HOUSE OF ASSEMBLY

Tuesday 25 November 2008

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

The Hon. P.L. WHITE: Mr Speaker, I draw your attention to the state of the house.

A quorum having been formed:

STATUTES AMENDMENT (BULK GOODS) BILL

Adjourned debate on second reading.

(Continued from 13 November 2008. Page 975.)

Mrs REDMOND (Heysen) (11:04): I am the lead speaker for the opposition on this bill as, in a peculiar way, it comes under my province of the shadow attorney-general's portfolio, although realistically most other speakers on our side of the chamber will know a whole lot more about what is involved than do I. The bill seeks to correct a problem which exists in relation to people who provide goods in bulk, which are then held in bulk before being onsold. There can be numerous examples of that: notably, grain and wine bulk storage spring to mind. For ease of discussion, although the bill deals with all goods that can be held in bulk, I will generally use the example of grain, since I think it is through the area of grain that the problem this bill seeks to address has arisen.

The problem is this: if you are a grain producer and you take your grain to the bulk storage silo, once it is delivered into bulk storage it is considered to be intermingled and, therefore, unidentifiable for the purposes of retrieving it. As a result, there was the case—way back in 1933—of Chapman Bros v Verco Bros—

The Hon. M.J. Atkinson: What is the CLR reference?

Mrs REDMOND: I have no idea what the CLR reference is, but the High Court, in that case, essentially said that, once those goods are delivered, they are intermingled, they are not a bailment—and I am not going to give a lecture on the details of the difference between a bailment and a sale. Suffice to say that by virtue of section 16 of our Sale of Goods Act 1895—and it is a good thing for us to be reminded that we still have a Sale of Goods Act that we introduced over 110 years ago and, for most purposes, it still serves us pretty well—property in unascertained goods (that is, goods that are not specifically identified) does not pass until they are specifically identified. For example, if a buyer contracts to buy 500 sheep from a flock of 2,000, property in those sheep will not pass until the 500 sheep (out of that 2,000 which are to be sold) are identified.

The problem that we seek to overcome then is that, once the grain is delivered, it is intermingled with everyone else's grain. No-one can tell which grain is theirs and which grain is someone else's, and the property thereby passes to the operator of the silo. If the operator of that silo then goes belly up, bankrupt or is liquidated, the difficulty that we have is that the poor old supplier of grain—whose grain is in that silo and he knows that his grain is in that silo, as do all the other suppliers of grain know that their grain is in the silo—cannot get their grain back. The grain effectively becomes part of what the liquidators then sell to meet the obligations of the silo operator, and the poor old person who has provided that grain to the silo is nothing more than an unsecured creditor.

This bill seeks to address that problem. It does it in two parts. It amends two pieces of legislation, the first of which is the Sale of Goods Act 1895. That part actually deals with the people at the other end of the transaction—the people who are buying things out of bulk storage. So the first part of the bill protects the rights of buyers who contract to purchase goods which are stored in bulk. The way the bill does that is it inserts, in the first instance, a definition of 'bulk' and then it adds a new section 20A, which provides, in essence, that, when a buyer contracts to buy bulk goods and pays some or all of the contract price, ownership of the purchased goods passes to the buyer at that point.

That has the effect that, even if they have not actually been delivered and thereby identified, the buyer has an entitlement to the goods and they will have an entitlement to the goods on a pro rata basis. So, if for instance (and I am just making up figures) we had 100 tonnes worth of grain in a silo and there was a contract to buy 50 tonnes of that grain, once the money has been

paid for the grain, or part of the money has been paid for the grain, the purchaser has entitlement to their 50 tonnes.

If it happens that, say, 20 tonnes of the grain has already been sold, then they would only have a pro rata entitlement to what is left. They had a contract to purchase 50 per cent of what was in storage, therefore they would have an entitlement to get 50 per cent of the balance that is then available. However, it does place them in a better situation than what they are in currently; that is, if the holder of that grain goes into liquidation, even though they have paid their money, suddenly they are left as an unsecured creditor and they are at the bottom of the pecking order in terms of getting any of their money back in the liquidation process. That half of it covers the situation for someone purchasing goods in bulk.

The second part is the one that is of considerable importance, because I imagine that, most of the time, there is not a great delay between people actually paying anything for things that they are purchasing and receiving their entitlement. I think the delay occurs more often when people place the grain—as I said, I am using grain as the simplest example—into a bulk storage facility. No doubt, other speakers on this bill are more au fait with what time lines are involved, but those people have to wait considerable amounts of time; and thus we plan to amend the Warehouse Liens Act 1990, which is a more recent act than the good old Sale of Goods Act.

This part of the bill is to protect the growers; that is, anyone who deposits goods into bulk storage. It is virtually a mirror of what we are doing in the Sale of Goods Act. Again they insert a definition of the nature of 'bulk' and also a new definition of 'operator of a warehouse'. The bill then inserts a new section 14A, which is designed to overcome the effect of the court case of Chapman and Verco from 1933. It offers exactly the same protection to people who put goods in bulk storage. It applies only to goods once they are delivered and intermingled. Once that happens, the person who has put those goods into storage shares the ownership of the goods in common with other depositors, and again it is pro rata with each of the people who have made a deposit.

In both cases, it is possible for the parties to the arrangements to make arrangements in a contract which override the provisions of the legislation. Effectively, this is a default position. That means that, if there is nothing in the contract, then the provisions of this bill will apply and the possession of the grain will not entitle someone to ownership: the ownership will not pass at that time.

It is interesting for a couple of reasons that this has arisen now. First, one would have thought that this would have arisen sometime between 1933 and now, given that is how long ago the High Court made this determination. As I understand it, and according to the Attorney's second reading contribution, a case in New South Wales as recently as 2005 led to a change similar to what is contemplated by this bill being put into the New South Wales' legislation and, indeed, it is anticipated that the various states will all institute similar changes in due course.

The other thing which makes it interesting is that I notice we are intending to finish the debate in this chamber today—and I have no doubt that will occur. Of course, it will then go to the other chamber. The intention is that it will pass both houses this week. It is interesting because it became apparent some time ago that the Farmers Federation in this state and a number of other people (notably grain producers) thought that this bill was on its way through the houses. Indeed, they chatted to some of my colleagues about it, who expressed some surprise since there was no indication of any such bill, even on the horizon. So I am glad that the government finally decided that it should get moving on this and get it through. We are happy to support its rapid progress through the house. We would not want to see the bill delayed in a way that would have an adverse impact upon our farmers.

The Farmers Federation certainly has indicated its support for the bill. It has been waiting for it for some time. Indeed, I understand (although it does not particularly affect us in any economic way) that, when ships transport bulk grain these days, it is often the case that they nominate New South Wales as their jurisdiction for the contracts simply because of the legislative provision already having been put in place in New South Wales, whereas it is not yet in place here and in various other places around the country.

I know that a number of my colleagues wish to make a contribution in relation to this bill, and with good reason—they know far more about bulk grain handling than I—and I particularly look forward to the contribution of the member for Kavel, since he has a very personal interest in the 1933 High Court case, and he will no doubt advise members of that in due course. With those few words, I indicate that the opposition supports the bill.

Mr VENNING (Schubert) (11:17): I have to say that, in my time in this house, this is probably one of the more positive things that we will do to assist farmers in our state. Obviously, I support the bill. At the same time, I declare my interest as a farmer and grain seller, and also the fact that in the past I have done a bit of grain trading. So I have been on all sides of this and understand—

Mr Pederick: And you still are.

Mr VENNING: Well, I could well be, on another day. But I understand the risks, the shortfalls and the problems for the unsuspecting in grain trading. It is a very timely supportive measure for farmers. This issue was raised at the last annual meeting of the SAFF (South Australian Farmers Federation) by the financial adviser, whose name I have forgotten. He had a term for it, which I cannot recall, in relation to this situation.

Mrs Redmond: Bailment?

Mr VENNING: No, but 'bailment' will do. I thank the shadow minister. The situation of farmers being at risk of not being paid has been highlighted especially now, and it is very appropriate that we are discussing this because this is the first real trading year in which we have operated without a single desk system. In the old days, if you had a problem you just delivered the grain to the Australian wheat board or the Australian barley board. Now the situation is that the grain is going everywhere, and a lot of farmers are unsure.

In fact, the situation last week was terrible. All the speeches I made in this house in relation to what would happen with the abolition of the single desk have proven correct. A lot of farmers, including me, have not sold their grain because the prices are fluctuating so greatly. We are sitting on it—everyone is sitting on their grain. It is being warehoused—some with ABB, some with AWB and some with private grain traders. It is sitting in warehouses. So it has gone from your property and you do not have it any more, but you have not been paid. In fact, you have not even contracted who is going to buy it.

However, as I said to the house, the problem now is that the ships are coming to load the grain for the markets and, of course, the grain is not there. It is worse in Western Australia than here: the ships are coming in and the grain is not there, and they are now pleading for farmers to release the grain so we can look after our long-term markets. But the prices for wheat are fluctuating from about $200 a tonne to about $350, so what can you expect a farmer to do? The confusion is exactly the same as happened back in the 1920s that we talked about. There is chaos and confusion, so farmers are sitting on their grain. This is a direct result of what this house has done, because a lot of farmers are not confident, or electronically savvy to find out the world-marketing trends. In the old days, they just put it in the pool—whether it was the ABB or AWB—and, nine times out of 10, those people did okay. There were no worries and no hassles: they did not have the stress they now have of trying to gather a poor harvest and not knowing what to do with it.

We are helping here today, because this legislation is taking away that risk. It is great to read the history here. I think the member for Kavel will tell you about the connection he has with the late Hedley Chapman, who took them on and lost, because he said the grain was not paid for. It was intermingled with other people's grains and he could not define his product or get it back and, therefore, he had to go on to the list at the time as an unsecured creditor.

We have moved on since then, because today we warehouse our grains. As it is put into the silo system the grain is independently assessed for what it is. It is carted and is on the weighbridge and the variety and type of grain that was delivered is what comes out. We agree that you are not getting the same grain if you on-sell it to a trader. You know you are not getting the same grain, but as long as it is a comparable type and quality that you put there, you are not going to worry about that.

This is certainly a very timely bill and I note that both major parties are supporting it. I do not expect there to be any opposition to it. It is amazing that this sort of thing was not introduced many years ago, because I have known people to lose farms due to certain dealings. I will name a couple of them. Gulf Industries at Balaklava years ago went down, and it took a lot of farmers with it. The South Australian Pea Co-op, our own pea cooperative, went and it took a lot of people, including some close friends of mine who held executive positions in that group. They lost a lot of money as a result of things that happened. It is a multinational trader that knows a lot more than us, and the honest grain trader can also burn their fingers. This bill protects them as well—not only the trader but also the farmer who is putting the grain in trust.

So, I just flag this problem that we have at the moment. I do not know what the answer is. Farmers are sitting on their grain (as the member for Hammond would know). They are unsure of what to do, so they are sitting. They are reaping it and putting it into the system under warehouse, or even storing on farm. On farm is the safest place for it but, of course, you cannot store all your grain on farm unless you have a pretty large on-farm storage capacity. That is what the growth industry is right now: people who manufacture silos are seeing a huge increase in demand for large silos; there are 500-tonne silos being built on farms.

This is a direct result of our getting rid of single desk. It has ensured that the big companies such as Sherwells (the Ahrens company) are making a killing, because they are manufacturing large grain storage. The way it is, you could almost pay for that storage in one year with the difference in prices. We are seeing feed barley now at under $100 a tonne, which is way below the cost of production.

I never normally give commercial advice in this place to any farmer, but I will in this instance. If you cannot get at least $100 or $120 for it, do not sell it. That is below the cost of production. I am sure that next year, even if it be low-grade barley, you will be able to pay for your storage quite handsomely.

The concern is the cost of warehousing. If you put it in the system and warehouse it, it is all very well in the short term. However, if it goes over—I think, six months—the warehousing costs become pretty prohibitive and it then forces farmers to make a decision about the grain they have stored.

It is a very complex problem. However, I congratulate the minister (I presume, in this instance) for our doing this today, because it gives farmers some surety that the grain they have is not at risk. In the past, there has always been the risk. As the AWB and ABB have both said, if you sell it to a private trader you might never be paid. That has happened in many cases. They would bankrupt themselves or go out of business, and sometimes it was deliberate in times gone by. This measure will solve that problem, and I am pleased about that. We have taken a lot of time to get there but, certainly, I appreciate that.

Also, I am pleased (and I have thought about this long and hard) that there is protection for the trader. In this bill, if the trader pays a deposit on the product (and that is often the case) to secure it, he/she then has a pro rata share of the goods that he/she has; in other words, the pro rata is the amount of deposit he paid versus the final, or the agreed to, contract price. Therefore, the trader does not necessarily lose that deposit because they have paid a portion of the agreed price and consequently retain a portion of the goods. The Sale of Goods Act provides that there cannot be ownership of unascertained goods. When one looks at the original bill, one sees that it certainly solves that problem.

I commend the Farmers Federation. I have given it a few brickbats in the past, but I give it a tick for this one. I also commend the minister, the minister's staff and the departmental staff, as well, because the farmers will certainly welcome this bill. I certainly do. I am interested to hear other contributions this morning. We are in very difficult times. The harvest is now halfway through. The quality of the barley is low. There is very little malting barley out there, so a lot of it will go into storage for feed lots and later use.

In relation to wheat, I am surprised to see how good the wheat is. We grew a lot of hard wheat and some of the yields were 12 to 15 bags to the acre (using the old term). It is surprising and extraordinary that with rainfall of 7½ inches we can grow crops such as that. It speaks wonders for and gives much credit to the people in the department who have done research over the years—and I refer to Albert Riviera and Reg French. The work they did is now paying dividends for farmers because without that research we would not exist. Most farmers are producing right on the costs of production. This year you can drive around properties and look over the fences to see that farmers are up with the technology.

Most importantly, this year the timeliness of sowing was incredibly critical. Those who sowed in the last three weeks in April have crops, and the difference is huge for those farmers who sowed in the third and fourth week of May. The crops did not finish. We have different crops across the properties. One crop is, say, 14 or 15 bags and across the fence the crop is, say, two or three bags, hardly worth reaping.

The bill is timely. I give the minister an accolade for introducing the measure, which we support. Also, I give SAFF some credit because in the past I have given it a bit of a whack. I also give credit to the department. I support the bill.

Mr PEDERICK (Hammond) (11:27): I support the bill, and I commend the shadow attorney-general for her brief but very comprehensive contribution on this matter. I declare an interest here. I am a farmer by trade. I have not put in a crop since I took my last crop off at the end of 2004, early 2005. I have had a few things to do since then. I have been a bit busy. Since that time I have leased out my property. I commend the people operating my place. Sometimes you can run into problems letting other people operate your land, but they are doing a great job in trying conditions.

There have been drought conditions over the last several years. They would not have made a lot of money. I know that in 2006, during the harshness of the drought, one of our best paddocks only went about one or 1½ bags to the acre. Anyone with any farming blood in their veins knows that that is not profitable or sustainable. In a similar dry year last year they grew a 14-bag wheat crop on a sandy paddock. I used to curse the sand on our place because it would not yield as much as the good ground, but you do notice that in the tough times that is where the yield comes from because the heavy ground cannot sustain the growth and runs out of puff.

But the rains will come, and the farmers from right around the state with their initiatives, with no till farming practices and getting their crops in on time are showing the way forward. Yes, sometimes it does not work for the year but most times it does. People must get over the amount of crop they put in and do it in one pass. I firmly believe that the farmers who hang on and wait for what was considered in the old days a reasonable amount of rain to sow will lose out because, if you sow a crop in August, well, you have halved your yield already. You have essentially wasted your time.

Certainly, I have done it. As the member for Kavel indicated: get in and sow dry and get it under way. I want to make a comment on grain marketing. Before deregulation people did have the opportunity to sell to private buyers. I can say that I almost got caught, and plenty of people did get caught out. This was prior to deregulation of both barley and wheat. I just want to put that on the record. I know families who were $120,000 down one season, and that is very hard to take. If someone has a cash price on the board at the silo and it is $15 to $20 ahead of everyone else, you must ask questions.

I know that some of these companies were smart. They would pay for grain early in the season. The word would get around that such and such a company is fine. You can deal with them; they have paid full up, so they would get a bit of confidence out there and people would start contracting around the state. Tens of thousands of tonnes could be contracted to certain companies and, suddenly, after 30 days, there is no money—major strife. Also, in regard to deregulation, people can still market their grain under pools. I notice that the bill talks about payment in full or some payment being made, and I will be interested in the Attorney's response.

I know that pool payments can go for at least 18 months, so some working out must be done on who does retain the title. If the storer of the goods becomes insolvent in that time, I know that the bill says 'some or all', so, perhaps, that is what explains it. Certainly, from my experience, you can sell your grain for 30 days cash—sell it for pool payments or through different other contractual agreements. In regard to whether or not pool payments or selling grain into pools is a good option, neighbours of mine have done the research over quite a few years comparing cash selling versus pool selling, and they believe that cash wins 98 per cent of the time.

