation to a grower would be a lot less than the millions of dollars that we are spending on trying to repair the damage done by such outbreaks as branched broomrape.

I think we have done a good job of protecting South Australia over the years. I guess we are lucky to be an island nation, because it has been a little easier to keep pests and other exotic diseases out of the country. Also, we have faced threats from across the borders—in Western Australia, the burrowing snail and, up in Queensland, the fire ant—which are causing major problems in both of those jurisdictions. So, we need as much power as possible to keep those sorts of pests out of our state.

I think that this bill also gives a lot of power to the industry itself, and the industry should be congratulated on being a mature industry. As I have said, the grape growers down in McLaren Vale do a fantastic job by having workshops and educating people about phylloxera. There are signs up on every block of grapes down in the McLaren Vale area, warning people not to drive from one block into another. We just want to do everything we possibly can to prevent phylloxera from getting into our state and spreading throughout our vineyards.

In terms of viticulture and horticulture, the industry here is mature, and I think this bill actually goes some way in giving power to the industry itself to regulate and give its own certificates for things coming in from interstate. So, once again, I commend this bill.

Mr VENNING (Schubert) (16:56): I will not go on at length, because the member for Hammond has put it very well. I want to commend the member for Hammond for the bit of history he has made here today, because this is the first time that he, in his role as shadow minister, has handled a bill for the house. I think he will remember this day, because I believe he will have a long history in this place. I commend him on the great detail in his presentation here today.

My previous life was, of course, involved with this area of animal plant control. That is already on the record ad nauseam, so I will not go on at length about that. I certainly welcome this bill, which tightens things up. It has been some time in coming. As the member for Hammond has

said, particularly in relation to the locusts—and I have been involved with that—when we get a bad plague, it is great that we can mobilise the forces that we have. I am always pleased that governments, of either persuasion, fully back it financially because, with the right equipment, if you get there on time, you can certainly avoid the devastating effects of a locust plague. In recent years, it has been pretty successful. I also pay tribute to the recently retired member for Frome. His activities in this area certainly go back; he was on the spot, too.

The bill provides better protection for business and community against the introduction of new pests and diseases. I am always vigilant about this because we are so mobile nowadays with the borders the way they are. We have to be very careful. Compliance is most important. As a chairman of a board, it was often difficult to get everyone to comply. You had to use the powers of the laws that you were given through legislation. You did not use them unless you had to, and sometimes you had to because not everyone would do the right thing. Unless everyone complies, the whole system can break down, whether it is branched broomrape, phylloxera, or whatever.

I think the member for Hammond hinted at compliance with bodies corporate. It is great that they have been brought to heel because they have certainly been riding roughshod in many areas about their responsibilities, but they have now been brought into line with this.

The state and federal governments seem to have a happy knack of forgetting its responsibility about this. We are seeing issues of various weeds—especially onion weed—on railway lines, main roads, publicly owned parks and bushland. Just because the government owns these sites does not mean that it does not have to control the weeds, because they come out and infest the adjacent farmland.

I particularly want to dwell on phylloxera, as did the members for Hammond and Mawson. People have to see this first-hand to see how debilitating this destructive little mite is. You have to realise that it is over the border in Victoria and New South Wales. I went to the Yarra Valley with Leo Pech to one of the finest vineyards in the Yarra Valley and I saw the devastation that the phylloxera bug can cause. It is only a little bug and you can have it for five or six years and you do not know you have it, because it works underground and attacks the roots. It can be there and, suddenly, you see your vine production drop in half, but it is too late because it has been there for five or six years and you can take out almost all of your vineyard.

It is a destructive thing. Nothing could do more harm to our wineries than this destructive, ravenous little mite. I am often asked the question why we have not had it here because it is all over the world. We have some of the oldest vines in the world here now of the old, original stocks. Why? Because we have never had phylloxera. Why is that? Is it good luck, good management?

The Hon. R.J. McEwen: Phylloxera Board.

Mr VENNING: We have had a phylloxera board. Thank you, minister, because you have reminded me about something. I refer to a previous minister, Dale Baker, and something about playing parliamentary bowls, and I know you are thinking this is a long bow. I was playing parliamentary bowls in Victoria with the Hon. Bill McGrath who just happened to be the Victorian minister for agriculture. I asked Bill whether he was aware of material in the south-east coming over the South Australian border. He said, 'No. It wouldn't happen.' I said he had better ring this person here and find out. The next morning he told me I was right. I will not tell you who one of the key culprits was. It is quite ironic when you know who was bringing some of the material over the border.

The Hon. R.J. McEwen interjecting:

Mr VENNING: I can lip read; I think the minister got it right. Instantly, to the minister's credit, up went the red flag and we revitalised the Phylloxera Board which had been in existence for years and was doing nothing. We re-funded it and, within about three or four months, we were fully into it. We implemented the phylloxera areas and no go zones, and no materials were to be brought across the border unless they had been processed. It was coming across in sealed containers as in a tank. Whether it is luck or whatever, we do not have it.