Over time, as the pool payments get paid, different fees come out. Suddenly, a belt charge, an export charge or some other storage charge turns up. You might think you are getting a $15 payment and you end up with about $7. Certainly, they are things to take into account. One thing people need to be assured of is that the pool system is still there—not just ABB but other buyers will go with that system. People have taken on board other marketing strategies as well, and a lot of that was done before deregulation. People were storing grain on the farm so they could take advantage of the peaks and troughs. I believe that later this year there will be a peak in the grain market. We are in a trough at the moment.

Early this year prices were probably treble where they are now for feed barley. I know of one case where a friend of mine was offered about $100 a tonne for grain at harvest and then sold it close to $400 six months down the track. In light of the harvest in the Victorian Wimmera Mallee (where farmers are really suffering), I believe that, down the track, there will be some real marketing opportunities. I am not trying to influence what people do with their grain, but a lot of choices are to be made. I know for a fact that, when a farmer is going seven days a week and the harvest is on, sometimes it can get a bit confusing, so it might be best for the farmer to get an

adviser or someone else to assist them with their grain marketing. There is certainly money to be made by smart marketing, and that will vary from property to property.

I note that this bill does not directly protect sellers of grain against buyers defaulting. At the moment, if a seller of grain (a farmer) deposits grain into a bulk store and if the owner of the bulk store becomes insolvent, the farmer is an unsecured creditor. However, under the provisions of this bill, the farmer is protected from that happening. This bill also provides protection to the buyer of the grain if the holder of the storage facility (the third party) falls over; that is, the buyer will no longer be an unsecured creditor, as is the case at present. On my reading of the legislation, this bill affords total protection for the seller against the buyer becoming insolvent; it is possibly the third party that holds the goods.

I want to make some comments about the submission that the South Australian Farmers Federation sent to the Liberal Party. The South Australian Farmers Federation stated that it is very pleased that the state government has taken this initiative to amend the legislation to cover bulk products such as grain and wine grapes. The federation is also pleased that it has been asked to contribute to the consultation process.

SAFF policy is that retention of title be mandatory on all agricultural products, and the proposed amendments to the South Australian legislation is a move towards providing this. With the deregulation of both barley and wheat marketing, it is very timely that it is proposed to amend both the Sales of Goods Act 1895 and the Warehouse Liens Act 1990 to clarify the situation with products stored in bulk.

SAFF has recently conducted, with federal government funding, six wheat marketing workshops across the state to discuss the implications of the deregulation of wheat marketing. Grain growers can now sell their wheat for export to any accredited company. Thirteen companies have so far been accredited by Wheat Exports Australia. Previously, growers could sell only through AWB Limited. With this change, it is now essential that growers enter into valid contracts that cover a number of specific aspects, including retention of title.

To assist in this process, the National Agricultural Commodities Marketing Association (NACMA) has prepared standard contracts. Of relevance are the standard terms and conditions for ownership and passing of title and choice of law. Through the Grains Council of Australia, SAFF Grains Council, as a member, has been able to get the 'ownership and passing of title' clause altered so that this now reads:

> Ownership and Passing of Title: Risk in any goods supplied by the seller to the buyer shall pass to the buyer when they leave the possession of the seller. However, title shall not pass until payment in full has been received by the seller. Until full payment is received, the buyer and/or its agents and third parties hold the goods as bailees only.
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> On breach of any payment terms, the buyer on its own behalf and on behalf of its agents and third parties authorises the seller to enter any premises and retake possession of the goods without notice to the buyer, its agents and third parties. Where the goods have been commingled with other goods, the buyer becomes an owner in common of the bulk goods and the undivided share of the seller shall be such share as the quantity of seller's goods bears to the quantity of the goods in the bulk.
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> Until such time as the seller has received payment in full, any on-sale by the buyer is made as the seller's agent and the buyer holds the proceeds of any on-sale of the goods as trustee for and on behalf of the seller and must account to the seller for those proceeds, on demand. Where at the time of default in any payment terms to the seller the buyer has not received proceeds of any on-sale, the seller is expressly authorised to receive proceeds of on-sale direct from the buyer's customer.

There are details on NACMA contracts which assist with this. There is the NACMA Contract No. 3, which is contract confirmation, and Contract No. 2, which is 'Grain and Oilseeds in Bulk—Basis Track'. Those are the two contracts that have the retention of title clause. In Contract No. 3 is the 'Ownership and passing of title' clause, in Contract No. 2 it is called the 'Retention of title' clause, and it is No. 9 in this contract.

The NACMA contracts are currently based on both the New South Wales Sale of Goods Act 1923 and the Warehousemen's Liens Act 1935. As was pointed out in the consultation paper, these New South Wales acts were amended to produce the mirror image of the United Kingdom amendment. To strengthen the use of the NACMA contracts in this state it is now timely to alter the two relevant South Australian acts to ensure South Australian farmers are covered by South Australian legislation.

While SAFF supports the amendments it would like the changes to go further, with retention of title clauses added—as in NACMA—so that passing of title does not occur until

payment in full has been received by the seller. This needs to be for all goods, and not just those in bulk. I appreciate what the South Australian Farmers Federation is saying but, as I indicated earlier, I wonder how it works with pooling of grain.

SAFF believes that, with grain marketing becoming much broader under deregulation, it is essential that the legislation be amended before this year's harvest—and, as the member for Schubert rightly said, we are probably halfway through the state's harvest, with an early start and a dry finish. SAFF has also made a brief comment in relation to wine grapes, noting that while there are similar difficulties with the South Australian Wine Grapes Industry Act 1991, it does provide some protection by stipulating the terms and conditions of payments by processors to producers.

Another comment from a SAFF member is that SAFF is keen for this bill to go forward and would like to encourage NACMA to include reference to other states in the documentation in order to make it more broadly usable. SAFF would also like to see an industry standard adopted across all states. I believe that, for farmers trading grain and buyers buying grain—especially in the tough economic times we have now entered, with the world financial crisis—the more protections for either end of the deal, the better off the industry will be. From my perspective (as a farmer, originally) this gives a lot of strength to people putting their grain on the market. Some people would be putting up $2 million or $3 million of grain in any one season, or even more, and they certainly need to know that there is some surety that their money is flowing in. The work is too hard and the inputs are too expensive to lose it in one hit.

I see the amendments being moved today, in conjunction with people being careful with their marketing and selling grain with NACMA contracts, as a positive, and I commend the bill to the house.

Mr GOLDSWORTHY (Kavel) (11:44): I too am pleased to make a contribution to the debate on the Statutes Amendment (Bulk Goods) Bill 2008. Unlike my colleagues the members for Schubert and Hammond, I am not a farmer, although I certainly come from—

Ms Chapman interjecting:

Mr GOLDSWORTHY: I used to. I come from a family background of being directly involved in primary production, particularly broadacre farming. My father was a full-time farmer for a number of years until he made the decision to change. His side of the family—his uncles and grandfather—were farmers, as were those on my mother's side. Her father, uncles and grandfather also were farmers. So, I have an understanding of issues relating to primary production, broadacre farming, cropping operations, grazing and activities such as that, and I maintain a keen interest in those issues, particularly as they relate to the primary production pursuits of people in the Adelaide Hills in the electorate I represent.

There might have been an opportunity for me to go on the land in the early years of my life, but I chose to pursue other career avenues. As is the norm in relation to her contributions to the house, the member for Heysen, the opposition's lead speaker, has quite accurately outlined the intent of the legislation, so I do not think there is any need to recount any of those matters.

Essentially, the bill, which is based on New South Wales legislation—which, in turn, is based on United Kingdom legislation—is designed to overcome a legal problem, which arises when goods such as, typically, grain or wine are held in bulk storage and the storer becomes insolvent before the goods are on-sold.

The member for Heysen highlighted an issue involving the High Court case of Chapman Bros v Verco. I can advise the house that one of the Chapman brothers in this instance was my grandfather and the other brothers were obviously my great uncles. Therefore, I have a reasonably good knowledge—

Mrs Redmond: A personal knowledge.

Mr GOLDSWORTHY: —a personal knowledge of the background behind this case. I would like to advise the house of some of that background information. Obviously, as I said, my grandfather was a farmer—a grain grower—as were his brothers, and at that stage they worked as a family operation. They delivered grain to Verco, a grain-trading company, which became insolvent and, consequently, my grandfather and his brothers lost a considerable amount of money on delivering that amount of grain to that company.

There is also a bit of interesting information behind that in relation to the advice given by the manager of the bank with which Verco conducted its accounts. The bank manager was aware

of the financial difficulty that Verco was in and advised its farming clients, who he believed could not withstand the loss incurred from that grain-trading company going bankrupt, not to deliver their grain to Verco. That is a pretty serious thing, and I can talk about this now because it is 75 years down the track.

Obviously, all the parties involved in that issue, including my grandfather and his brothers, are now well and truly deceased. However, my grandfather became aware that the bank manager had gone to other farmers and said, 'Don't deliver your grain to Verco's because they're in trouble financially.' My grandfather questioned the bank manager and said, 'Well, why didn't you tell us?' The bank manager said, 'Mr Chapman, we believed your farming operation could withstand the loss.' Hence, my grandfather became reasonably agitated and incensed.

Members interjecting:

Mr GOLDSWORTHY: I was reminded of that issue by my grandfather quite regularly during my banking career. Hence, the Chapman brothers took the issue to court and, I understand, with the assistance of what became the Farmers Federation—or whatever the equivalent organisation was called back then—ended in the High Court. Unfortunately, the High Court found that, because the grain was intermingled with all the other farmers' grains that were delivered, it could not be separated and the Chapman brothers became unsecured creditors with the others.

Mr Pederick: The rest of the losers!

Mr GOLDSWORTHY: Yes, with the rest of the losers; that is right. That is just a little bit of background in relation to that issue. I remember my grandfather telling me about it years and years ago, and it is obviously something that one does not forget. This legislation seeks to address that sort of situation, and I guess it was not an issue when we had the single desk arrangement in place in relation to grain marketing where there was a statutory authority and all the grain had to be marketed and sold through that entity.

I know that we have had some considerable debate over the past years in relation to dismantling the single desk. We have had some quite robust debate within the broader community and, obviously, here in the parliament as well in relation to that matter. Having an understanding of issues relating to farming operations, I listened to that debate quite intently and, obviously, came to the decision that I would support the deregulation of grain marketing because there is still a protection in place whereby grain producers can market their grain using the old system through the pools.

I visited a farming family in the Murray Mallee a number of months ago, and we stayed on their property over a weekend. The wife, whom I have known for many years—the husband is a family friend, so I have known him even longer than that—took up the issue with me of the deregulation of grain marketing. Quite often, in farming family practices, the man of the household does the work out in the paddock and produces the grain and the like, and the wife looks after the book work, the banking and the administration side of things.

This lady was quite frustrated with the complexity of how a farming family goes about marketing their grain in the deregulated markets and deals with agents and all the third parties who have found a means to involve themselves in grain-marketing activity. This lady was very frustrated with the level of knowledge, complexity and detail that somebody had to understand to be able to market their grain profitably through the deregulated markets, and I pointed out to her, 'Well, you don't have to do it. There's no compulsion for you to go down that particular avenue, to pursue that course of action. You can still market through ABB and AWB through the pool system.' I guess it is human nature to look to the avenue that maximises your returns. It is known that, if you can sell your grain for cash, forward contract, and all those other options that are available in the market, you can obtain a premium price for your grain.

We saw some quite stark examples last year, when the new legislation came into practice and farmers could engage in freely marketing their grain. Some mistakes were made, and people forward contracted far too much of their anticipated crop. It is the old adage: you do not put all your eggs in one basket; you spread your risk. It does not matter which industry, activity or business you are in, you never put all your eggs in one basket; you spread your risk in relation to your operation.

Unfortunately, some farming operations did not spread their risk enough and had to go to the bank for more money to pay out their contracts because they were not able to deliver the contracted amount of grain. That was obviously an unfortunate situation but, had some of those people thought a little more carefully about what they were doing, those problems may not have

eventuated. As has been explained previously in the house, this is a tough grain season and once bitten twice shy: people will not enter into those contracts in a similar way.

Notwithstanding all these issues, I think this legislation certainly has merit. I do not need to go into the technical detail of the bill because the member for Heysen has done so extremely well. Obviously, as a member of the Liberal Party, I am pleased to support the legislation.

Mr PENGILLY (Finniss) (11:57): I also rise to support this legislation, and it is good that we in South Australia are going to tidy this up. The fact that New South Wales, given its current disastrous political mess, seems to be the only state that has sorted this out, the sooner we fix it up here the better.

The reality is that producers of goods need to be absolutely guaranteed that they can securely and safely sell their product, whether it be grain, wool, sheep, or whatever, and that, in the event that the company that has contracted for the goods falls over, they are guaranteed their money. As far as I am concerned, that is what it is all about. In some cases, it happens now, but this measure needs to tidy up an erroneous situation in South Australia.

There is nothing quite as uncertain for primary producers as seeing thousands of tonnes of grain disappear into the silos never to be seen again and then to have some doubt about whether they will be paid. The farming community in South Australia is changing, as it is all over the world, particularly in Australia. The reality is that many farmers go through the process of growing grain and expect to get a cheque at the end of it. That is changing.

Obviously, many big grain growers have far more businesslike practices, and that is a sign of the times. With the changes to grain marketing, you almost have to be a Rhodes scholar to deal with a lot of the options for selling grain, oil seeds, etc. in Australia these days. It is something that has become very complicated. I have followed it with interest and, in my former life having produced grain, oilseed, legumes and what not, it was a very simplistic exercise, but that has changed remarkably. There is no turning back; it will change again. That is what will happen: it will change again. If the member for Hammond and I walked out of this place tomorrow and had to go back to being farmers, I think we would be behind the eight ball; we would not know how to keep up.

It was interesting to hear the member for Kavel's recollections of the case of Chapman v Verco of 1933. It is a long time ago, but history is pretty handy in showing us where we should be now. The Farmers Federation has been lobbying for and expecting this bill for quite a period of time. It is unfortunate that a lot of the bulk grain ships transporting grain are nominating New South Wales as the jurisdiction for contracts because they have that coverage.

It is something that was needed to be done here, and it was needed to be done rapidly. It has taken some time to get to it. It will make a messy set of procedures more certain for producers and, indeed, I would suggest that it will make it more certain for those who are buying the grain as bulk goods.

It was my intention today, on behalf of the few grain growers in my electorate and, of course, the multitude of grain growers across South Australia, to provide some support for the bill in the house. It is good legislation. I support it, and I hope that it will come to a rapid conclusion and that we will move on and it will be put into practice.

The Hon. R.J. McEWEN (Mount Gambier—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development) (12:02): I thank members opposite for their support. I was delighted to hear the member for Kavel describe how his family first became aware, in 1933, of the deficiencies in the act, keeping in mind that it is an act, I think, of 1895. It does show that sometimes these things do take quite some time to correct.

I must admit that I was not familiar with the case of Chapman Bros v Verco Bros & Co Ltd [1933]. The first time it came to my attention was when Stewart Andrew brought a couple of matters to my attention in relation to NACMA contracts. Not everything that Stewart Andrew brought to my attention could be resolved at a state level, in fact some matters he brought to my attention, I do not believe, can be resolved at all by legislation.

An honourable member: He's a good bloke.

The Hon. R.J. McEWEN: He is a good fellow. He did a good job. Equally, the law cannot protect everybody all the time, and I did bring this matter to the attention of both the member for Kavel and the member for Heysen when, in their company, I was delighted to launch the new

cherry season last week. As part of launching the cherry season, I also had the opportunity to launch the new cherry map. I did point out to everybody on that morning that they had to go 450 kilometres south of that map to find the best cherry orchard in the state. It was on the map in the bottom corner.

Mr Goldsworthy interjecting:

The Hon. R.J. McEWEN: Yes; it is definitely on the map, it was just that there was a gap of some 400 kilometres. The far more serious omission in that publication was one that the member for Heysen is going to have to deal with at some stage, because I actually thought that advocating that the clothing for pick-your-own should be no more than a hat and sturdy shoes was not in—

Mrs Redmond: It would make it interesting.

The Hon. R.J. McEWEN: It would certainly make for some interesting picking and would bring a lot of spectators into the orchard. I think that would be a more difficult matter to resolve than the one that is before the house today, which is quite clearly that sellers are owners in common rather than unsecured creditors. I thank those opposite for their support. I trust that this bill will have a timely passage through the other place because it is important now that we have this extra level of certainty as we lead into another season.

Yes, we will lead into evermore deregulated markets for a number of reasons and, as more marketing options become available, it is important that, over time, we bolster the rights of sellers, particularly in the case where they become owners in common. I thank everybody who supports the bill. Obviously, I appreciate the house dealing with this in a timely manner.

The DEPUTY SPEAKER: I would like to confirm that you are the minister with carriage of the bill?

The Hon. R.J. McEWEN: I do apologise, Madam Deputy Speaker; you are absolutely right. I am the minister who has now taken responsibility for the carriage of the bill. In that regard, I am closing the second reading debate. When I rose I did not make it clear that I had carriage as the minister responsible for the bill. I could have well just been another speaker addressing the bill. I apologise for that.

The DEPUTY SPEAKER: Thank you.

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) (12:06): I move:

That this bill be now read a third time.

Mrs REDMOND (Heysen) (12:06): I second the motion and speak to the third reading.

The Hon. R.J. McEwen: To clear up the matter of nudity in orchards? Yes, you should. It is outrageous!

Mrs REDMOND: The minister indicates that he did, indeed, open the cherry season last Wednesday and raised the issue of nudity in orchards in the cherry-picking season. Whilst some of us might welcome that (although it might be frightening in some ways), my response on the morning was that it would simply mean that everyone got a better dose of vitamin D, as well as vitamin C, which they would no doubt get from eating cherries and, therefore, it might be of considerable benefit. I just wish to confirm the opposition's position in relation to the bill.

An honourable member interjecting:

Mrs REDMOND: Rather than draw attention to the state of the house. I think the bill has come under the Attorney-General's purview simply because it amends two pieces of legislation, being the Sale of Goods Act and the Warehouse Liens Act, which are quite technical in terms of the legal understanding of the nature of a bailment. However, as I understand the situation, it will mean that, if someone delivers their grain into the silo, at the moment they deliver it into the silo, because of Chapman v Verco it is intermingled goods and, once we have intermingled goods then possession has passed as has ownership, technically, under the relevant legislation. Therefore, when the silo or bulk storage goes into liquidation those goods will then be sold off by the liquidator.

The effect of this legislation will be that, when the grain is delivered, if the warehouse or bulk storage goes into liquidation, then the people whose grain is in there have the right to sell it themselves. They still own the goods. They can sell it and it does not become part of what is sold off in liquidation. They are not just an unsecured creditor. To that end, hopefully, this will represent a significant improvement, although I have no doubt that, in practical terms, there could be some questions over how that ultimately works in practice.

Mr VENNING (Schubert) (12:09): I will speak to the third reading. I did omit, during my second reading speech, to talk about the wine industry because this applies to it equally as to the grain industry. There is just as big a risk of losing out for grape growers (who contract to wine companies) as there is for grain growers. On their behalf I congratulate minister and thank him, because anything we can do for the growers of this country, whether it be wine grapes and/or grain, I think we need to do.

I also wanted to make a comment in relation to what the member for Hammond said in relation to the pools. Yes, I am again declaring interest. Over the years I have been a cash trader in grains but only because the pools were there and giving a base price. The problem now is that we do not have the pool price locked in, and it is very hard for a cash trader to know what the base price is. That is the problem, and that is why people are sitting on grain while it is warehoused. So, while not all of us use the pools, it is certainly very helpful for a trader or a seller to know what the base price is. I commend the bill to the house and, again, I am happy to be on the same side as the minister for once.

Bill read a third time and passed.

NURSING AND MIDWIFERY PRACTICE BILL

Consideration in committee of the Legislative Council's amendment.

The Hon. J.D. HILL: I move:

That the Legislative Council's amendment be agreed to.

Ms CHAPMAN: I indicate that the opposition supports the amendment of the Hon. Sandra Kanck in another place; and, small as it is, I noticed one other amendment that was negatived in another place, and I think for good reason. I just want to say in the ultimate passage of this bill that I acknowledge and thank the minister for the correspondence which was forwarded to me subsequent to the debate in this chamber on what I think I can briefly describe as the 10-year rule. This was an issue which I raised during the debate as a matter of quite considerable concern: the expectation of members of the nursing profession, who had been absent from employment for a period of more than 10 years, to undertake a further degree course to qualify for registration to enable them to practise.

The law on obligations in relation to insisting on re-entry courses for the purposes of the act has involved obligations that apply in that limited capacity after a period of five years of absence. This notional rule of having to retrain after 10 years was a matter about which the minister inquired of the Nurses Board and provided to me documentation and an indication of what its position was. In short, its position was that there was no such rule; that is, that there was not an expectation automatically after this period of time. I am very pleased to hear that, because it is not consistent with the complaints I have received and it is not consistent with the inquiry I made of the Nurses Board over a year ago, at which it confirmed its expectation that this would be a requisite in relation to safe standards.

I am pleased to have the minister's confirmation based on the information that he received from the Nurses Board that it does not expect that. To paraphrase what is quite a long briefing paper on this, in fact, the likely expectation after being out of the workforce for over 10 years would be two semesters of retraining and then some practical assessment. I thank the minister for obtaining that information. I have put that information on the record in this chamber, and it has already been attended to in another place. With those few words, I support the passage of the bill with the Hon. Sandra Kanck's amendment.

Mr VENNING: I want to support the shadow minister in relation to this matter. It is important that, at long last, we put in place proper registration and regulation for nurses, midwives and students.

The CHAIR: I gave the deputy leader extraordinarily broad liberty. Can I ask you to confine your remarks to the subject of the amendment?

Mr VENNING: Absolutely. I will just say that I support my shadow minister.

Motion carried.

Mr VENNING: Madam Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

NATIVE VEGETATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 October 2008. Page 656.)

Mr VENNING (Schubert) (12:17): I indicate that I am not the lead speaker for the opposition on this bill but I will make my contribution now on this matter, as the member for MacKillop, who is the lead speaker for the opposition, is currently doing a radio interview.

This issue has been brought to the house over many years but this bill is largely to tidy up the Native Vegetation Act 1991 and, in most instances, to align it with the Natural Resources Management Act, which we passed in this house. I refer, for instance, to clause 14, which changes expiation penalties to bring them into line with the NRM Act—and we have no problem with that. This will be in accordance with guidelines established by the Native Vegetation Council in the case where an offset exceeds that required to provide significant environmental benefit. The Native Vegetation Council may credit the applicant with this excess which may be used in subsequent applications.

Several sections are deleted; sections 9 and 10 are gone altogether. Those matters are now covered under the Public Sector Management Act. The membership of the council now has one person with knowledge of planning and development nominated by the minister in lieu of the member nominated by the commonwealth minister. I think the bill is not contentious generally, although I know the member for Stuart will propose some amendments—and I will be supporting him—particularly in relation to cool burns in that period between March and November. We know the world over that cool burns now are a management tool that the forest organisations themselves are using to minimise the danger of losing the forest in hot periods. The situation we are facing in the Adelaide Hills, as the member for Finniss raised with me this morning, is now critical this summer. A bill such as this should be amended to enable cool burns, particularly of more than 100 acres at a time, as long as we do not remove the capacity of people to control burn on the right day in that period, without having a heap of bureaucratic nonsense to go through.

The member for Stuart will move the amendments, which I and some of my colleagues will support. Before it gets through the upper house hopefully we will reach consensus. We sought feedback with the Farmers Federation and the Local Government Association on this matter, and their responses have been forthcoming. We are supporting this bill, but many of us will support the member for Stuart because over many years he has championed the cause. With the Wangary fires on the West Coast, as indeed with the Melrose fires in the upper north—I was involved in inspections of both—cool burning took place. The Wangary fire was only put out against a road where the farmer had undertaken undergrowth control. They had wild oats up to one metre high in other places against fencing and those roads were no barrier to a raging fire.

We have to encourage landholders and farmers to control the undergrowth, particularly along the roads that are used in a time of fire. I make no apology as a land owner myself: I always slash the road sides, particularly where you see the threat, namely, on major roads. I also cool burn when that is possible. I did not get to cool burn this year because the season closed early and it was too risky to light fires. You could normally light a fire in late September or October and burn off 50 per cent of the undergrowth, which certainly makes a huge difference.

I will await with some interest the amendments of the member for Stuart. I have always supported him in these matters and I certainly will in this case. Without any further ado, I will resume my seat and listen to the member for Stuart, and hopefully the member for MacKillop will arrive soon.

Mr O'BRIEN (Napier) (12:23): I rise—

Mr Pengilly: There's no scrub in Springfield.

Mr O'BRIEN: There's a bit! I rise to speak in support of the bill. South Australia, according to the federal government's *Australian Natural Resources Atlas*, has seen 11 per cent or 10.4 million hectares of native vegetation removed since European settlement, mainly in the higher

rainfall areas in the south of our state. The remnant vegetation in areas such as the Eyre Yorke block, Kanmantoo, the Flinders Lofty block, the Naracoorte coastal plains and the Murray-Darling depression bioregions is also highly fragmented. Most affected major vegetation groups are: the mallee woodlands and shrub lands; eucalypt woodlands; acacia shrub lands; hummock grasslands; and eucalypt open forests.

This bill is one part of the wider process of ensuring the more effective management of our native vegetation, which has been under continuous pressure in part due to property development and the increasing effects of climate change. Before we are able to secure our significant and unique environmental treasures, including native vegetation which cannot be found elsewhere in the world, we need to ensure we strike the right balance when clearance is required and provide environmental offsets to compensate for that clearance. This bill provides that balance and it also facilitates the protection of our environmental biodiversity.

The more effective management of our native vegetation began with the appointment, in August 2007, of a new Native Vegetation Council. One of the most important decisions made by the Native Vegetation Council during its first meeting, in September 2007, was the institutional creation of the Native Vegetation Assessment Panel as the expert based body which would approve native vegetation clearance applications.

Since the Native Vegetation Council's delegation of this responsibility to the panel, the council has been able to more appropriately focus on development and strategic issues with a view to more effectively manage the state's native vegetation. Among the strategic issues currently being considered by the Native Vegetation Council is how best to deliver the statutory requirement for native vegetation clearance to be offset by a significant environmental benefit.

A major contributor to the process of better managing our native vegetation has been the South Australian Planning Review, which was released on 10 June this year—and I had an interjection a little earlier wanting to know what my interest in this particular topic was. The Planning Review Steering Committee, which I chaired, was determined to integrate native vegetation issues into our planning system.

The planning review examined the effects of legislation outside the Development Act 1993 on the South Australian planning system. Clearly, the Native Vegetation Act legislation impacts significantly on planning and development outcomes and the committee was resolved to ensure that the Development Act and the Native Vegetation Act were not fundamentally at odds.

Broadly, the planning review indicated that management of native vegetation needed to be overhauled through more effective strategic planning and the removal of multiple referrals. To that end, the Planning Review Steering Committee proposed that urgent steps be taken to continue with the identification of priorities and standards for retaining remnant vegetation. It is important that clear standards and definitions exist in relation to vegetation, especially in order to determine which vegetation needs to be preserved, which vegetation can be cleared with offsets and what can be cleared without permit or approval.

Importantly, the committee noted the significance of the native vegetation mapping process against the above standards for insertion into regional plans. The committee also felt that structure plans should be put in place in areas where it is felt that further investigation is required on the impact of population growth and economic development on native vegetation. However, with effective management in mind, the committee felt that, once the vegetation in question has been classified as either to be retained, cleared subject to offset, or clearing permitted, regulations should ensure further referrals and concurrences for individual developments be removed.

This bill provides for increased flexibility in the delivery of significant environmental benefit offsets for vegetation clearance as an innovative way to support necessary economic development in South Australia, while also providing the conditions necessary to achieve our biodiversity conservation objectives. This is fully in line with the planning review report, which indicated:

> It is essential that developers be able to offset the loss of vegetation to ensure that overall statewide and regional vegetation retention targets are met.

The ability to offset native vegetation losses would enable land needed for housing, agriculture, economic development and mining to be made accessible with a proviso that the environmental impact of such activity is kept to a minimum. This bill provides a number of amendments to the Native Vegetation Act, which will enable the protection of vegetation to be efficient and proactive.

The offset process will be delivered to areas where they are needed most, including regions which are outside the zone of the original clearance.

As part of the government's strategy to combat the impact of climate change, the planning review highlighted the need to ensure that native vegetation was disrupted as little as possible when determining future urban growth boundaries. The government's support of the transit oriented development concept (ultimately seeking to establish 11 multipurpose, high density living sites adjacent to public transport infrastructure) will go a long way in easing urban sprawl, which will more effectively utilise existing infrastructure and reduce car dependence, while minimising the need to clear native vegetation to accommodate more outlying suburbs.

In order to facilitate the findings of the planning review on the issue, a native vegetation project committee, including representatives from DWLBC, DEH and Planning SA has been established to facilitate the implementation of those recommendations. In the interim, DWLBC has undertaken a project which will lead to a fact sheet being prepared which will encourage developers to include a biodiversity statement with all development applications. Planning SA, the LGA, City of Port Lincoln, Kangaroo Island Council and selected developers have all been involved in this project. DWLBC is also working with Planning SA during the development of several master plans to ensure native vegetation considerations are included.

As a way of providing more structured and detailed information on this vital issue to all relevant parties, the Department of Water, Land and Biodiversity Conservation is finalising development of a handbook which includes standardised methodologies for the biodiversity assessment of native vegetation proposed for clearance. This provides for improved consistency and transparency for applicants, consultants and local councils. The handbook will be forwarded to local councils and natural resource management boards for their use in clearance proposals.

This bill is part of the broader strategy the Rann government has pursued since 2007 to improve significantly the management of native vegetation in South Australia. The amendments in this bill will act to strengthen biodiversity conservation, as well as provide greater flexibility for promoting economic development in an environmentally sustainable way. The planning review has also played a very important part in providing direction in relation to native vegetation which is evident in this bill. Overall, the government is developing a tightly coordinated approach to improving the efficiency and effectiveness of South Australia's management of its native vegetation. I therefore support this bill.

The DEPUTY SPEAKER: The member for Stuart. Can I confirm that you are not the lead speaker for the opposition?

The Hon. G.M. GUNN (Stuart) (12:33): That is correct, even though I could—

The Hon. J.W. Weatherill interjecting:

The Hon. G.M. GUNN: You do not want to be like that, minister, because I could use the provisions of the standing orders in committee to keep you here for a long time, if you want me to. I actually have some knowledge of the standing orders, and I hear that the government is a bit short of things to talk about this afternoon. Notwithstanding all that, let me come to the focus of my comments. For a number of years, we have had in place provisions which may have been done with the best will in the world but which have proved to be quite unnecessary and unwise in relation to the protection of the public against the ravages of bushfires.

I do not know whether the minister was one of the people who visited the Lower Eyre Peninsula after that tragedy and had a look for himself. I am not sure whether he has looked at other parts of the state, or whether he has been watching on his television what has been taking place in California, because, if he had, he would be aware that provisions in this legislation are contrary to the best interest of hazard minimisation.

The proposals that I intend to put to the house at a later stage are purely designed to protect the public: there is no other purpose in them whatsoever. I have had some experience in the matter—I have controlled burning off and made sure that large areas of native vegetation will not cause difficulties for adjoining landholders. There are some subjects that come to this house that I do not know a lot about, but in relation to controlled burning off and the burning of native vegetation and grasslands I think I have had as much experience as anyone in this house. My proposals ensure that on a long-term basis land managers can take positive steps to protect the public.

We all saw at first hand what happened on Kangaroo Island. What always happens is there is a huge cost to the taxpayer, there is tremendous disruption to the community, emergency decisions take place, the costs are horrendous, and at the end of the day we have an inquiry and often we do not appear to learn a great deal from what has taken place. My proposals set out to change certain provisions of the parent act so that people can hazard-reduce by doing cold burning.

If you want any better authority, ask the director of the Country Fire Service. Some years ago, when he appeared before the Economic and Finance Committee and was questioned on this subject, he was quite clear and precise in his concerns about the provision in the Native Vegetation Act that precludes burning. It is a complete nonsense and oversight, and I do not care what anyone says: the government and the bureaucrats have been warned of the potential hazards.

It is only a matter of time before there is another disaster and, if ministers sit by and rigidly stick to the lines they are fed by their bureaucratic masters, they will have to pay the heavy price. Because they will pay a price—there have been too many warnings given and there are too many focus groups around the community that know we are sitting on a tinder box.

Go to the Adelaide Hills and these vast areas of native vegetation. You cannot even get into them, let alone take some positive action to reduce their potential. I do not know whether the minister or his colleagues have seen these huge Mallee fires roaring with porcupine grass underneath them and how they catch fire half a kilometre ahead—the trees light up. To expect people to go in and do something without the ability to get out is an absolute nonsense, and that is why you have to have adequate access tracks—first, so that vehicles do not get punctured but, also, if you ask someone to go in, you have to give them the opportunity to get out. That is the first thing anyone should do.

The second thing is: if you want to contain them, there is only one way of doing it and that is to backburn and, to backburn, you have to have something to backburn onto. It is no good having a little narrow track, because you cannot have a fire truck coming behind you because the heat is too intense. So you have to have a decent break or access so you can backburn onto it. That is absolutely fundamental, if you know anything about it. I have lit up hundreds and hundreds of acres of scrub at times, and all you have to do is hold your nerve and know what you are doing and you do not have a problem. You light against the wind and, once you start, you get the lot alight as quickly as possible so it ends up in the middle with a big puff. If you do not get onto it quickly, you will have big problems.

That is why I have gone to the trouble of having these amendments drawn up that give certain powers to council. They also clear up a foolish anomaly in relation to the pastoral industry which is, when the government changed, the bureaucrats got their own way and reinterpreted the act. It is an absolute scandal and a nonsense of the highest order, and those responsible should be dealt with. I look forward to when my colleague and friend, the member for MacKillop, is in a position to deal with the people responsible for those clauses, because it is absolute nonsense to stop people in pastoral areas from having the ability to extend pipelines without going through some bureaucratic process that is not only unnecessary but also unwise and foolish of the highest order.

Surely one would want to encourage people to stop stock from walking for more kilometres than they have to. It is the height of stupidity, and what happens is one of the failures of our democratic system (and there are not a lot): people who have no practical understanding or appreciation of the subjects they are dealing with are put in charge of departments. So, they are then in the hands of their bureaucracies, and their bureaucracies have a particular point of view. They attempt to guide the minister and make sure that they have only certain information. That is a weakness.