Consider other regions around the world. California has had several outbreaks and they have had to come to Australia to get some of the parent stock. Some of the original shiraz is here in our parent rootstocks. I pay credit to the many people who have given me advice over the years, particularly Mr Leo Pech, who has all his vineyard on rootstock, incidentally, as a protection against a phylloxera outbreak. Leo has given me good advice. I know that many people find him a bit strong and he will be coming in again shortly to help me with that policy area.

I want to mention branched broomrape. The member for Hammond has been very helpful to me with that because it is an area that I have a lot of difficulty with. It would appear that not everyone is complying, and I think that in some areas it is over-compliance. Of course, now with the branched broomrape we are looking at, some would argue that it is not the one they say it is. So, all this is up in the air.

It is very difficult for those who are under quarantine to be able to farm properly, particularly with the hay and everything else. This area happens to be the area that is most affected by the drought and dry conditions. If you are unable to move hay off your property, the value of your hay is therefore much diminished. How do you make a living in conditions like this? We have to be careful because we are putting a huge impost in the way of these people. Between the member for Hammond and me, and others with the minister's help, I think we can allay these fears. Some people say that we ought to lift these restrictions because they do not think it is working.

In relation to fruit fly inspection points, I think they need to extend the operations because it is crazy to see them shut at night. I often turn the two-way radio on in my car listening to the trucks and I know that they will often go through these points after they have shut because it will be no hassle. If you get caught, the penalties are pretty heavy. I think it would be great to train up the beagles because these dogs are very effective. If people knew there were dogs on these points, they may act differently. If you were to see a dog crawling over your truck, you would not take the risk.

Finally, I believe that moving stock from state to state is an area where we need to increase our activity. I know that at the moment a lot of sheep are coming across the border from Western Australia, and I must declare that one is heading our way to our own property. I asked my son about these sheep coming in from the west and whether they go into quarantine because who knows what sort of area they are coming from. They are probably a mixed lot. When they come on the property, I told my son that he had better keep them in the yard for three or four days. They could spit out anything!

So I keep questioning whether the quarantine we have is adequate in that area. Whether it is Ovine Johne's or all those funny burr weeds they have in Western Australia, we do not want them here. I support this bill, and I also support amending the bill to change that one word—

An honourable member: It's in there.

Mr VENNING: They have changed it; the word 'transport' is in there. I thank the minister for his cooperation. I support the bill.

Mr GRIFFITHS (Goyder) (17:06): I will be brief in my comments on the Plant Health Bill, but I also congratulate the shadow minister on his first time handling a bill in the parliament. I read his briefing paper with interest and, while we all diligently try to ensure that every briefing paper is read, one word in particular tweaked my interest, and that was the word 'locust'. That was what I spoke to the honourable member about.

As a member of parliament who had the great pleasure of living in Orroroo from 1993 to 1999, and with the infestations that occurred there, I thought it appropriate that I use this opportunity to make a few brief comments. There is no doubt at all that it is absolutely devastating if you are in that area and it looks as if you are about to suffer from an infestation of grasshoppers and locusts. It is hard to actually describe, but it galvanises a community into making sure that it does all it can to prevent it.

In the mid-1990s it took a lot of effort to ensure that the level of resources required were put in place but, once the decision was made by the Hon. Rob Kerin as the then minister for agriculture, the action was immediate. Forward sites were set up, aerial spraying was undertaken, it was ensured that spray units were available for use by farmers on the back of their utes, I even saw people walking around with packs on their back spraying this stuff, trying to ensure that the grasshoppers and locusts in the area were controlled, that the opportunity to ensure the preservation of their crops existed and, importantly, that the pasture was also there for the sheep.

It is marginal country; you have to live there for a while to understand what it is like, but every blade of grass is important to the future viability of these people. So, when it looks as if grasshoppers and locusts are going to come down, when there are forward sitings up to the east and further out through the dry country and the trough country, when they look like coming, every action has to be taken to ensure that something is done as quickly as possible. It is not something you muck around with.

A lot of work has occurred since then. From the people I speak to who still live in that area, when they talk about when an infestation looks like it is about to occur, and from reading media comments about it, the response is immediate. So, it is pleasing to see that the attitude created within the department for agriculture by a Liberal minister has continued to flow on with Labor now in charge, and that every possible effort of support takes place.

Plant health is also a key to the economic future of the state. No matter what we do, no matter the diversity of the industry that we have in South Australia, it is important to ensure plant health. So, any measure that improves the long-term viability of our agricultural areas is a good one. I do not wish to repeat things and go over what the member for Hammond has said, because he has certainly dealt with every concern of the opposition and with comments the opposition has received on this issue. I recognise that the bill is a step forward, and I commend it to the house.