As someone who has been in this place for a long time, I have seen Sir Humphrey Appleby at work at his very best. I saw some of it last week in the United Kingdom: I saw it at its absolute best. We have to make sure that those people who understand and are aware of the difficulties are given the opportunity to be involved in the decision making. When a minister does not know something he is in the hands of the bureaucracy. If people come along and put a case to him and he is not sure, he will turn to his safety valve and go back to the bureaucrat who has caused the problem in the first place with respect to people complaining.

Being on the NRM parliamentary committee has given us the opportunity to look at Kangaroo Island, and some of the hassles that have taken place with people wanting to put in

dams is absolute nonsense. There was the case of one person who had been denied the ability and then, I am told, when given permission of recent times, these nasty bureaucrat inspectors had been down there checking up on him.

I am looking forward to revisiting Kangaroo Island as a member of the NRM parliamentary committee. We will be able to have a look at this issue and perhaps we might call some of these people before the committee. Their performance with respect to Kangaroo Island, I think, of all the bureaucratic nonsense we have had to face, when they tried to prosecute the person who put in the dam that saved Kangaroo Island from running out of water, would take the prize of being as irresponsible and foolish as any group one could ever get.

I have already spoken about firebreaks. If a local council does not know what is fair and reasonable, I do not know who does. The locally elected people are the ones who know. They are the people with an understanding of local issues, and if they get it wrong they will suffer the chilly winds of the ballot box. However, we have out of sight, silent bureaucrats, committees and councils sitting on these decision-making processes, which is not right. My provision for up to 20 metres is fair and reasonable, and is set out to protect the public.

In relation to the burning of native vegetation for hazard control purposes, let me make it clear from the outset that, if burning was going to destroy native vegetation, there would not be any native vegetation left in South Australia, because all the eucalypts and mallee have been burnt in the past. That will happen again if we are not careful. So, one takes steps to burn it at the most convenient time, otherwise it will burn at the most inconvenient time, and the disruption and the cost will be spread across the whole community.

In my view, it is not an option to do nothing. We have had that philosophy in place and it has failed—for instance, the Kangaroo Island and Wanilla fires. I have seen it for myself. I have been to the Flinders Ranges, to Mount Remarkable, and the fire that burnt at the back of Wilmington. That fire was brought under control, and the people responsible did a marvellous job. I was there that day, and one of the people in charge of the graders said to me, 'Am I going to be in trouble?' I said, 'What are you talking about?' He said, 'We graded along here and we got rid of the native vegetation.' They stopped the fire to save Wilmington. I said, 'If the fools come up here, let me know and we will put them on the television and we will lead a deputation to see the Premier, but I look forward to it.'

The volunteers did outstanding work to stop the fire in the most difficult terrain. One fire truck was immobilised because it was so steep. They had to pull it back with a bulldozer. They were the sorts of conditions in which they were operating, but there were people who were more interested in reading the regulations and making life difficult for people. Unfortunately, well-meaning governments have a great ability to make life difficult for practical, sensible people who are going about the business of trying to protect the community. We are fortunate in this state to have groups of volunteers, including the Country Fire Service and others, who do outstanding work. When there is a fire they are supported by the Salvation Army and local communities, but there is disruption.

One of the worst things I have read in recent times in the newspaper was in relation to some criticism made of the director by other bureaucrats who were carrying out an assessment. I thought it was not only ill-considered, unwise and unnecessary but also highly irresponsible. Mr Ferguson has conducted himself and carried out his duties in a manner of which we all should be proud. We are fortunate to have a practical person carrying out these duties. He has the support of the volunteers—which is very important.

An honourable member interjecting:

The Hon. G.M. GUNN: Well, if you do not have someone like him then you will not have a service. It is as simple as that. The other bumbling bureaucrats are criticising him and it reflects badly on them and not at all on Mr Ferguson.

An honourable member interjecting:

The Hon. G.M. GUNN: I am a shy fellow and he is putting me off. It is hard to get me on my feet. I have not been here for a fortnight. Members opposite are probably pleased about that, anyway. It has taken me a whole week to work myself up to make this speech.

Mr Goldsworthy: Stop showing off.

The Hon. G.M. GUNN: Well, you want to keep the house going. I am supposed to be in a parliamentary committee meeting where we are dealing with other matters. Nevertheless, I could not let this opportunity pass. I have amendments which I am keen to see fully debated in the committee stage. I hope that the minister gives them due attention because they are designed for the sole purpose of applying common sense and making sure the public is properly protected. They are not designed in any way to carry out irresponsible land clearing. They are preventative measures to make it safer for the people of South Australia. This is not the first time I have attempted to bring these measures to the house. The government and those who oppose them should be warned: they will be held accountable the next time there is a major disaster and people are in danger, if these sorts of provisions are not enacted.

I will have more to say when the matter is before the committee, but I say to the minister that there are many courses of action necessary to bring common sense to this legislation. I am one of those who believe that people in the section have their agenda to push and that they have forgotten about common sense. I commend my measures to the house and look forward to debating them at a later stage.

The Hon. R.B. SUCH (Fisher) (12:49): I welcome this bill, which is designed primarily to try to protect what little is left in the Mitcham council area of grey box (eucalyptus microcarpa). It is now estimated that less than 4 per cent of that woodland is remaining. This bill does what should have happened a long time ago, that is, it extends the provisions of native vegetation protection to areas such as the Mitcham hills.

The member for Davenport would know that groups in the City of Mitcham are committed to trying to protect grey box woodland. The fact that so little of it is left is typical of what has happened in South Australia in regard to the clearance of native vegetation. In the Mount Lofty Ranges less than 15 per cent of native vegetation remains, and much of that has been compromised as a result of weed infestation, as well as other activities by humans, such as riding trail bikes, and so on.

In the metropolitan area tightly defined—that is, basically the Adelaide Plains—something like 4 per cent or less of native vegetation is left. That is an appalling record. Whilst we do not want to say that the pioneers did it simply out of greed (in many cases it was greed), it was often done out of ignorance; and, in some of cases it was as a result of legislative requirement in terms of taking up a lease. Farmers had to clear the land in order to continue with the lease of the land from the government. A mixture of reasons is involved, but, even today, some clearance is still occurring. In my view, it should be absolutely at a minimal level and in exceptional circumstances only.

I have paid tribute in this place before to people such as the Hon. Don Hopgood, because if it was not for people like him there would be even less native vegetation left. Some people on the Liberal side of politics have been committed to protecting remnant native vegetation. Mr Brookman was one and there were some others, but the real move to protect native bush or vegetation occurred during the era when people such as Don Hopgood were in the ministry. People who appreciate nature, the value of habitat, and so on, will forever be grateful to people such as Don Hopgood.

This bill, as I said at the start, is primarily directed at trying to protect threatened grey box in the Mitcham council area. Grey box does not normally—

The Hon. I.F. Evans interjecting:

The Hon. R.B. SUCH: Yes, that is right, but it is principally designed to protect grey box. One of the deficiencies under the significant tree provisions has been that it is based on the girth size of a particular tree. I guess that I was the father of that provision in that I lobbied Di Laidlaw hard on that issue, and she appointed me to chair a committee to look at it, and we recommended certain things.

I did not agree, obviously, with one of the outcomes, which was that the definition of 'significant' applied to all trees of a certain size. The deficiency in that is that a tree can be significant if it is not of a particular size. If it is not a big tree, if it is not a large tree, it can still be significant, and that is where grey box in particular has suffered along with other native species.

Grey box is incredibly slow growing. If you see a grey box of the size that meets the significant tree provisions, you are probably looking at a tree which could be a couple of hundred years of age. We do not know a lot about grey box, but one thing we do know is that they are very

slow growing. I can show members examples where, in 50 or 60 years, there has been no noticeable change or growth in particular grey box species with which I am familiar. So, it is an incredibly long time.

When the significant tree provisions came into force, they were designed to protect mainly large river red gums and, to a large extent, they have done that. However, as we know, it has also led to the preservation of trees that were never part of my vision as being worthy of protection. So, we have some silly examples; for example, pinus radiata at Prospect is protected when that was never my intention. However, things change, and we now know that, in some cases, pinus radiata in the metropolitan area may not be a bad thing if it provides food for cockatoos and so on. So, I guess there is always two sides to the story.

When we are talking about native vegetation, we are talking about something beyond simply plant species. We are talking about them as habitat, as well as their providing some aesthetic benefit. We have in Australia the paradoxical situation where it is a criminal offence to export native animals overseas, certainly without a permit, yet, on the other hand, in other states people can clear the habitat of a species, which is the surest way of wiping out the species. So, there are mixed messages. I am not saying that there should be wholesale export of native fauna. I am just saying that we have this bizarre approach, where it is a criminal offence to shoot a koala, but you can wipe out their habitat so that you make sure they are absolutely dead by giving them nowhere to live.

So, when we are talking about protecting native vegetation, we are talking about protecting habitat. To a large extent, there is widespread ignorance in the community about the value of particular species; we have not even studied many of them in terms of their benefit. I know that members who are farmers would appreciate that things like saltbush, grey bush and bluebush are very important as stock feed. We know something about these species, but we know little, for example, about the medicinal benefits of many of our native plants. Members would appreciate that many of our medicines, including aspirin and others, originally came from plant sources.

We have not even studied much of our native vegetation, and we know little about it. We know very little about the impact of fire in terms of managing native vegetation. I know the member for Stuart is passionate about trying to create what he would see as fire prevention measures. I can understand his concern, although I would go about it in a different way. I am not opposed, for example, to cool burning, providing it is based on science and is properly conducted.

Returning to the point I made earlier about habitat, in South Australia a quarter of all plants and animals are considered to be threatened species, and for mammals the figure is 63 per cent, according to the figures I was given today about species under threat. So, this measure is not simply a 'feel good' measure. There is a strong feeling in the Hills area about protecting remnant vegetation. There have been examples where people, out of greed and, in some cases, ignorance, or both, have removed unnecessarily not just grey box but other species as well, and it is time that something was done. So, I applaud the minister for taking this action.

Another thing the bill does is to allow someone to replace the nominee of the commonwealth minister on the Native Vegetation Council, and I do not have a problem with that. I think it is important that you have people on that council who have the necessary qualifications and experience. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

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

PARTNERSHIPS (VENTURE CAPITAL) AMENDMENT BILL

His Excellency the Governor assented to the bill.

PLASTIC SHOPPING BAGS (WASTE AVOIDANCE) BILL

His Excellency the Governor assented to the bill.

GENE TECHNOLOGY (MISCELLANEOUS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

CROWN LAND MANAGEMENT BILL

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

ARCHITECTURAL PRACTICE BILL

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

OLSON, MR J.W.

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:03): I move:

That the House of Assembly expresses its deep regret at the death of the late John William Olson, a former member of this house, and places on record its appreciation of his meritorious service, and that as a mark of respect to his memory the sitting of the house be suspended until the ringing of the bells.

I was saddened to learn of the death of John William Olson, better known as Jack Olson, who died on 13 November 2008 aged 92. Jack served as the member for Semaphore from June 1973 until 1979 under the premierships of Don Dunstan and then Des Corcoran. He was also a longstanding member of the trade union movement in South Australia, and served his nation with bravery and distinction during World War II.

Jack Olson is remembered as a hardworking and devoted local member who represented the interests of the people of Semaphore, an area in which he was born, raised and lived virtually all his adult life with diligence and integrity. John William Olson was born in Semaphore on 10 October 1916, when the Great War in Europe was at its height. Upon completing his schooling and attending trade schools, Jack was offered an apprenticeship by General Motors Holden, where he began work as a motor body builder. He then accepted a position with the Postmaster-General and began work delivering telegrams on his trusty pushbike.

In April 1943, at the age of 26, Jack enlisted in the Royal Australian Air Force. He was part of the RAAF's renowned 452 Spitfire Squadron, which was the first Australian squadron to form in Britain during the Second World War when it came together in 1941. The 452 Squadron was ordered to return to Australia in 1942 to bolster our nation's air defences, and from early 1943 it was based in Darwin, where Jack Olson served as a leading aircraftman as part of the signal unit.

Following his discharge at war's end, Jack returned to work with the PMG where his political interests and aspirations began to grow. He took on the role of union organiser with the Amalgamated Postal Workers Union, and by 1960 he was working as a full-time union official. Under the guidance of this political mentors, the former member Semaphore, Harold Tapping, and, to a lesser extent, the federal member for Hindmarsh, Clyde Cameron, Jack rose to the position of APWU state secretary.

In 1973 Jack won Labor Party preselection to contest a by-election in the seat of Semaphore following the untimely death of former Speaker of the House of Assembly Reg Hurst. Jack won the by-election convincingly then further increased his majority at the 1975 state election, of course, which was a perilously close win for Labor, I think, basically, Dunstan's government in the tidal wave in 1975 against the Whitlam government, saved really by the late Jack Slater. Of course, Jack Olson was re-elected again in 1977, which was the year that I met him when I was working for Don Dunstan.

Jack was committed to the western suburbs and was passionate about the issues that were important to working people and families in his electorate. He and his wife Pearl raised their family of four children in Semaphore and they were involved in many aspects of the community's day-to-day life.

In Jack Olson's maiden speech, delivered soon after he was elected in 1973, he spoke about the importance of education, of kindergarten and crèche facilities, and the significant impact being made by the government's establishment of a roll-on, roll-off container berth at Outer Harbor.

He also threw his wholehearted support behind the housing redevelopment at North Haven, that he foresaw would ease pressure on demands for housing and would provide important leisure activities for the peninsula, such as the boat haven and golf course.

Jack was a well-known and popular figure within his electorate not only because of the tireless work that he undertook on behalf of his constituents, but also serving as a justice of the peace, a title that he held for more than four decades. I have been doing it for more than a quarter of a century—but he went on for more than four decades. He was also highly regarded by local government representatives in the area with whom he maintained a close working relationship.

Despite being a proud son of Adelaide's western suburbs, Jack Olson also travelled in order to maintain a worldly perspective. One of his fondest recollections from his union days was the time that he travelled in the then Soviet Union and was among the huge crowd in Moscow's Red Square for one of the annual May Day parades, probably presided over by Brezhnev and, I would imagine, Kosygin, or maybe even Andropov. Always conscious of fashion, Jack returned from that trip complete with fur hat and Russian Soviet-style coat, and delighted in telling the story of how he sipped vodka in the heart of Red Square as the might of the Soviet empire thundered past—all those intercontinental ballistic missiles and tanks.

Even though he was aged just 63 when the 1979 state election was called—that was the fatal election called early in 1979—Jack was unable to stand due to the fact that he would have reached the ALP's retirement age before the 44th parliament had served its term, which meant he was prevented from running—

The Hon. G.M. Gunn interjecting:

The Hon. K.O. Foley: Gunny, you would have retired 20 years ago.

The Hon. M.D. RANN: Now, don't you pick on Gunny. He later told family members that his one regret of political life was that he was not allowed to stand in 1979 and to fight for the right to serve a fourth term. His other major annoyance came towards the end of his political career when he was regularly mistaken for his namesake (albeit with a different spelling), John Wayne Olsen, as opposed to John William Olson, who, of course, went on to serve our state as premier, and, as everyone knows, is a very good friend of mine.

I am looking forward to welcoming John Olsen back to South Australia. I know that there has been some criticism of me for asking Dean Brown to serve the state, but I think that it is important to be bigger than state politics. It would be really churlish of me or this government not to invite John Olsen to help serve our state as well.

In 1978, John Wayne Olsen was then president of the Liberal Party. John W. Olson became so concerned about the ensuing confusion that he asked Don Dunstan whether the then premier would advise the Adelaide media of the distinction. In fact, I was the principal press secretary at the time who was asked to ensure that there was a difference—and what a way to talk about your own staff.

So ineffective was I as a spin doctor that Jack Olson's patience was tested when he received three early morning telephone calls from journalists, beginning at around 7.30am (which is a lot later than they ring us), requesting information about Liberal Party activities. This was after his photograph had appeared in the *Sunday Mail* above a caption that identified him as the president of the South Australian Liberal Party. Understandably, Jack Olson took strong exception to this error and claimed that a number of his constituents had been moved to express their disgust at his change of heart, change of party and change of allegiance.

Don Dunstan assured the then member for Semaphore that he would undertake to draw the media's attention to this shocking mistake. Don added his sympathy for Jack's plight, pointing out that he knew of a Mr D.A. Dunstan who worked as a manager in the printing industry and who used regularly to receive similarly misdirected telephone calls late at night about Labor Party matters or Norwood constituency issues. I have had to put up with that, too. Only last week I was walking down North Terrace when someone came up to me and said, 'G'day, Neville. How are you going? Keep up the good work.'

Following his retirement from parliament, Jack Olson remained an avid follower of the union movement and of politics in all its forms. Let me assure the house that he was never found wanting for a political opinion. He regularly attended luncheons and Christmas events for former members of parliament and was an avid reader of political memoirs and records. Like his successors, the Deputy Premier and the Minister for Recreation and Sport, because of the Semaphore area, his great loves were the Port Adelaide Magpies in the SANFL and later Port Power, when it ascended to the national competition with such glory as we experienced in 2004.