Mr GOLDSWORTHY (Kavel) (17:09): I, too, will be reasonably brief in my contribution in relation to the Plant Health Bill. I want to join with members on both side of the house in support of the bill and raise just a couple of issues that I believe are important to the primary industries that play a big part in the electorate that I represent.

In relation to the wine industry, we have a significant viticultural industry in the Adelaide Hills—dating back to the 19th century, in fact. My family owned a property that previously had vineyards on it. The previous owners had removed those vineyards and turned it into grazing country, but even today, if you look at part of our old family property, at a certain time of the day you can actually see where the rows of vines ran across the paddock. There is also the ruin of an old winery down in the bottom of a valley. It was used for farm sheds and so on, but with fires going through the place over the years it is now just a derelict ruin; however, initially it had been constructed as a winery for the local area.

There are still vineyards in the district where the Shiraz grapes have been used in the making of Penfold's Grange. We have seen the further development of the wine industry in the Adelaide Hills as a number of dairy properties have been developed into vineyards for one reason or other, but obviously for the viability and economy of the operation. I join with other members in saying that the wine industry is very important in South Australia and that we should do everything we can to protect it in terms of keeping out diseases and the like.

I also want to speak about the very important apple and pear industry, focusing particularly on the apple industry and a disease which, thankfully, is not in this country—fire blight. That disease is in North America, Europe and New Zealand, and there is an ongoing and quite heated debate in relation to New Zealand's wanting to export its apples into Australia. There is a significant risk of the introduction of fire blight into this country if we allow New Zealand apples to be brought in.

I represent some of the best apple growing regions in this country—Lenswood Valley, Basket Range, Forest Range, Uraidla and Summertown, which is in the member for Heysen's electorate. It is extremely good apple growing country. Next Tuesday morning at 8 o'clock, I will join the minister at Uraidla for a function in relation to the cherry industry.

The Hon. R.J. McEwen: The start of the cherry season.

Mr GOLDSWORTHY: That's right, minister—the start of the cherry season. The cherry industry is also a very important primary industry in the Adelaide Hills. The apple industry, in particular, has fought this long and hard battle in relation to the import of New Zealand apples for many years, and I think it will go on long into the future. Reports have been done, and AQIS has been involved in this issue for many years. If my memory is correct, it issued a report about four years ago—quite a voluminous report—putting forward some recommendations in relation to protocols and procedures that could well deal with the fire blight issue in relation to the importation of New Zealand apples.

There was a lot of debate on and further research carried out in relation to that report produced by AQIS and, if I am correct, it was found that its science was flawed and that the protocols and procedures it recommended could not ensure or guarantee that fire blight would not be brought into the country. A Senate inquiry was held, and the late Senator Jeannie Ferris was a prime mover in establishing that inquiry. I believe that the immediate past member of the Mayo, Alexander Downer, also had a significant role in ensuring that the Senate undertook that inquiry.

I understand that the issue still exists and that New Zealand is pushing as hard as ever to export its apples to Australia. In relation to the arrangements between New Zealand and Australia,

it is not necessarily a trade issue. It has to do with the protection of our industry by not bringing in disease. It is debated and argued on the basis that we cannot put an important industry at risk; that is, the apple growing industry in this country, not just in the Adelaide Hills, but in South Australia. They also grow apples in Shepparton in Victoria and other areas that are significant apple growing regions.

We cannot put at risk that vitally important primary industry by importing New Zealand apples. As long as I am the member in this place representing the Adelaide Hills I will be backing my industry—the apple and pear growers association. They call it the fruit growers association because cherries are involved now, which I think is good. I will support my constituents and that important industry as long as I represent them in this place.

Mr PISONI (Unley) (17:16): I would like to contribute to the debate and expand upon how the benefits of legislation such as this come into play in the metropolitan area. Those who follow politics will understand that Unley is geographically the smallest of the electorates in the House of Assembly. We have only 2 per cent open space, but that open space is used very effectively and usefully.

I would like to speak about protecting our state. The act, which provides for the protection of plants from pests, the regulation of movement of plants into, within and out of the state, and the control, destruction and suppression of pests, and so forth, is very important for the Fern Avenue Community Garden in Fullarton, which was established many years ago on a former jam factory site. Some of the original fruit trees that were grown to produce the jam are still there and fruit is collected every year.

There are basically 30 plot gardens, and they are bursting with organically grown fruit and vegetables. It is important to keep pests out. It makes it much easier for those who want to grow and eat organically produced fruit and vegetables. It gives them less to worry about. Obviously, if we had the same sorts of diseases in South Australia as we see elsewhere in the world it would make it much more difficult to keep chemicals out of food production.

At the garden we see members of the local community who enjoy growing their own chemical-free food and getting fresh air. Many of them live in apartments or flats that do not have their own gardens, but they do have an allocated block. They even have a raised garden for members of the community who are too old or frail to bend over to operate a ground level garden, or for those who may be in a wheelchair, who may wish to have a potter in the garden. Retired people grow their own produce there. They take their grandchildren there to talk about, for example, how the cabbage started and how long it has taken to get to this stage. It is a great experience for those who use it.

Then, of course, there is also a wider community benefit, with the Unley harvest volunteers, who come along on Thursday mornings to pick organic food for the older residents of Unley. They then go out and deliver that food. It is a little bit like a raw meals on wheels. They do not deliver cooked meals ready to eat; they deliver freshly picked fruit and vegetables for people who are too old to go out and select their own from the market, for example.

It is only 35 metres by 65 metres, so it is quite a compact area. It also includes a community vegie patch, as well as a herb garden and a flower garden. One other innovative program that has been put in place is plant rescue, which is quite well publicised through the Unley council. People might want to change the look of their gardens. They might have agapanthus, fruit trees or other smaller plants which they no longer require but which they do not want to throw out. They can ring the people at Unley's plant rescue and they will dig them out, repot them and then sell them at regular events that happen around Unley, and, of course, at regular sale events that happen at the Fern Avenue Community Garden.

The beauty of that, of course, is that people can buy semi-mature plants at a discount rate and the community garden gets the benefit of the proceeds that are raised. Again, it helps build that great community we have in Unley, and that community I am very proud to be a part of and very proud to represent in this place. It is interesting, because we are seeing community gardens and other community organisations in Unley that will benefit from the protection of our agriculture from pests and other diseases, but there is the Ridley Grove Community Garden. I am reading here from the South Australian Community and School Garden Network newsletter. We have got the Ridley Grove Community Garden and we have got Molly's Community Garden at Henley High School. We have got the garden at the Lobethal Primary School, and I know that the member for Kavel is very interested in that project. We have another one on Hillcrest Road.

Mr Goldsworthy interjecting:

Mr PISONI: The member for Kavel is boasting about how good the Lobethal Primary School is. Of course, it goes further to other community projects, such as the Urban Orchard, which involves a network of households across the inner suburbs of Adelaide. Those households meet on a monthly basis to swap and share their produce from their backyards or their front yards—obviously it depends on the space they have in which to grow things. They conduct workshops on preserving their harvest for people who want to make their own jam or who want to preserve apricots, pears or plums. They meet regularly on the first Saturday of each month to discuss how those projects work.

They also talk about how there should be a push for community gardens in the Adelaide Parklands. That is an interesting concept that may be worthy of investigation. On 26 October we saw a gathering of the community gardens network in my own electorate at the Fern Avenue Community Garden, and that was a great success. People spoke about water-wise gardening—obviously a very topical subject at the moment. The point I want to make is that many people would see this bill as protecting only our agriculture and the big income that brings into Australia—Australia being one of the few net exporters of food in the world, of course, it is very important.

However, it is also very important to those people who want more control over their own lives and want to move away from going to the supermarket—or even the greengrocer or the market—to buy their fruit and vegetables. They want to have an input into producing their vegetables, whether that is in their own homes, their own gardens or in their community gardens. I am very pleased to see that we are continuing to protect the standard and quality of our fruit and vegetable in South Australia, not only, of course, those that have a commercial value but also those that have broader community value.

We are really a society that believes in choice and people living their lives in the way they like to live them. I endorse the sentiment of the community gardens network and, of course, support those who have an interest in the Fern Avenue Community Garden.

The Hon. R.J. McEWEN (Mount Gambier—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development) (17:25): Before I spend a little time on the response from the shadow minister and the lead speaker, I thank the members for Unley, Kavel, Goyder, Schubert and Mawson for their comments. In relation to the lead speaker (the shadow minister), I point out that, in terms of his first presentation in this place, he has shown how this parliament should work. There was not one political quip or one single attempt to pointscore through the whole presentation. The shadow minister demonstrated why this place, when it is working properly, works so well.

What happens is an agency works in terms of what we believe best practice to be. That agency then asks those people who draft the laws of the day (parliamentary counsel) to put that in a form that is enforceable by law. Then we have to see whether that truly reflects what we want because, from time to time in trying to capture what we want in a form that is legally enforceable, we sometimes miss some of the nuances etc.

The shadow minister went through the bill in some detail and, equally, I compliment him in terms of going through all the responses we made available to him. It was good to see that he said, 'You called for responses, can I also have a look at them?' Again, we gave them to him because we knew he was doing nothing more than wanting to convince himself and be satisfied that we had properly addressed all the issues which were raised. There is quite a list of them.