In sport, as in his political life, Jack's views were decidedly black and white. He was also a keen cricket follower. I am told that he was a fast bowler of some repute in his day—and I guess this is an area where there is some likeness to me, if I could be so humble. Until he succumbed to ill health in recent years, Jack was a regular at the Riverside Golf Club, where he used to partner his close friend and former Dunstan government minister, Geoff Virgo, who was one of the most impressive people I have met during my life.

A couple of Jack's proudest achievements, outside politics and his family, took place on the greens at Riverside. On ANZAC Day in 1987, he lived every golfer's dream when he scored a hole in one. The following month, in a remarkable feat, he did it again. The trophies he received to commemorate his dual achievement took pride of place in his home at Semaphore.

On behalf of all members on this side of the house—and, I am sure, all members of parliament, because Jack Olson was someone everyone loved and admired—I extend my condolences to Jack's children, Marilyn, David, Robert and Philip, to his four grandchildren and to all his family and friends. Jack Olson was one of the great stalwarts of the Labor Party, and I know that his loyalty was greatly appreciated by both Don Dunstan and Des Corcoran. He will be missed.

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:14): On behalf of the opposition, I rise to second the Premier's condolence motion and express our regret at the passing of John William Olson, former member for Semaphore. It is very important that we remember the service of former MPs who make a considerable sacrifice to serve, but do so with pride. I speak on behalf of the entire Liberal Party when I express our sincere condolences to the family and friends of John William Olson (known as Jack). I put on the record our appreciation of his service to his country and to the state of South Australia.

John was born on 10 October 1916. As we have heard, he served with great credit during World War II as part of 452 Squadron in Darwin. He was elected in 1973 as the member for Semaphore and represented the electorate for some time until 1979. During this time he was a member of the Parliamentary Committee on Land Settlement, 1974-75 (chairman in 1975), a member of the Public Accounts Committee from 1975 until 1979 and a member of the Parliamentary Standing Committee on Public Works in 1979.

Mr Olson was also a state secretary of the Amalgamated Postal Workers Union, an executive member of the Australian Labor Party and the United Trades and Labor Council, and a delegate to the United TLC. He demonstrated a strong commitment to the union movement and to improving the rights of injured workers. He was previously a postal worker, and before that a motor body builder. During the war, Mr Olson served creditably for 17 months in Darwin on behalf of his nation.

During his time as the Labor member for Semaphore he experienced some difficulties, as we have heard, with mistaken identity. It is remembered on this side of the house that people confused him with J.W. Olsen (with an 'e'). I am sure that members opposite could imagine how sick and tired their John Olson must have been of receiving phone calls in the middle of the night seeking advice on Liberal Party matters, which, no doubt, he offered without qualification. I could imagine that.

Survived by his children, Marilyn, David, Robert and Phillip, daughter-in-law Lorraine and grandchildren, Sean, Brooke, Purdey and Skye, we thank them all for his service. It has been my experience, and I am sure that of everyone in the house, that all MPs, regardless of their political affiliation or views, come here with the best of intentions and serve their people to the best of their ability, and John Olson was no exception.

I am sure all members present will join me in paying respect to the late Jack Olson and acknowledging the contribution that he made to the state, the parliament and the country.

Honourable members: Hear, hear!

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:17): I will speak briefly, because much of Jack Olson's life has been well articulated by both the Premier and the Leader of the Opposition. I am very proud to have followed Jack Olson, as I have Norm Peterson, who ultimately was the successor to Jack Olson in Semaphore, as the Labor Party, one would remember, was not fortunate enough to win the seat back in 1979.

Jack Olson was someone I knew, but not well. Obviously, Jack had retired many years prior to my seeking preselection, but I did meet with Jack on a number of occasions and had quite

a few chats with him, as I did his predecessor, the late Harold Tapping, who was a well known local identity and former member for Semaphore. I remember that, during my first campaign in 1989, Harold appeared in a number of photos with me and helped me to the extent that he could. I think even in those days he was in his mid to late eighties.

Any member of Semaphore follows in a tradition of representing a very working class area, one that is steeped in Labor tradition, thanks to the Electoral Commission, of which I offer no criticism whatsoever under any circumstance. Nobody could, for one moment, suggest any criticism towards the Electoral Commission, but it would be fair to say that the old electorate of Semaphore is somewhat different today to what it was. I cannot even think of the name any more. It was—

The Hon. M.J. Atkinson interjecting:

The Hon. K.O. FOLEY: Well, no, it couldn't, although there was some suggestion—

The Hon. P.F. Conlon: It is still full of Conlons.

The Hon. K.O. FOLEY: It is still full of Conlons—one less, thankfully. But the seat of Semaphore is not as it was in the days of Jack Olson, and when I first became the member, at which time it was, effectively, the Le Fevre Peninsula, which, in itself, is a very discreet community and probably more like the country electorate in many ways than an urban electorate, given the sense of separation, as it is surrounded in most part by either the ocean or the Port River, and there is a very strong sense of community, much more than you would find in a normal urban electorate, which often spans many different suburbs, many different council areas, and often many different demographics and geography.

The discrete community of Semaphore (the old electorate of Le Fevre Peninsula) is one that anyone in the Labor Party is very proud to represent. Jack did that in a very noble and a very appreciative manner. He was re-elected, I think, on each occasion with an increased majority. As the Premier outlined, he was disappointed that he was not able to run in 1979, and perhaps the Labor Party was, too. It just shows that, in the days when we had age restrictions on MPs, it was, in that instance, to the Labor Party's detriment.

Jack was a great local. He was born and raised in the area. He lived in the area and raised his family there. On behalf of my constituents and myself, as a successor to Jack, I extend my condolences to Jack's children: Marilyn, David, Robert and Philip, to his four grandchildren, and to all of his family and friends.

Ms THOMPSON (Reynell) (14:21): I rise to record my thanks to Jack Olson in his role as secretary of the Amalgamated Postal Workers Union and in the role that he was prepared to play at that time, against the odds, in supporting women's rights in the union movement. I was organiser for the Administrative and Clerical Officers Association while he was still secretary of the APWU and I found that, in some of the debate about the role of women in the union movement, I was often in the minority.

As the Premier has noted, Jack Olson spoke about childcare in his inaugural address. He was somebody who was prepared to think about the different role of women in the workplace and the union movement. Jack Olson established an honourable code for his successors in the APWU, who were always prepared, in my experience, to support the rights of women in the union movement and to treat women with respect, which I think some of my colleagues have noted was not always the case. Jack Olson was a real gentleman and very much welcoming of the engagement of the new group within the union movement. I wish to pay tribute to his brave actions at this time and make sure that his grandchildren know about them.

The SPEAKER: I thank honourable members for their comments. I will pass on to Jack Olson's family a copy of the transcript of today's proceedings.

Motion carried by members standing in their places in silence.

[Sitting suspended from 14:24 to 14:35]

COUNTRY HEALTH CARE PLAN

Ms SIMMONS (Morialta): Presented a petition signed by 373 residents or visitors to the Robe community requesting the house to urge the government to reverse any decisions which will adversely affect Robe Hospital as a result of the Country Health Care Plan.

ANSWERS TO QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard*.

TENANTS' INFORMATION AND ADVOCACY SERVICE

22 Mr HANNA (Mitchell) (30 September 2008).

1. Will the budget for the new Tenants' Information and Advocacy Service be increased to compensate for the closure of Housing Advisory Service for SA and, if not, how will this service represent tenants from the private sector?

2. Will there be additional funding for early intervention and mediation strategies?

3. Will every person facing eviction have the right of representation before the Residential Tenancies Tribunal?

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability): I provide the following information:

1. In 2006 the scope of the former Housing Advice and Support SA (HASSA) service was expanded to include clients from the private rental market, and an additional $50,000pa (GST exclusive) was allocated to fund the service under the new name of the Tenants Information and Advocacy Service (TIAS).

TIAS commenced operating as of 1 January 2007 and now targets its services towards low income tenants of both social and private rental housing. Since its establishment TIAS has had increasing demand from the private rental sector. In the financial year 2007-08, TIAS worked with 2,244 clients, 54 per cent of whom were private renters.

The service is monitored on an ongoing basis with quarterly meetings held between officers of my department and TIAS. In this financial year (2008-09) the service will receive $371,300 (GST exclusive). TIAS is currently funded through the Minister's Housing Advice and Community Fund (MHACF) until 30 June 2009. Prior to the completion of this service period, a performance and funding review will be undertaken to determine appropriate funding for the period 2009-10.

2. Early intervention is the most effective way in which tenancy matters can be prevented from escalating into a dispute. TIAS is funded to provide a range of services intended to educate tenants and provide them with information regarding rights and responsibilities. Tenants are routinely encouraged to engage with mediation processes and are assisted to advocate directly with housing providers or agents.

TIAS works in collaboration with the services provided by the Residential Tenancies Branch of the Office of Consumer and Business Affairs, and works in tandem with the Housing Appeals Unit and the Residential Tenancies Tribunal (RTT), to help secure sustainable housing outcomes for clients. The service also works closely with the Housing Legal Clinic and community legal centres. Current funding incorporates provision for early intervention and mediation and quarterly review meetings and service monitoring has not indicated a need to increase the existing level of funding.

3. All clients are assisted to maximise the use of legal entitlements and exercise their rights effectively. In doing so TIAS supports clients in a range of ways, only one of which is via direct representation at hearings of the Residential Tenancies Tribunal. Prior to any formal hearing process being undertaken, clients are supported with information, referral, negotiation, mediation and/or advocacy and these means are frequently successful, thereby avoiding the need for a formal hearing.

The success of this approach is reflected in the high proportion (63.5 per cent) of clients stating they have developed a greater awareness of their rights and responsibilities as a result of TIAS involvement.

According to the 2006 Census data, 156,140 of South Australian dwellings were rental properties. Over two thirds of these were private rental properties with approximately 55,400 occupied by low income families. All these households are eligible to receive services from TIAS.

In those situations where a formal RTT hearing was required, TIAS has had much success in assisting clients. 33 of the 58 RTT hearings through which TIAS supported tenants during the period 2007-08 resulted in sustainable housing outcomes.

GOVERNOR'S PAYMENTS

176 Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (30 September 2008).

1. What criterion is used for making a determination on the pension paid to a former governor?

2. Does the Governor contribute superannuation payments during his or her tenure?

3. What pension was paid to the former governor, Marjorie Jackson-Nelson?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): I have been provided the following information:

1. Section 4 of the *Governors' Pensions Act 1976* sets down the criterion to be used in determining the pension to be paid to a former governor. Section 4 of the act provides that the amount of the pension shall not exceed 30 per cent of the salary of the former governor, and in determining an amount of pension the Treasurer may have regard to any other pension or retiring allowance paid or payable to a former governor in respect of any remunerative activity undertaken by the former governor before that former governor became governor.

2. A governor is not required to make a personal contribution under the *Governors' Pensions Act*.

3. Former governor Marjorie Jackson-Nelson was provided with an annual pension of $68,866 and the order authorising this pension, as required in terms of section 3 of the *Governors' Pensions Act,* appeared in the *Government Gazette* on 16 August 2007.

PUBLIC SECTOR WAGES

In reply to **Mr GRIFFITHS (Goyder)** (10 September 2008).

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): I have been provided the following information:

The member for Goyder accurately points out that the cash flow statement for the Department of Treasury and Finance administered items (2008-09 budget paper 4, vol 1, p. 3.39) shows an increase of some $60 million dollars in the line 'contingency provisions—employee entitlements' between the 2007-08 budget of $16 million and 2008-09 estimated outcome of $76 million.

Consistent with long standing practice, the salaries and wages contingency disclosed at budget time under the employee entitlements contingency line may not reflect the status of provisioning. This is so that the government’s wage contingency is not revealed to potential bargaining parties.

Consequently, in any given year the increase between budget and estimated outcome for the employee entitlements contingency line may in part be explained by the internal redistribution of funds between contingency lines as enterprise agreements are finalised and paid.

Subsequent to the 2007-08 budget, revisions were made to wages contingencies to allow for expected and actual outcomes for certain employee groups.

Also, as the cash flow statement reflects actual cash payments for the financial year, variations to budget can also reflect particulars of the timing of payments, rather than the change in expected wage increases as they accrue over time.

BANKS, AMERICAN

In reply to **Mr HAMILTON-SMITH (Waite—Leader of the Opposition)** (10 September 2008).

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): I am advised that as at 31 August 2008 Funds SA had the following exposures to Fannie Mae and Freddie Mac:

- equity issued by Fannie Mae, $3.4 million, representing 0.02 per cent of total funds under management;
- equity issued by Freddie Mac, $0.3 million, representing less than 0.01 per cent of total funds under management;
- bonds issued by Fannie Mae, $132.6 million, representing 0.92 per cent of total funds under management; and
- bonds issued by Freddie Mac, $11.2 million, representing 0.08 per cent of total funds under management.

WorkCover SA has advised as at 22 September 2008 they have indirect equity exposures through pooled funds which represent less than 0.001 per cent of total funds under management, the breakdown includes:

- Fannie Mae of $4,153
- Freddie Mac of $2,892

The Public Trustee has confirmed no known exposures to Fannie Mae or Freddie Mac.

Note that the bonds issued by Fannie Mae and Freddie Mac have an implicit guarantee of the US government.

MITSUBISHI MOTORS

In reply to **Mr HAMILTON-SMITH (Waite—Leader of the Opposition)** (10 September 2008).

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): I have been provided the following information:

The return of the Mitsubishi funds was recorded through the government's operating statement for 2007-08 resulting in a benefit to the 2007-08 operating surplus of $35 million.

Page 3.50 of 2008-09 budget paper No. 4 volume 1 discloses the following:

> 'Major variations between the 2007-08 Estimated Result and the 2008-09 Budget for operating payments include:
>
> The repayment by Mitsubishi of $35.0 million to the Industry Financial Assistance Deposit Account in 2007-08. The accounting treatment of this receipt creates a negative expense on the 2007-08 estimated result of the Industry Financial Assistance grants and subsidies line. The Intra-government transfer line has a corresponding $35.0 million payment in the 2007-08 estimated result to reflect the return of funds to the consolidated account.'

In accordance with the Public Finance and Audit Act, the receipt of these funds into the consolidated account was recorded as revenue to government.

Appendix C, page C.9 of 2008-09 budget paper No. 3 shows the cash receipt into the consolidated account as 'Mitsubishi Limited Grant Payment'.

Having taken the revenue to the bottom line, $35 million was transferred to Land Management Corporation (LMC) as an equity injection.

Page 6.4 of 2008-09 Budget Paper No 3 discloses the following:

> 'Following the $35 million loan repayment by Mitsubishi Corporation to the government, Land Management Corporation received an equity injection of $35 million in 2007-08, so as to allow it to participate in any resultant joint development opportunities with the private sector.'

The equity injection is recorded as an investment asset on the general government balance sheet, and does not result in an expense in 2007-08 to the general government sector.

Accordingly, the benefit to the net operating surplus created by the Mitsubishi grant repayment is not offset.

In the event that the $35 million is not required by LMC for joint development opportunities in the southern suburbs it will be returned to consolidated account as a return of equity. This will have no impact on the net operating surplus.

Page 2.4 of 2008-09 budget paper No. 3 notes that '…following the $35.0 million loan repayment by Mitsubishi Corporation to the government, Land Management Corporation received an equity injection of $35.0 million in 2007-08, to facilitate a potential joint development with the private sector. If not required, the equity injection will be repayable to the government.'

FUNDS SA

In reply to **Mr HAMILTON-SMITH (Waite—Leader of the Opposition)** (24 September 2008).

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): I have been provided the following information:

Over the year to 30 June 2008, Funds SA's Growth Fund returned -11.2 per cent. Clearly, the performance for the year is poor, but generated in the context of very poor market returns generally. Over the year, the Australian share market returned -13.7 per cent and global shares returned -15.6 per cent in local currency terms and -20.6 per cent in Australian dollars (unhedged). Australian listed property returned -37.7 per cent.

While the return for last year is poor, performance over longer periods is well on track. Over the past 5 years, the fund has earned 10.8 per cent per annum, and over the past 10 years 8.3 per cent per annum.

Further, the Growth Fund has performed ahead of the average return for growth funds as surveyed by Rainmaker.

The government's funds set aside to meet the various defined benefit superannuation obligations are invested within the Growth Fund, together with member contributions to the defined benefit schemes.

Investment earnings for the various defined benefit schemes fell $663 million over the year leaving the closing asset value for these accounts at $5.2 billion. It is worth observing that over the past ten years, the growth strategy has generated total investment earnings of $2.7 billion for the defined benefit schemes.

AUDITOR-GENERAL'S REPORT

The SPEAKER: I lay on the table a supplementary report of the Auditor-General for 2007-08 entitled Agency Audit Report.

Ordered to be published.

PAPERS

The following papers were laid on the table:

By the Speaker—

Pursuant to Section 131 of the Local Government Act 1999 the following 2007-08 annual reports of Local Councils:

City of West Torrens
District Council of Barunga West
District Council of Copper Coast
District Council of Mount Remarkable
District Council of Tatiara
District Council of Tumby Bay

By the Minister for Sustainability and Climate Change (Hon. M.D. Rann)—

Premier's Climate Change Council—Report 1 February 2008 to 30 June 2008

By the Attorney-General (Hon. M.J. Atkinson)—

Legal Practitioners Disciplinary Tribunal—Report 2007-08
Legal Practitioners Guarantee Fund, Claims Against—Report 2007-08
Suppression Orders, Pursuant to Section 71 of the Evidence Act 1929—Report 2007-08
Summary Offences Act—
Dangerous Area Declarations—1 July 2008 to 30 September 2008
Road Block Establishment Authorisations—1 July 2008 to 30 September 2008

By the Minister for Multicultural Affairs (Hon. M.J. Atkinson)—

Multicultural and Ethnic Affairs Commission, South Australian—Report 2007-08

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

Dental Board of South Australia—Report 2007-08
Podiatry Board of South Australia—Report 2007-08
Psychological Board, South Australian—Report 2007-08
Inquiry Into Actions Taken By RAH Management In Response To A Report On The Under dosing Of Patients With Radiotherapy July 2004 To July 2006

By the Minister Assisting the Premier in the Arts (Hon. J.D. Hill)—

Adelaide Festival Centre—Report 2007-08
State Theatre Company of South Australia—Report 2007-08
Youth Arts Board, South Australian—Carclew Youth Arts—Report 2007-08

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

Non-Government Schools Registration Board—Report 2007-08

By the Minister for Environment and Conservation (Hon. J.W. Weatherill)—

Adelaide Dolphin Sanctuary Act 2005—Report 2007-08
Animal Welfare Advisory Committee—Report 2007-08
Dog Fence Board, South Australian—Report 2007-08
Native Vegetation Council—Report 2007-08
Zero Waste SA—Report 2007-08
Innamincka Regional Reserve 1998, Review of—2008
Simpson Desert Regional Reserve 1998, Review of—2008
Adelaide Park Lands Act—
Future Use of the Royal Adelaide Hospital Site
Land Identified as the Site for the Marjorie Jackson-Nelson Hospital
Regulations under the following Act—
Environment Protection—Site Contamination

By the Minister for Early Childhood Development (Hon. J.W. Weatherill)—

Children's Services—Report 2007-08

By the Minister Assisting the Premier in Cabinet Business and Public Sector Management (Hon. J.W. Weatherill)—

Freedom of Information Act 1991-—Report 2007-08
State of the Service—Report 2007-08

By the Minister for Agriculture, Food and Fisheries (Hon. R.J. McEwen)—

Regulations under the following Act—
Aquaculture—Environmental Monitoring and Reporting

By the Minister for Science and Information Economy (Hon. P. Caica)—

Bio Innovation SA—Report 2007-08

WOMEN'S AND CHILDREN'S HOSPITAL, BREAST CANCER

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:41): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: Late last year, concerns were raised by staff members at the Women's and Children's Hospital in regard to an apparent elevated number of cases of breast cancer among staff working in the hospital's Queen Victoria Building. Cancer expert Professor David Roder was engaged by the Women's and Children's Hospital to conduct an independent review of the cases and determine if the number was elevated.

Professor Roder is the head of Research and Information Science at the Cancer Council of South Australia. He reviewed cases of all women who are or were working at the Women's and Children's Hospital from 1 January 2000 to 31 December 2007, including Spotless contract staff and volunteers. In May, Professor Roder produced his preliminary findings. He found no apparent increase in breast cancer for women working in the majority of the hospital, but he found that there was an elevation of cases for women working in the eight-year period review. There have been nine more cases of breast cancer over the eight-year period for women working in the Queen Victoria Building than one would expect to see in a workforce of this size. He also found a decreased risk for other types of cancers among women in the Queen Victoria Building over the same period of time. Professor Roder believed that the elevated number of breast cancer cases was a random occurrence.

After the preliminary findings were produced, Professor Roder expanded his inquiry to look at past and present volunteers and staff from 1995 to 1999. He found no statistically significant increases in the number of breast cancers found among staff during this period. Professor Roder's findings were then validated by four epidemiological experts from Australia and overseas. The Children, Youth and Women's Health Service also launched an independent environmental audit of the Queen Victoria Building this year to review risk factors in the building. The chemicals used on site—water, air, air magnetic fields and radiation levels—were all tested. The environmental audit report found no significant risks or issues of public concern.

In his final report, Professor Roder has concluded that there is no apparent causal environmental agent that might be linked to the elevated number of cases. He suggests that other factors could be at play producing the elevated numbers, such as more women participating in breast screening programs and more staff with a strong family history of breast cancer. He has recommended monitoring of the incidence of breast cancer cases at the Queen Victoria Building every three to four years. Today, staff are being briefed on those findings. I now table both Professor Roder's final report and the environmental audit.

Throughout the review, the Children, Youth and Women's Health Service invited current and former staff to comment on the concerns and provide any information that might assist the review. Up to 22 staff have been interviewed as part of that process and their stories will be published in a report early next year. Of course, every incidence of breast cancer is tragic, but I hope Professor Roder's report and the environmental audit go some way to allaying the concerns of staff at the hospital. I wish to thank Professor Roder for his work on this review. The report will be accessible at the Women's and Children's Hospital website at www.wch.sa.gov.au.

MURRAY-DARLING BASIN, CSIRO REPORT

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (14:48): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.A. MAYWALD: Yesterday, the CSIRO released the Water Availability in the Murray-Darling Basin report which summarises the sustainable yield assessments for the 18 regions that comprise the Murray-Darling Basin. Following the November 2006 water summit on the Murray-Darling Basin, the then prime minister, along with state premiers and water ministers, agreed to commission the CSIRO to report progressively on the sustainable yields of the surface and groundwater systems within the basin.

The project represents the most comprehensive hydrologic modelling ever undertaken for the entire Murray-Darling Basin. It has assessed the potential impacts of climate change and other

risks on inflows for each catchment in the basin to provide governments with estimates of future water availability. Key findings of the report include: under current development conditions in the Murray-Darling Basin, 48 per cent of the average available water is extracted and used. This is a very high relative level of water use.

Another key finding is that current development along the River Murray has already reduced end-of-system flows by 61 per cent. Climate change is projected to reduce surface water availability in the River Murray in 2030 by 12 per cent, average diversions including irrigation by 4 per cent and end-of-system flows by an additional 24 per cent. The environment will bear a greater impact of any reduction until new sustainable diversion limits are introduced. The report clearly shows that reduced water availability and climate variability are a reality, that the current situation is serious, and that major changes are needed to achieve sustainable extraction limits.

As part of the new agreement between all jurisdictions on a national approach to the system's management, the new Murray-Darling Basin Authority will develop a basin-wide plan that sets new caps on future surface and groundwater use. The CSIRO projections must be used as the basis for setting those new caps on how much water can be extracted from the river system so that all users can have security of water supply into the future.

For irrigators, the projections regarding reduced inflows outline the importance of preparing for drier times when we will all need to use water smarter and do more with less. It is therefore vital that the legislation setting up the new national agreement, first introduced by South Australia and currently before the federal and Victorian parliaments, is passed expeditiously so that we have one basin authority dealing with these crucial matters.

It is clear that the current Murray-Darling Basin situation is dire, and major changes are needed to achieve sustainable extraction limits in the future. This report provides a detailed and rigorous assessment upon which to base future decisions across the basin. Mr Speaker, I table a copy of the report.

VISITORS

The SPEAKER: I advise members of the presence in the gallery today of a group of justices of the peace, guests of the Attorney-General.

QUESTION TIME

WATER CHARGES

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:53): My question is to the Treasurer. How much will householders pay for water next financial year to reflect the blow-out in the cost of the desalination plant and revenue lost from what the Treasurer described as the government's water billing 'monumental stuff-up'?

An honourable member interjecting:

Mr HAMILTON-SMITH: You haven't done the costings yet? That's encouraging.

Ms Chapman: It's a worry!

The SPEAKER: Order!

Mr HAMILTON-SMITH: The government revealed this time last year that water prices would increase by an average of 17 per cent in each year over the next four financial years. However, since then the cost estimate for the desalination plant has risen from $1.1 billion to nearly $1.4 billion, and since then the government has also admitted—

Members interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: —that it lost millions in revenue and costs as a result of the SA Water billing blunder.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:54): One lives in hope that at some point the Leader of the Opposition will be held accountable for both his complete lack of understanding of anything economic and financial and, in many cases, the deliberate deceit that he applies to anything relating to this government's decisions where they concern any financial or economic matter.

Mr HAMILTON-SMITH: I rise on a point of order, Mr Speaker. The Treasurer has accused me of deliberate deceit. I take offence to that and question whether or not the term is unparliamentary. I request that he withdraw it.

The SPEAKER: I think 'deceit' probably is unparliamentary. It would be best if the Treasurer withdrew.

The Hon. K.O. FOLEY: I withdraw and apologise, sir. It is the Leader of the Opposition's deliberate misrepresentation, for base political purposes, of anything to do with any decision of this government, be it financial or economic. There has been no cost blow-out in the desalination plant—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: There has been no cost blow-out in the desalination plant, and do you know why, sir? We have not received the tenders for the desalination plant. How can there be a cost blow-out when a contract to build a desalination plant has not been signed?

Members interjecting:

The SPEAKER: Order!

Ms Chapman interjecting:

The SPEAKER: Order! The deputy leader will come to order.

The Hon. K.O. FOLEY: I am more than happy to answer this question, but I will not try to speak above the gaggle from members opposite. If members want an answer I suggest they listen; if they do not, I am happy to sit down. In terms of the desalination plant, cost estimates are undertaken, as they are for all projects. We have been scoping the project, we have been looking at the capacity of the project, and we are putting it to tender, but this nonsense that the Leader of the Opposition went out with before question time is that: absolute nonsense. Do you know why? Because he is a tricky Leader of the Opposition. He chooses—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: He chooses to do a number of things when it comes to attacking this government. First, he is negative on everything, but when he gets tricky is when he knows the answer, he knows the reasons, and he tries to blame others.

Mr Hamilton-Smith interjecting:

The SPEAKER: The Leader of the Opposition!

The Hon. K.O. FOLEY: The reason that we are increasing the price of water is because of the requirement that prime minister John Howard made to the states—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —the requirement—

Mr Goldsworthy interjecting:

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

The Hon. K.O. FOLEY: As I said, sir, I will not attempt to talk above members opposite. They either listen to my answer or I will sit down.

Mr Hamilton-Smith: Come on!

The SPEAKER: Order!

The Hon. K.O. FOLEY: The Council of Australian Governments (COAG), at the insistence of the prime minister, entered into detailed negotiations and agreement on the National Water Initiative back in 2004. All states, except, I think, WA, agreed to the prime minister's request. Essentially, the decision taken in June 2004 was the continued implementation of full cost recovery pricing for water in both urban and rural sectors.

What that required was that state governments agreed to move towards upper revenue bound pricing of water by 2008. What does that mean? It means this: at the insistence of the federal government under both ministers (I think) Kemp, the environment minister from WA who resigned—

Mr Pengilly: Campbell.

The Hon. K.O. FOLEY: —Campbell—and then, with a lot of gusto, minister and now Leader of the Opposition, Malcolm Turnbull, this is full cost recovery plus a risk adjusted rate of return on all assets, that is, operating cost plus depreciation plus cost of capital and a margin above the cost of borrowing, which I am advised is around 6 per cent. The requirement of the National Water Initiative, imposed upon the states by the commonwealth, was that we properly priced water that reflected the cost of delivering that water. And—

Ms Chapman: Cost recovery, not blow-outs.

The SPEAKER: Order!

The Hon. K.O. FOLEY: Well, she's agreed; we signed up to cost recovery. So why are you asking the question? The deputy leader has just admitted that we had to sign up to cost recovery. Well, that is what we are doing. We have signed up to cost recovery, and we are recovering the cost of the desalination plant. That just shows the lack of sincerity in the opposition. They are attacking us—

An honourable member interjecting:

The Hon. K.O. FOLEY: A lack of honesty in the opposition.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: They are out there before question time saying, 'Shock, horror! The government is doubling the price of water,' but the deputy leader has just admitted that we were required to sign up to cost recovery. The ridiculous positioning that the opposition continually puts itself in has to be exposed. The deputy leader, because she cannot help herself, has agreed that we signed up for cost recovery. Well, sir, that is what we are doing: we are pricing water to recover the cost of the capital. I thank the deputy leader for answering the opposition's own question.

WATER CHARGES

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:59): I have a supplementary question. Is the $2 billion in cash dividends and returns that the Treasurer has stripped from SA Water over the last seven years before or after full cost recovery?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:59): Oh, honestly! Do you know what it is? It is exactly what the former Liberal government put in place back in 1993.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: This leader has to be held accountable in the countdown to an election.

Mr Hamilton-Smith interjecting:

The SPEAKER: The Leader of the Opposition will come to order. The Deputy Premier.

The Hon. K.O. FOLEY: Thank you, sir. In 1993, the then Liberal government had an audit commission, and that audit commission brought down a report that recommended that the government commence a process of getting a proper rate of return on the assets employed by SA Water. It then moved to corporatise SA Water. In corporatising SA Water, it was required to pay the shareholders a dividend and tax equivalents. That policy was adopted by this government, and your criticism of this government's taking dividends and profits from SA Water applies exactly to the eight years you were in government.

Mr Hamilton-Smith interjecting:

The SPEAKER: Order! The Leader of the Opposition is warned.

The Hon. K.O. FOLEY: The Leader of the Opposition is misrepresenting the last 15 years of water pricing in this state. It was the last Liberal government that put it in place, but I go back to—

Mr Williams interjecting:

The SPEAKER: Order! The member for MacKillop will come to order.

The Hon. K.O. FOLEY: —the fact that the National Water Initiative requires government to cover the cost of capital, including depreciation and operational costs, and it requires it to have a margin on top of that. It requires it, effectively, to make a return on capital—a profit.

Members interjecting:

The SPEAKER: The member for MacKillop and the deputy leader will come to order.

The Hon. K.O. FOLEY: The government has a policy of taking a substantial amount of dividend from SA Water—as did the last government. What is it to do with the money? Don't you think that money—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: SA Water has a corporate board.

Ms Chapman interjecting:

The SPEAKER: The deputy leader will come to order.

The Hon. K.O. FOLEY: A corporate board has a responsibility to adequately manage the capital requirements of SA Water, which it does, it does well and it does diligently. Excess to its capital needs to operate that business and its profits are returned 95 per cent to the shareholder so that we can spend that on schools, hospitals and police.

I want to say this, because this is the 'walking both sides of the street' tactic of the Leader of the Opposition: given that we are now moving into a full election year, I implore the media to hold this guy accountable for what he says one day to the next. Do you know what Martin Hamilton-Smith, the state opposition leader, and Mitch Williams, the state opposition water spokesman, said when releasing a document called Waterproofing South Australia—A framework for action, August 2007? Can we just listen to this?

Ms Chapman: More breaking news!

The Hon. K.O. FOLEY: You've got it! I do like her because she just manages to help me from time to time. You are right—breaking news.

An honourable member interjecting:

The Hon. K.O. FOLEY: Quite—from their own statement.

Ms Chapman: Deaf and dumb!

The Hon. K.O. FOLEY: I don't actually appreciate being called deaf and dumb, Mr Speaker.

Mr HAMILTON-SMITH: On a point order, Mr Speaker, the theatrics of the Treasurer, inviting interjection, and then you pick us up for responding. Really, sir, I call on you to bring the Treasurer to order in his reply.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. Rann: They don't want you to read out his words.

The SPEAKER: Order! First, the Deputy Premier has an objection to a remark made by the Deputy Leader of the Opposition. I am not quite sure what she said. It was something about deaf and dumb.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: If she wants to descend into that abuse—

The SPEAKER: Order! I am not quite sure what to make of the remark. I do not know whom it was directed to. With regard to the Leader of the Opposition's remarks, I point out to him that both his questions contained debate. I have not picked him up on that and I have given the Deputy Premier more latitude in answering his question than I otherwise would have.

With regard to responding to interjections, whilst strictly it is disorderly, I generally leave that in the hands of the member on his or her feet to choose whether or not to respond to an interjection, and I apply that across the house. I am in no way selective in dealing with that.

Mr HAMILTON-SMITH: I rise on a point of order, sir. Could you explain how my last question involved debate?

Members interjecting:

The SPEAKER: Order! I am happy to explain how both questions contained debate. The first question accused the government of a blow-out, which is debate. It is an accusation against the government to which the government minister on his or her feet is going to want to respond.

The second question was about the government 'stripping' money from SA Water. If the Leader of the Opposition finds it difficult to see how both remarks are debate, I am more than happy to speak with him and go into it in some detail, but I assure him that the questions could easily have been rephrased so as to get the information that the leader was seeking but without containing debate.

Mr HAMILTON-SMITH: I rise on a point of order, Mr Speaker.

Members interjecting:

The SPEAKER: Order! I will not engage in debate on this. If you have a problem with my ruling there is a course of action, that is, to move dissent, but I will not engage in an exchange with the Leader of the Opposition in this way.

Mr HAMILTON-SMITH: I am seeking clarification, Mr Speaker. You said that my second question entailed the word 'stripping'. I will read the second question. Is the $2 billion in cash and dividends taken from seven budgets on top of—

The Hon. P.F. Conlon: *Hansard* have got it.

The SPEAKER: Order!