From this point on, we can do one of two things. I seek through you, Mr Speaker, the guidance of the shadow minister in terms of how we might proceed. One opportunity is that, before the close of business on Monday, I ask our senior officers to go through his second reading contribution and respond to each of the issues in writing. As a consequence of that, the shadow minister may wish us to put some things on the record or give further guarantees before proceeding with the bill. We would then do that in the second reading response in the other house. However, as a consequence of now reflecting on the issues raised by the shadow minister and having had another look at the bill, although it is unlikely, it may transpire that the bill could be amended to better reflect the intent or be better balanced in terms of addressing those issues.

Again, I would then be happy to work through that with the shadow minister, and if as a consequence of that the bill can be refined, either we will do that by volunteering an amendment or negotiating an amendment with the shadow minister. Noticing the late hour, the alternative would be to go into committee and work through each of the issues to the best of our ability. I feel, quite

frankly, that some of them require a little more reflection and some more work. I think that, if I gave a commitment on the record that every one of those issues in the honourable member's second reading contribution will be responded to in writing by close of business on Monday, we would have time to deal with that and then obviously be prepared to deal with the bill in the other place.

That again would be a very good example of best practice in terms of how the two houses of parliament can work to ensure that, when we turn bills into law, they are the best possible bills, because once they are law, they have serious impacts on individuals who breach them in any way, shape or form. We can move from this point in my closing remarks now. Based on those remarks, obviously it is then the shadow minister's call whether we go into committee today or whether we deal with it between the houses, which, I might add, is consistent with what we have done on other occasions. I am not putting to the shadow minister something that we would not otherwise do.

In closing, I thank David Cartwright, John Hannay and Sally Fearn, who I understand have worked very well over the years not only putting this together but also ensuring that all the comments we received were adequately addressed and all briefings that were required were made available. With those remarks, obviously I will close the second reading speech and seek through you, Mr Speaker, the guidance of the shadow minister in terms of how he wishes to proceed.

Bill read a second time.

The Hon. R.J. McEWEN (Mount Gambier—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development) (17:30): I move:

That this bill be now read a third time.

Mr PEDERICK (Hammond) (17:30): I appreciate the frankness of the Minister for Agriculture, Food and Fisheries and I think I will go down the path he advocates of bringing a detailed response back to me by the end of business Monday, and, if there is anything that needs to be sorted out before we move to the other place, we can do it between the houses.

It was remiss of me earlier not to acknowledge the work of the department and the minister's officers in supplying me with briefings and any other information I required. It was certainly very helpful in putting together my response to the bill that we have debated today.

I believe the bill will certainly keep South Australia's disease status right up there, and I believe that it does strengthen our plant health status. I also acknowledge that it is the instrument with which we will combat future locust plagues. I commend the bill.

Bill read a third time and passed.

CRIMINAL INVESTIGATION (COVERT OPERATIONS) BILL

In committee.

(Continued from 12 November 2008. Page 926.)

Clause 33.

Mrs REDMOND: I have a question on this clause 33, concerning the form of the witness identity protection certificate, which sets out a whole range of things. I had already covered yesterday, I think, the first part of what was mentioned in the letter from the Criminal Law Committee of the Law Society, who are the group of people that the Attorney referred to yesterday as the 'usual suspects' and 'enemies of the people'.

We have already dealt with the issue raised about matters which might not come within the contents of the certificate as set out in clause 33 but which, in the committee's opinion, might nevertheless be relevant to the—

The Hon. M.J. Atkinson: Such as allegations.

Mrs REDMOND: —credibility of the witness using the assumed identity. And, as the Attorney correctly indicates across the chamber, matters such as allegations, where those allegations have not necessarily been tested by a court.

The next point that the Law Society's Criminal Law Committee makes in its letter is that it considers that clause 33(1)(k) is 'unduly restricted to the information known to the person giving the certificate that may affect the protected witness's credibility'. If one looks at clause 33(1)(k), it certainly does indicate whether there is anything known to the person giving the certificate. What the Law Society's committee generally suggests is that, in fact, it should be broadened to anything

that is 'known, comes to the attention of or has been reported to' not just the person making the certificate but the law enforcement agency with which that person is engaged.

I think there is some validity to that in as much as it could be that the certificate was being given, for instance, by the Police Commissioner, who might not necessarily know everything about the person to whom the certificate is being provided, but there could be other persons within the organisation who do know relevant things that might affect the credibility of the witness.

The essence of the clause is, after all, to try to ensure the credibility of the witness by placing some information before the court to assure that, in spite of the fact that a person is giving their evidence under their assumed identity, they are still going to be a credible and reliable witness. I wonder whether the Attorney has given any thought to the suggestion made by the Law Society's committee in relation to clause 33(1)(k) and, if he has, what his thoughts are in relation to it.