Mr HAMILTON-SMITH: —or before full cost recovery? I do not recollect using the word 'stripping'. I am happy to be—

Members interjecting:

The SPEAKER: Order! For goodness sake! I do not require the assistance of members on my right. I assure the Leader of the Opposition that his question contained the word 'stripped'. I am more than happy to profoundly apologise if the *Hansard* and the recording of the Leader of the Opposition's question prove me wrong, but I assure him that he used the word 'stripped' in his question. Perhaps if the leader read the question as it has been provided to him he would get himself into less trouble.

The Hon. K.O. FOLEY: I am not going to insist on it, but I take offence to a deputy leader of a political party calling me dumb and dumber, or deaf and dumb. If you want to throw that abuse—

The SPEAKER: Order! I think it is probably best if the Deputy Premier sticks to the answer.

The Hon. K.O. FOLEY: Well, I think it is offensive to people with disabilities for someone in that position to be saying that.

The SPEAKER: Well, if you find it offensive then I am more than happy to direct the member to withdraw.

The Hon. K.O. FOLEY: I also look forward to the Leader of the Opposition having to apologise, and we will, no doubt, have to have some process in that.

An honourable member interjecting:

The Hon. K.O. FOLEY: Well, he will have misled parliament. Let members opposite think about the ramifications of that. Can we concentrate on this as a parliament, because this is a person who says he is the alternate premier. That is a classic example of where he does not know what he says from one minute to the next.

Mr WILLIAMS: On a point of order, I strongly suspect that the Deputy Premier is now debating, and it is nowhere near relevant to the question that he is supposed to be addressing.

The SPEAKER: I uphold the point of order. The Deputy Premier.

The Hon. K.O. FOLEY: I apologise, sir. When we read these statements, given what he has just said in his own policy document, Waterproofing South Australia—

Mr WILLIAMS: Point of order, Mr Speaker.

The SPEAKER: Order! He is getting on with it.

Members interjecting:

The SPEAKER: Order! I have upheld the point of order.

Mr Williams interjecting:

The SPEAKER: Well, I do not know that. He has not even had a moment. The Deputy Premier.

The Hon. K.O. FOLEY: —Waterproofing South Australia—A Framework for Action, August 2007, it is no wonder that both the leader and the member for MacKillop have been trying to stop this being said. He said:

> South Australia needs to ensure that water prices recoup the full cost of supplying water.

That is their own policy document! That is exactly what we are doing. So, before question time we get criticised for something they have said in their own document, but he conveniently forgets that, because that is the way he operates—and we saw it five minutes ago. It is either deliberate dishonesty or it is an attempt to mislead and misrepresent.

WHITE RIBBON DAY

Ms PORTOLESI (Hartley) (15:11): My question is to the Premier.

Members interjecting:

The SPEAKER: Order!

Ms PORTOLESI: Will the Premier, as a White Ribbon ambassador—

Members interjecting:

The SPEAKER: Order!

Ms PORTOLESI: —tell the chamber about—

Mr Koutsantonis interjecting:

The SPEAKER: The member for West Torrens!

Ms PORTOLESI: —the International Day for the Elimination of Violence Against Women and the White Ribbon Campaign?

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) (15:11): White Ribbon Day is held on the United Nations International Day for the Elimination of Violence Against Women, and falls on this day, 25 November, every year. White Ribbon Day was started by a small group of Canadian men in 1991 on the second anniversary of the massacre of 14 women in Montréal. They began the White Ribbon Campaign to encourage men to call for violence against women to stop.

The White Ribbon Day Foundation tells us that wearing a white ribbon is not a badge of purity or a badge of perfection. It does not mean that the wearer has perfect relationships; it means that the man believes that violence towards women is unacceptable. It is a visible sign that the wearer does not support or condone the use of violence against women.

The White Ribbon Campaign is led by men who are willing to stand and be positive role models to other men in the community. A number of highly respected men from all walks of life are leading the way, uniting to become White Ribbon ambassadors and to stand up and say no to violence against women. It is terrific that so many members of this house on both sides are wearing the white ribbons.

The campaign is getting stronger every year, as more men advocate for the elimination of violence against women in our country. Current South Australian ambassadors include former Adelaide Crows captain Mark Bickley; the Hon. Dr Basil Hetzel, former lieutenant-governor of South Australia; Sir Eric Neal, former governor of South Australia; the Moderator of the Uniting Church, Reverend Rod Dyson; Deputy Chief Magistrate Dr Andrew Cannon; Julian 'Jules' Schiller from Nova 919; and Ambassador for Youth Opportunity, Gavin Wanganeen. Prime Minister Kevin Rudd is also demonstrating his strong commitment to preventing violence against women as a White Ribbon ambassador, as is our own Governor, Kevin Scarce.

Violence against women costs Australia $8.1 billion a year. Violence against women has been identified as the biggest single health risk for women aged 15 to 44 years. This is larger than many well-known preventable risk factors, such as high blood pressure, smoking and obesity. During the 2005-06 financial year alone, 11 South Australian women were killed as a result of domestic violence.

The South Australian government continues to demonstrate strong and clear leadership for the safety of women in South Australia. We are committed to ensuring that all women, children and, indeed, the whole community are able to live safely, free from all forms of violence.

To this end, in 2008, we made the most significant changes to rape and sexual assault legislation in over 30 years by passing the Criminal Law Consolidation (Rape and Sexual Offences) Amendment Bill and the Statutes Amendment (Evidence and Procedure) Bill. This law came into force this week on 23 November.

The new laws make it clear that consent to sex must be given and not simply assumed. Sexual activity is not consensual if the victim is asleep or unconscious or too intoxicated to agree. Equally, if the victim is unable to understand the nature of the sexual activity or was mistaken about the identity of the person they were having sex with, the activity is not consensual.

Judges will have to explain to juries that consent to sexual activity should not be assumed because the victim did not say anything, did not protest or resist or had previously given consent. Victims of sexual offences and vulnerable witnesses generally will benefit from greater protection when giving evidence in court as a result of this government's reforms.

The laws also give greater consideration to the alleged victims of sex crimes aiming to reduce the trauma that victims often further experience as a result of the court process and giving evidence. In addition, the South Australian government has pledged more than $860,000 over the next four years to educate people about the changes to these laws, but just as importantly to change public attitudes about violence.

Early next year we intend to introduce legislation addressing domestic violence into the parliament. We will ask members to prioritise this legislation to ensure that both South Australian victims and perpetrators of domestic violence understand that this government does not accept domestic violence in our homes. We will be considering measures to maintain victims and children in their home, the operation and issuing of restraining orders, and providing clarity of what behaviours are domestic violence.

I was pleased to hear today that Australia has formally moved to become a party to the optional protocol to the UN Convention on the Elimination of All Forms of Discrimination Against Women. Minister Tanya Plibersek has said today that acceding to the optional protocol will send a strong message that Australia is serious about promoting gender equality and that we, as a nation, are prepared to be judged by international human rights standards.

My hope is that some day this campaign will not be necessary, that violence, not just towards women but all its forms, will be eradicated. Until that day, I encourage all men in South Australia to join us in taking a stand against violence towards women and wear a white ribbon.

EMISSIONS TRADING SCHEME

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (15:18): Why did the Premier not ensure, before Labor's carbon pollution reduction scheme was developed and released, that Port Pirie smelter owner Nyrstar was an exempt operator under criteria for industries at risk of being forced offshore to higher polluting countries by the scheme? Nyrstar products are sold at prices set by the London Metals Exchange making emissions intensive trade exposed to industries which should be eligible for substantial exemptions, assistance or free permits, but Labor's green paper uses a calculation that reflects an unusual two-year price spike on international markets, moving Nyrstar outside of its eligibility criteria and putting at risk the future of Port Pirie.

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) (15:19): Here is another example of the Leader of the Opposition saying one thing one day and another thing the next day. We have just heard the Deputy Premier after the fandango and the putting out of a release before and hoping that the media will not remember what he has said on water prices. Water prices, they told the media, were going to be the story of the day even though they had been previously announced and here we have it in his own words from August 2007: 'South Australia needs to ensure that water prices recoup the full costs of supplying water'—Martin Hamilton-Smith.

Mr WILLIAMS: Point of order, Mr Speaker, regarding relevance.

The SPEAKER: Order! The Premier must answer the substance of the question, which is about the Port Pirie smelter.

The Hon. M.D. RANN: And I will, because the relevance was the relevance of the Leader of the Opposition's character, which is going to be increasingly cut, just as his recklessness and his anger—

Mr WILLIAMS: I rise on a point of order, Mr Speaker.

The SPEAKER: Order! The member for MacKillop has a point of order.

Mr WILLIAMS: Now I suspect that the Premier is debating.

The SPEAKER: Order! The Premier is debating. He must answer the substance of the question.

The Hon. M.D. RANN: Just to explain the process for people opposite who do not understand about what is a green paper and what is a white paper and what is draft legislation and what a bill is and what a law is and what an act is. Okay? The federal government issued a green paper for comment on its emissions trading scheme, and I have been in discussion with a series of South Australian companies that are likely to be exposed to that scheme. Now, the fact is that there are not many companies in South Australia that would be affected by an emissions trading scheme. They are not part of the net, and there may be 25 to 30 companies.

I have been going around visiting companies such as Origin and AGL in Sydney and talking to companies like OneSteel about what it means for them. I remember when we introduced—and again it gets back to that same issue—legislation into this parliament, which was about greenhouse gas reduction legislation, the Leader of the Opposition marched in here—we were the first in Australia and the third in the world—and said it was not tough enough. He was not going to support it because it did not go far enough. Then, of course, what happened is that he received a phone call, and we have it on record.

The Hon. K.O. Foley: No; he said that we didn't do that.

The Hon. M.D. RANN: He said he didn't do it. Well, we have it on record. We are very happy to release the *Hansard*.

The Hon. P.F. Conlon: And he didn't say 'stripped'.

The Hon. M.D. RANN: That's right, and the media and I are going to go and check their tapes about whether he said stripped or not.

Mr WILLIAMS: I rise on a point of order, Mr Speaker.

The SPEAKER: Order! The member for MacKillop.

Mr WILLIAMS: My point of order is one of relevance, and I also suspect that the Premier is debating again.

The SPEAKER: I will listen to what the Premier has to say. He is perhaps straying a bit close to debate, but I will listen to what he has to say.

The Hon. M.D. RANN: Okay; so what has happened is that I have gone around and spoken to various companies and I have asked them, 'Okay; what does your modelling show in terms of how it will impact on you?' Because everyone across Australia, Liberal, Labor, business—John Howard even turned, in his last year, from being a climate change denier into supporting an emissions trading scheme—knows that we have to do something about reducing greenhouse gas emissions, but at the same time what we need to do is ensure that we do not see the export of jobs with companies that would pack up in South Australia or in other states and set up in another country, where they do not give a damn about the environment or CO_2 emissions. And it is the same atmosphere. There is no point in that.

So what we have said is that, just as we spoke to people before the green paper, we are asking people after the green paper, 'Tell us how it impacts on you and tell us how we can help in terms of making submissions to the federal government.' It is what a government does rather than play games. Of course, what happened is that I met with Nyrstar, which is in fact registered on the Belgium stock exchange, although its corporate headquarters are in London. Not only that, but I will be seeing the chief executive officer and the COO in London and those arrangements—by the way, despite what was said in the media—were made before the announcement of a by-election in Port Pirie.

So, if you are suggesting that, when we made those arrangements, somehow Rob Kerin conspired with us and gave us a week's notice of what he was going to do, I think that is a terrible condemnation of a former leader of this state, who is known for his integrity, but we remember when you said that you were right behind him, Rob, and then stabbed him in the back.

The SPEAKER: Order! The Premier is debating now.

The Hon. M.D. RANN: Let us go on to what he said. I visited Nyrstar because I am seeing the Prime Minister this week at the COAG meeting and the night before, and I am then going to be seeing the heads of Nyrstar internationally about what they want to me to do and what their negotiations subsequently have been. We made a submission to the federal government following meetings with the company. In fact, while I was in China, the Acting Premier made a submission to Kevin Rudd on our behalf, because Nyrstar told me that basically they fell just out of the ambit of getting assistance or exemptions for transitional arrangements.

What happened is that the opposition leader has accused my going on Friday to Port Pirie for talks with Nyrstar about the future of the plant and the thousands of jobs that depend on it ahead of a by-election as a Labor Party stunt. I am not quite sure how the Leader of the Opposition, on his way to Port Pirie three days later, could describe my going there three days before as a stunt, but, anyway, the difference between us is that I met Nyrstar's management in Adelaide back in August to discuss their concerns. Did I know about Rob Kerin pulling the plug before Christmas back in August? If I did, then it must have been through ESP. I have requested further meetings as well.

In contrast, the Leader of the Opposition suddenly has decided to take an interest in the matter only once a by-election is underway. It was a stunt for me to go there. It was all about the by-election, even though I had meetings and requested meetings in London before a by-election was caused, and we had written to the Prime Minister because we are actually concerned about those jobs. Then, suddenly, the Leader of the Opposition changed his mind: there was no threat to Nyrstar at all. Apparently it had all been sorted. In fact, they had been exempted, he said, so why was he going there on Monday? It does not make any sense to me.

In his media release yesterday, the opposition leader said that I was playing cruel mind games and then went on to say 'an exemption is guaranteed under the criteria outlined in his own party's green paper on the scheme'. By asking this question today, he has totally contradicted what he said in Port Pirie yesterday. Why is he asking me questions about it if he says they were exempted under the criteria outlined in the party's green paper? Again, on radio this morning, the leader said:

> I can assure the people of Port Pirie that he's [that is me] already cooked something up behind closed doors with Mr Rudd and Ms Wong.

How can there be both a secret deal to give Nyrstar an exemption, as well as an exemption being plain in black and white in the federal government's green paper? You can't have it both ways.

He says that they are already exempted in the green paper and now he is saying, 'Don't worry, Rann has already fixed it up.' It does not make any sense at all. You have to mean what you say and say what you mean, because three times today you have been caught out—and this goes to the question of your character. Let me just say this: I prefer to believe the boss of Nyrstar. Is the Leader of the Opposition calling the chief operating officer of Nyrstar a liar in this house? The company's statement dated 12 November states:

> Under the proposed Emissions Trading Scheme, neither the Port Pirie nor Hobart smelters will qualify as an emissions-intensive-trade exposed industry because the emissions intensities using the proposed metric are below the thresholds proposed.

Nyrstar (internationally and nationally) says that they are not exempt and now you are saying to us that they have been exempted, anyway, and they were exempted in the green paper. Please start telling the truth to the people of Port Pirie.

Members interjecting:

The SPEAKER: Order!

ORGANISED CRIME

Mrs GERAGHTY (Torrens) (15:29): My question is to the Premier. Will the Premier update the chamber about the state government's efforts to tackle serious and organised crime, particularly in relation to criminal bikie gangs?

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) (15:30): I am pleased to answer the honourable member's important question. I can remember her historic campaign in 1994 to become a member of this parliament, when she took me doorknocking and I actually doorknocked an outlaw motorcycle gang member. Even then, I have to say that I learned words that were somewhat unusual.

Ms Chapman interjecting:

The Hon. M.D. RANN: I am asked by the deputy leader whether he has been arrested; well, let us talk about that. Automatic assault rifles, ballistic vests, thousands of rounds of ammunition, over 50,000 deals of illicit drugs, and more than half a million in cash have been seized by the Crime Gangs Task Force in its first year of operation. This is a specialised anti-bikie squad which has also made more than 200 arrests and reports of outlaw gang members and their associates—clearly proving that this task force is hitting criminal bikie gangs right where it hurts.

The task force is a 44-member strong unit of investigators, general duties patrols, undercover officers, Star Group officers and traffic police working in teams to target crime gangs. Launched in November last year—so those 200 arrests were from its launch in November last year—the Crime Gangs Task Force has expanded SAPOL's operations and intelligence-gathering capabilities to home in on criminal bikie gangs and their associates.

The Crime Gangs Task Force took over from the highly successful Operation Avatar, and, with the help of this government's extra 440 officers who have been recruited, SAPOL has been able to double the number of officers cracking down on criminal gangs and their associates. As part of its team-based approach, the Crime Gangs Task Force works in close connection with other areas of SAPOL, including local service areas, crime service and operations service branches.

The Crime Gangs Task Force continues to actively police criminal bikie gang activities, including mass bikie runs and associated events held throughout the state. Historically, outlaw bikie gang members involved in such runs have largely ignored complying with road rules, using their numbers, presence and reputation to force their way through intersections—often at the peril of themselves and other motorists. This simply will not be tolerated.

During a recent run, SAPOL deployed over 150 officers drawn from the Crime Gangs Task Force, northern and southern operations, crime services and traffic, and also utilised the Adelaide Bank helicopter to police and monitor the ride. During these runs SAPOL strictly enforces the law, requiring riders to submit to random breath and drug testing. These tactics work to ensure good order, public confidence and the safety of other road users and, as a result, I am advised that there has been a significant reduction—in fact, by almost half—in the number of gang members taking part in bikie runs. They do not like the random drug testing.

These gangs present the most serious threat to South Australia of any organised crime group due to their involvement in all facets of crime. That is the very reason this government introduced laws to disrupt the criminal activities of bikie gangs, dismantle their crime networks, and discourage others from trying to set up here in South Australia. I am pleased that the Western Australian police commissioner is urging that government to adopt our laws—although I have to say that I did laugh when I saw Victorian commentators saying that these laws would not be tolerated in Victoria because they would impinge on the bikies' human rights. We kind of expected that.