The Hon. M.J. ATKINSON: I refer the member for Heysen to clause 31(5) where it is recited that the chief officer must make all reasonable inquiries to enable him or her to ascertain the information required to be included in the certificate under this part. So, the chief officer has a legal obligation to inquire and, when that is read together with clause 33(1)(k), I think it eliminates paragraph (k).

Mrs REDMOND: I thank the Attorney for that. I have just one other question on that clause. Is it the Attorney's view that subclause (5) of clause 31 is sufficiently broad to encompass the other indicators of credibility which are referred to by the committee of the Law Society in its letter at the very bottom of page 2, where it states:

> ...other indicators of credibility issues which include behavioural matters, conduct, financial matters, other statements attributed to the protected witness, which would ordinarily be the subject of cross-examination as to credibility.

Would the inquiries be sufficiently broad?

The Hon. M.J. ATKINSON: Paragraph (k) requires anything else known to the person; so, the chief officer is expected to make inquiries and satisfactorily ground his sworn statement.

Clause passed.

Clause 34 passed.

Clause 35.

Mrs REDMOND: I have a question, and it is probably due to my inability to read lengthy sentences, but I want to clarify what is intended by clause 35(1) which is a fairly long single sentence. It seems to me to say that, where the chief officer has given a witness identity protection certificate for one of these undercover operatives, if the chief officer considers it appropriate for information that might disclose that person's identity or where they live to be let out as information otherwise than in proceedings, then the chief officer can give written permission to a person to give the information.

For ease of reference, let's call the chief officer the Commissioner of Police. So, he has given a witness identity protection certificate. He then becomes satisfied that it is necessary or appropriate for information that discloses, or may disclose, the undercover person's identity or where they live to be disclosed outside of proceedings, then the chief officer actually gives a written permission to another senior police officer presumably or something like that. I am struggling to understand what the purpose is of that. Perhaps if I can be given an indication as to when it might be otherwise than in proceedings that it would be contemplated that the chief officer would be thinking it is appropriate to provide anyone with information that discloses an undercover operative's identity.

The Hon. M.J. ATKINSON: The member for Heysen is correct in thinking that it is principally regarding transactions within the police force and it would be used operationally rather than in proceedings.

Mrs REDMOND: I have a further question arising from that answer. Does that mean that the Commissioner of Police, or a superintendent or whoever, gives permission which has to be in writing but thereafter there is no requirement for any permission to be in writing? Once it spreads beyond the initial written permission given to whoever the person is to disclose the information, then nothing else has to be in writing.

The Hon. M.J. ATKINSON: The disclosure offence will apply unless the chief officer gives permission in writing.

Clause passed.

Clause 36.

Mrs REDMOND: I would like an explanation of the meaning of subclause (2). In subclause (1) we are talking about the use of identity protection certificates in proceedings. So, an identity protection certificate has been issued; someone is going to be giving evidence in court, and their identity is protected by means of the various matters that are set out in the bill and subclause (1) clearly provides that this applies to proceedings in this state in which an operative is, or may be, required to give evidence as an operative. That is nice and clear. However, I do not understand what is the effect of the preservation of the common law provided in subclause (2).

The Hon. M.J. ATKINSON: It is what it appears to be, and the common law applying is in the second reading speech.

Mrs REDMOND: I am still a little confused regarding why we need to put that in there, given that this section deals with the use of witness identity protection certificates in proceedings. I read the words in the second line of subclause (2), 'the identity of a person who is not an operative', to mean that they will therefore never be covered by a witness identity protection certificate. Therefore, I do not understand why subclause (2) even appears there.

Clause passed.

The CHAIR: Member for Heysen, it has just been drawn to my attention that we did not record your incapacity to allow you to sit. Would you like to make that request?

Mrs REDMOND: I am sorry, Madam Chair; I seek leave to remain seated.

The CHAIR: Leave granted, due to the knee incapacity of the member for Heysen. The member does not have to stand.

Clause 37.

Mrs REDMOND: This clause essentially provides that a witness protection certificate has to be filed in the court and that, basically, when it is filed it has to be provided to each party to the proceedings at least 14 days before the day on which the evidence will be given. There is also a provision that the court can then order it to be given not just to parties to the proceedings but also to other persons. It is served, and then it goes on to provide that the operative can give evidence under the assumed name and that a question cannot be asked to disclose the operative's true identity or where that person lives. That is the essence of the effect of the certificate.

In subclause (5) we get to a fairly lengthy list—(a) to (f)—of the definitions of a person involved in proceedings. The only reference I can see to a person involved in proceedings is in clause 37(3)(d)(iii). So, that extensive definition says that a question must not be asked of a witness that might lead to the disclosure of the person's true identity, and that a witness cannot be required to, and must not, answer a question that might lead to the disclosure of someone's true identity.

I was curious about that last bit—that a person involved in the proceedings must not make a statement that discloses or might lead to the true identity. Why does the definition of 'a person involved in proceedings'—which encompasses the court, lawyers, persons given permission to be heard and so on—not also apply, for instance, to the provision that a question must not be asked of a witness?

I would have thought that, given the breadth of that definition of a person involved in proceedings—the court and the person on the bench, for instance, would commonly ask people questions, and a person who is given permission to be heard or make submissions may seek to ask questions—it would be simpler to use the definition of a person involved in proceedings for all the aspects. I wonder whether there is an explanation for why it has been narrowed to just 'a person involved in the proceedings must not make a statement that discloses, or may lead to the disclosure of, the operative's identity'.

The Hon. M.J. ATKINSON: If one goes through the placita, one sees that one is in the nominative case and the other is in the accusative case.

Mrs REDMOND: That is an answer which I would only ever expect from the Attorney-General. I have no further questions, just to satisfy the Attorney-General, on clause 37.

Clause passed.

Clauses 38 and 39 passed.

[Sitting extended beyond 18:00 on motion of Hon. M.J. Atkinson]

Clause 40.

Mrs REDMOND: Again I refer to the letter of the Criminal Law Committee of the Law Society at the very top of page 3 where they say—although they use 'effects' instead of 'affects'—

The Hon. M.J. Atkinson: That is indicative of the brain power they have applied to this matter.

Mrs REDMOND: The letter states:

> The provision that directly effects the established concept of a fair trial in South Australia is in section 40 requiring that a party must seek the court's permission to ask questions of a protected witness that may lead to the disclosure of the operative's identity or where the operative lives.

They consider that the provisions of clause 40(3) are unduly restrictive. I thought the provisions of clause 40 probably were reasonable but I did have a question in terms of the form of what happens, and I want to run through it quickly to get to a question which is really directed at subclause (4) rather than subclause (3).

Subclause (1) provides that a party can apply for permission to ask a question of a witness that might lead to the disclosure of someone who has been undercover and using an assumed identity. Essentially, they can ask for permission to do that, and they can also apply to the court for an order requiring a witness, including an undercover operative, to answer a question, give evidence or provide information that might lead to the disclosure of the person's undercover identity.

The application under this clause must be heard in the absence of the jury, if there is one. Subclause (3) provides, 'The court may give permission if (and only if) the court is satisfied', and sets out the three things about which it must be satisfied, as follows:

(a) there is evidence that, if accepted, would substantially call into question the operative's credibility; and

(b) it would be impractical to test properly the credibility of the operative without risking the disclosure of, or disclosing, the operative's identity or where the operative lives; and

(c) it is in the interests of justice that the operative's credibility be tested.

In spite of what the Criminal Law Committee suggests about those provisions being unduly restrictive, I think that they are probably reasonable in terms of the way I anticipate this will operate in practice. Subclause (4) provides, 'Each party to the proceedings must be informed of any proposal by the court to give permission', and so on. It seems to me that, rather than it being the case I had envisaged up to that point, we have a witness identity protection certificate for an assumed identity.

If the defence says that, on the voir dire, it established a basis for saying why it should be able to question the credibility of the witness, and it has satisfied those three paragraphs I read out, I would have thought that at that point there would be a whole lot of discussion about it and that there would be a comprehensive debate within the voir dire about whether that permission should be given.

However, the way subclause (4) is worded suggests to me that in fact the next part comes into play only if, having heard from the defence, without necessarily hearing from the prosecution, for instance, and the people who are presumably trying to keep the protected identity protected, the court is disposed to make that order to give permission. It is only at that point when subclause (4) comes into play. I want to clarify whether in fact it is intended that it will operate in that way.

It seems to me that it would have been more appropriate to deal with all the things set out in subclause (4)—that is, whether to pull the witness or have them warned and so on—come to

some sort of conclusion and then proceed, rather than wait until the court decides that it will allow the witness to have their identity disclosed before the option in subclause (4)(a) particularly is put.

The Hon. M.J. ATKINSON: What is contemplated is a full voir dire in which the prosecution would get to argue its end of the argument, and the judge would then indicate how he or she was minded to rule. In nearly every case, I would think that, if the judge was going to make an order for disclosure, the prosecution and the police would fold their tent and give up.

Mrs REDMOND: In terms of the wording—and it may be semantics—that 'each party to the proceedings must be informed of any proposal by the court to give permission', we are really talking about a consideration by the court of a proposal to give permission. I understand why we would shorten it. The 'proposal by the court to give permission' suggests that it has reached the decision that it will give that permission.

The Hon. M.J. ATKINSON: Subclause (4) is after we have had a full-bottle voir dire and the court has reached its conclusion. I would think that the prosecution and the police would at all costs protect their witness and, therefore, withdraw that witness from the case. The whole idea is to ensure that the prosecution and police do not find themselves in the position where the identity of their witness has been disclosed. They get the choice to fold on that witness.

Mrs REDMOND: I refer to subclause (4)(b), where the witness has already given evidence, in which case the damage might already be done.

The Hon. M.J. ATKINSON: The member for Heysen in her latter remark is correct.

Clause passed.

Clause 41.

Mrs REDMOND: I think this is common to some earlier penalty provisions. Essentially, this clause provides that if a person lets the cat out of the bag, as it were, and gives out information which might identify someone (which in this clause is the 'disclosure action'), there is a maximum penalty of imprisonment for two years. That is an absolute offence if the person knows or is reckless as to whether the disclosure is something which is forbidden by the act. Subclause (2) provides that if a person has already committed the offence in terms of subclause (1) and they have done so either intending to endanger the health or safety of a person or is reckless as to whether the disclosure action will endanger a person or prejudice an investigation, then it is the higher offence.

I want to confirm the intention. It seems to me that if someone recklessly discloses information, then at the minimum they will be subject to the penalty under subclause (1) of imprisonment for two years; and if that information, whether deliberately or recklessly disclosed, is likely to be either severely prejudicial to a court case or place a person at risk, then they will expose themselves not just to a maximum penalty of two years under subclause (1) but, rather, a maximum penalty of 10 years under subclause (2).

The Hon. M.J. ATKINSON: For the 10 year maximum penalty to apply, namely, the second leg of the punishment, it must not be merely likely to be known but must be known to be likely.

Clause passed.

Clauses 42 to 45 passed.

Clause 46.

Mrs REDMOND: I understand why you would not want to disclose things under the Freedom of Information Act. I did not have time to look up the State Records Act; therefore, I just wanted to have on the record what it is in the State Records Act that requires the non-disclosure of information. It states that the State Records Act does not apply to information obtained under this act.

The Hon. M.J. ATKINSON: I think it could be argued that the controlled operations records are state records, and we do not want them to be.

Clause passed.

Clause 47.

Mrs REDMOND: I have a question about the annual report. It relates back to the things we were just talking about with the voir dire applications and so on. It is probably under clause 47(1)(c), that is, the report to the minister that gets made after June each year. Part 4 deals with the number of witness identity protection certificates given, and so on, but there did not seem to be any information included about those things which are covered under clause 40 of the bill. I wonder whether it was intended whether you as Attorney-General, and me in due course as attorney-general, get to see how many such situations might arise in a court during a year.

The Hon. M.J. ATKINSON: I know that in opposition one always wants statistics kept on everything so you can beat the government of the day with them, but we do not keep statistics on voir dire results now, and I do not know why we would start doing it because of the passage of this bill. I am sure that, should the member for Heysen become the attorney one day, she will see the sense in that.

Mrs REDMOND: 'When' the shadow attorney becomes the attorney one day. I am not so interested in the statistics as the operation of the section, because it is a section which seems to be potentially one of some interest. So it is not a matter of asking about every voir dire that occurs, but more the degree to which people who are giving evidence under an assumed identity have had that disrupted. That was the essence of why I would be interested in what was going on there. It does not appear to be within the section.

The Hon. M.J. ATKINSON: Yes, I agree. The member for Heysen is correct about that. The member for Heysen's immediate contribution just then was an illustration of the reverse proposition from yesterday: it is when when means if.

Mrs REDMOND: Thank you, Madam Chair. Now that I know that when means if and if means when, I can tell you that I have no other questions in the committee stage of this bill.

Clause passed.

Clause 48, schedule and title passed.

Bill reported without amendment.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (18:10): I move:

That this bill be now read a third time.

I commend the member for Heysen on her thorough scrutiny of this bill and so many bills before the house. I think it is an outstanding effort from the member opposite where most of the effort has been her own. I think even the rogues of the Criminal Law Committee of the Law Society would be impressed by her thorough scrutiny—clause by clause—of the bill. Not that it will make them any happier. This is parliament operating as it should. We rarely see this kind of scrutiny in the commonwealth parliament. This kind of scrutiny is confined to state parliaments, and long may the member for Heysen continue to put her efforts, as the shadow, into this kind of work.

Bill read a third time and passed.

NURSING AND MIDWIFERY PRACTICE BILL

The Legislative Council agreed to the bill with the amendment indicated by the following schedule, to which amendment the Legislative Council desires the concurrence of the House of Assembly.

No. 1. Clause 3, page 6, line 11 [Clause 3(1), definition of midwifery]—

After 'antenatally' insert ', intrapartum'.

PARTNERSHIPS (VENTURE CAPITAL) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

SUMMARY OFFENCES (PIERCING AND SCARIFICATION) AMENDMENT BILL

Received from the Legislative Council and read a first time.

At 18:14 the house adjourned until Tuesday 25 November 2008 at 11:00.