Over the next four years we will dedicate almost $14 million towards enforcing these tough new laws and securing more convictions. The new laws—which restrict the activities of criminal organisations, their members and associates, including liaising with each other, possessing dangerous weapons and attending specific locations—will help police in preventing crime through targeted disruption.

However, by no means will we be stopping there. Over the next 12 months we can expect to see new legislation introduced into parliament, including measures that will give prosecutors the authority to seize the ill-gotten profits and assets of drug traffickers, as well as new laws to give police enhanced covert investigation powers. The government intends to continue to do everything in its power to deliver the result South Australians want, which is to keep the pressure on these bikie gangs, keep locking them up, keep confiscating their drugs, and keep confiscating their weapons.

EMISSIONS TRADING SCHEME

Mr PEDERICK (Hammond) (15:35): My question is for the Premier. When will Labor's white paper on an emissions trading scheme be released, and has it been delayed beyond the date of the Frome by-election?

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) (15:35): Tell me: are they now worried about losing a Liberal safe seat? Seriously, that is a bizarre question. What I will be doing is what I announced before the Frome by-election. Do not criticise Labor for the Frome by-election; it was all your own work. There does not need to be a by-election in Frome; it is all your own work.

What I will be doing is fighting to secure the jobs of Nystar workers. I was involved in discussions long before the by-election was caused by one of your own members. You have just discovered the issue; that is why you went there on Monday; and that is why you have contradicted yourself three times in two days.

WATER, ENVIRONMENTAL FLOWS

Mr WILLIAMS (MacKillop) (15:36): My question is for the Minister for Water Security. Why did the government dismiss the recommendation of the Department of Water, Land and Biodiversity Conservation in 2003 to purchase water for environmental flows? FOI documents recently released reveal that the department had recommended to the government the purchase of water as a long-term strategy for environmental flows at a cost of between $1 million and $1.2 million per gigalitre. The suggested initial investment was for five gigalitres, with a maximum cost at that time of some $6 million—about half of what it costs today.

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (15:37): I find this a very interesting question, given that the opposition and the former federal government actually opposed the purchase of water from willing sellers right up to January last year. January last year was the first time that the federal government considered that the purchase of water from willing sellers was a legitimate way to get water back into the environment.

Prior to that, the South Australian government has consistently supported the purchase of water from willing sellers. In fact, in the Living Murray Initiative, where the South Australian government put up $65 million towards the first step to return 500 gigalitres to the River Murray by 2009, the South Australian government has been in the market—

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: —purchasing water. We have been in the market purchasing water, and we continue to do so.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: The Attorney will come to order!

The Hon. M.J. Atkinson interjecting:

The SPEAKER: The Attorney will come to order! The member for Unley.

ROSE PARK PRIMARY SCHOOL

Mr PISONI (Unley) (15:38): Did the Minister for Education or her staff intervene in a dispute between the principal of Rose Park Primary School and members of the school's governing council? The school operates an unzoned R-7 Family Unit. With numbers in the unit declining, the principal decided to reallocate the teaching resources into the general school.

I have been advised that a Family Unit parent, Margaret Sexton, former UTLC president, emailed her friend the Minister for Education asking her to intervene and overturn the principal's decision. The Department of Education wrote in September that the principal had 'ultimate responsibility' for the school's management, but after Margaret Sexton's email was sent to the minister the principal's decision was reversed.

The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education, Minister for Mental Health and Substance Abuse, Minister for Tourism, Minister for the City of Adelaide) (15:40): I thank the member for Unley for his question. He is talking about what is a very popular program in one of our inner city schools. It is a program that has been in place for several decades. As with many unusual programs I understand that it has been quite controversial. There are people who are great supporters of this program; there are others who say that the program should not be in public schools. In fact, there is very often debate about whether public schools should have special programs. I know that there has been some discussion about whether we should have Steiner programs, sign language—

Mr PISONI: On a point of order, Mr Speaker, my question was specifically about the interference of the minister or her office, not about the program being run at the school. We are aware of that program, but this is about ministerial interference in the running of the school.

The SPEAKER: There is no point of order. The Minister for Education.

The Hon. J.D. LOMAX-SMITH: I was explaining that there are several programs that are popular with communities, with family groups and within our schools. Our view as a government has been that communities should be involved in the management of school programs and that they should play a part in decisions about the direction our public schools should take. I think it is highly appropriate that, where a program is in place and parents are voting with their feet to join that program, those communities should be able to have those programs in place.

Mr Pisoni interjecting:

The SPEAKER: The member for Unley will come to order.

The Hon. J.D. LOMAX-SMITH: Having said that, it is important that one recognises that all programs have to be performance measured. They have to be accountable, as they are spending public money. In this school, I think it is entirely reasonable that the program the member for Unley talks about should be reviewed, and I understand that that review will occur.

SHARED SERVICES

Mr GRIFFITHS (Goyder) (15:41): My question is to the Treasurer. What are the anticipated job losses in the Port Pirie and Clare areas from the government shared services program? The opposition has been advised that 37 full-time equivalent positions (up to some 70 people), particularly within the health and TAFE departments, will be affected in the Mid North and Yorke Peninsula regions by shared services reforms.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (15:42): I do find it interesting that I think this is the first time I have been asked a question about the electorate of Frome since I have been Treasurer. It takes an absence of a member for Frome—to have no member for Frome—to be asked a question. I wonder what that is all about! I ask members to reflect on how much care and concern the Liberal Party has shown towards the electorate of Frome in the two years since the last election. I doubt that there has been any question, but members opposite are obviously very concerned about the electorate.

I will come back to the member with an answer but, as I think I have said (if not in this place, then publicly), there is some impact in the country, and there is no denying that. I believe that impact to be minimal in the context of what is occurring, and the government has been very supportive and, indeed, generous in terms of wanting to offer anyone who is affected relocation packages and assistance in terms of seeking other positions.

Mr Williams interjecting:

The SPEAKER: Order, the member for MacKillop!

The Hon. K.O. FOLEY: I will come back to the member, but I reiterate this point: doesn't it show something about an opposition which has cared little about the electorate of Frome that it takes a day when there is no actual representative for Frome from the Liberal Party for it to care and bother to ask a question?

SCHOOL INFRASTRUCTURE

Mr PISONI (Unley) (15:44): My question is again to the Minister for Education. Is the government failing to maintain state schools? Is money being diverted from schools in Port Pirie to fund government super schools?

Members interjecting:

The SPEAKER: Order!

Mr PISONI: The opposition is advised that maintenance work at Port Pirie West Primary School has not been carried out. The government started work on salt damp treatment in two of the older buildings, but it has since failed to return to finish the work, which has resulted in unsightly cracking.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education, Minister for Mental Health and Substance Abuse, Minister for Tourism, Minister for the City of Adelaide) (15:45): I do think it is ironic that the member for Unley should be questioning our record on school maintenance. This is the former government that let our schools run downhill until there was a capital works maintenance backlog that was absolutely extraordinarily large.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. LOMAX-SMITH: We have invested in excess of $900 million in doing up public schools. We have reformed our system. We have implemented our Education Works agenda, which is extraordinarily successful. Not only is it successful but schools have fought to be part of this program. It is astounding that those opposite would try to suggest that we are under-funding capital works. Where have they been? What have they been doing? Maybe they have not been visiting public schools and seeing the investment that we have made.

Members interjecting:

The SPEAKER: Order! Members on my left, settle down.

The Hon. J.D. LOMAX-SMITH: I can assure those in this chamber that we have a capital works program that is progressing. If capital works is stopped on one site it would be to do with local issues, maybe local tradesmen, there will be an explanation that will be perfectly rational, but to suggest that we are defunding a project in the middle of it being undertaken is just an absolute nonsense.

COUNTRY HOSPITALS, BIRTHING

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:46): My question is to the Minister for Health. On what basis are women giving birth in country hospitals to be discharged—

The Hon. J.D. Lomax-Smith: Pregnancy!

Members interjecting:

Ms CHAPMAN: You might think it is funny. You might think women in country hospitals is funny, but they do not think it is funny out there.

Members interjecting:

The SPEAKER: Order! The house will come to order.

Ms CHAPMAN: —to be discharged four hours after delivering their babies? Recently I received a letter from a country resident who is preparing for the birth of her second child. She received correspondence from the South Coast District Hospital, which is situated at Victor Harbor, which stated:

> After your baby's birth it is expected you will be discharged as soon as you are ready, usually within four to 24 hours.

Last month she wrote to the minister and the hospital explaining what she considers to be inappropriate for regional South Australians. She pointed out that, for the rest of South Australia, it says on the health department's website:

> How long you will stay in hospital? The length of stay in hospital after having a baby varies. For most mothers this is about three days following a vaginal delivery and five to seven days following caesarean sections, etc.

Four hours in the country.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:48): There are so many issues here that one would want to explore. The first is that the Deputy Leader of the Opposition is referring to a country hospital. This government is trying to bring country hospitals within a system so we can actually have some standards which apply broadly across country health. The Deputy Leader of the Opposition and her party have resisted that every single inch of the way.

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: That is the first point. The second point is that we have established within the health department, and particularly relating to country health, a clinical network which is looking at obstetrics and birthing generally to try to come up with a set of standards and processes to be put in place so that people across South Australia, whether they are in the city or the country, can have very high standards of health care.

The third point is that, on her own reading of the report, the hospital wrote to the woman and stated, not within four hours, but within four to 24 hours most women will leave the hospital. That might be a fact. I am not aware of what the facts are, but if the hospital states to women that within four to 24 hours most women leave the hospital, that is a matter of fact.

Members interjecting:

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

The Hon. J.D. HILL: On the deputy leader's own reading of that report—

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order! The Minister for Transport!

The Hon. J.D. HILL: —it makes it clear that that is a matter for the clinician and the patient. Clearly, the clinician will make a decision about what is in the best interests of the patient. The patient and the clinician will do it together.

Members interjecting:

The Hon. J.D. HILL: You are totally misleading and you are being totally dishonest and untruthful in your reading of that statement, and you know it.

MODBURY HOSPITAL ONCOLOGY SERVICE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:51): My question is again to the Minister for Health. Will the Oncology Department at the Modbury Hospital be closing

at the end of this year? The opposition has been informed by a patient who has been treated at the hospital for 12 years that the Oncology Department will close at the end of the year and that the doctor who has been seeing them will retire.

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:51): The deputy leader is correct, the doctor is retiring, and the health system is working through the options for continuing the service. I am advised that the service will continue under a new arrangement.

MODBURY HOSPITAL ONCOLOGY SERVICE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:52): I have a supplementary question for the Minister for Health. Is the new arrangement that all patients will be referred to the Royal Adelaide Hospital?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:52): No.

SOUTH AUSTRALIAN ECONOMY

Mr GRIFFITHS (Goyder) (15:52): Does the Treasurer believe that South Australia will go into recession in light of the current economic turmoil? The ANZ Bank has forecast one quarter of economic decline nationally. However, ABS data confirms that South Australian economic growth has consistently underperformed national growth in recent years. South Australia's foremost domestic demand growth has been lower than the national average since September 2003.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (15:53): The Leader of the Opposition recently—

An honourable member interjecting:

The Hon. K.O. FOLEY: No, I have my dockets; I am doing a bit of paperwork to make some use of question time. The opposition criticised me for some comments I made which, on reflection, may have been a little honest and upfront but, when compared to what many people have been saying about the current situation, they were, in fact, quite consistent. We are in a very difficult economic environment. The Leader of the Opposition attacked me for irresponsibility and recklessness for talking down an economy. Here we have the shadow finance minister talking about South Australia going into a recession. Talk about talking down an economy. Talk about reckless, ill-considered questions—that is one of them.

Mr Williams: He gave you an opportunity to talk it up and you failed.

The SPEAKER: Order, the member for MacKillop!

Members interjecting:

The SPEAKER: Order! The Treasurer.

The Hon. K.O. FOLEY: Sir, they are losing it over there. They have lost it this question time. Look at him.

Mr WILLIAMS: My point of order is relevance. The opposition finance spokesman asked a question about—

The SPEAKER: Order! The member for MacKillop will take his seat. The answer is relevant, but it is debate. The Treasurer needs not to debate the question—however relevant it might be—and simply answer it.

The Hon. P.F. CONLON: A point of order, sir: it is completely out of order to interject but it is also out of order to interject when you are raging up and down the corridor and, if he does not do that, it is less likely that the Deputy Premier will need to enter into debate. He should just calm down.

The SPEAKER: I ask all members to behave with dignity in the chamber. It should not be too much to expect. The Deputy Premier.

The Hon. K.O. FOLEY: What is required during this very difficult period of time is leadership and management of the finances and the economy with calmness, a cool head and a

confident ability. Just imagine members opposite and the shadow treasurer with his performance today where he has clearly misrepresented within a matter of two minutes one thing he said—

The SPEAKER: Order! That is—

The Hon. K.O. FOLEY: Sorry, sir; I brought it in with the context of the fact that managing a state or a national government during a difficult financial crisis does take some calmness, confidence and—

Ms Portolesi: Ability.

The Hon. K.O. FOLEY: —ability, yes. I just say that members opposite are not demonstrating that. No, I do not believe South Australia will enter into a recession; I do not believe Australia will, but what I cannot say is what lies ahead of us over the next six, 12 or 18 months—

The Hon. P.F. Conlon: Because no-one can.

The Hon. K.O. FOLEY: —because nobody knows. The truth of the matter is—and I was accused by members opposite of being an alarmist a few months ago when I first raised this issue—this is the most substantial and most difficult financial time arguably the world has ever seen. It is quite a different situation in many parts than what occurred in the Great Depression because in those days we did not have the social policies and the social safety nets that we have in civil society today. But the wealth destruction that has occurred globally is quite extraordinary.

We see what is happening with the automotive industry in the United States. We see overnight that the United States government has guaranteed Citibank to the tune of $300 billion—I think the words are of 'toxic mortgages'. What an extraordinary development! You have President-elect Barack Obama, apparently by some reports, considering a further $700 billion fiscal stimulus to the United States' economy.

The Hon. P.F. Conlon interjecting:

The Hon. K.O. FOLEY: Yes, there was a substantial UK injection into fiscal policy. Of course, the Premier and I travel to COAG on Thursday, Friday and Saturday—we are meeting all day Saturday—and we will hear there hopefully the intentions of the federal government as it relates to states' finances and further fiscal stimulus.

This is a period of economic meltdown and uncertainty for which none of us, least of all a state treasury, has a capacity to see what is going to happen in the next six to 12 months. The best we can do is to brace ourselves and to position ourselves to the best of our ability to withstand the economic and financial shocks if and when they arrive. We have certainly seen a banking crisis, we have seen a financial crisis, we now see what occurs as it rolls out through the real economy. I cannot with any confidence predict the future but I am very hopeful and I have been given no advice that would suggest to me that we are going to head into recession.

IRIS SYSTEMS

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:59): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: Last year the Anti-Corruption Branch of South Australia Police and the Government Investigations Unit launched investigations into allegations regarding misuse of intellectual property for software known as IRIS2 at IMVS. I also made the Auditor-General aware of this issue. In April this year SAPOL referred the matter to the Office of the Director of Public Prosecutions. Today I inform the house that the Office of the DPP has recently advised that there is no reasonable prospect of conviction of any person for an offence in relation to these allegations. The Department of Health is now seeking further legal advice from the Crown Solicitor's Office about other remedies that might be available in relation to the software.

Meanwhile, as I have previously informed the house this year, separate questions have been raised about the conduct of several former employees at Medvet. Medvet is the company incorporated by IMVS to commercialise its intellectual property. This issue was immediately reported to SAPOL, who will be investigating those allegations. They have also been referred to the Auditor-General. The government has been progressing its policy of making IMVS and, in turn, Medvet more accountable and to make its governance more robust.

Until 1 July this year, IMVS was a statutory authority that was responsible to its own independent board. IMVS had is own chief executive who reported to the board. It operated with a high degree of autonomy as was required by the Institute of Medical and Veterinary Science Act 1982. On 1 July 2008, the IMVS Act was repealed by parliament and the IMVS was thereby dissolved as a separate statutory authority.

The new Health Care Act 2008 enabled the merging of IMVS with other government pathology services to form one pathology service called SA Pathology. SA Pathology is now part of the Central Northern Adelaide Health Service. SA Pathology is now responsible to the Chief Executive of SA Health, and through him to the Minister for Health.

Also, since the repeal of the IMVS Act, changes have been made to the constitution of Medvet to allow its operations to be directed with greater transparency and consistency with general government aims and policies. The government has now appointed a new set of directors to the Medvet board following these governance changes. The government is also continuing to investigate the finances and use of intellectual property at Medvet. It is worth noting again that the opposition opposed those governance changes to IMVS and Medvet.

GRIEVANCE DEBATE

SA WATER

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (16:01): Apparently I have accused the government of stripping $2 billion out of SA Water over seven budgets, and I have to say that it is true. But the Speaker is always right, sir, and you corrected me. Apparently, in my supplementary question I did accuse them of stripping $2 billion out of SA Water—

Members interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: —and I thank you, sir, for correcting me on that.

The Hon. M.J. Atkinson: Because you did.

Mr HAMILTON-SMITH: I freely acknowledge that I did say the word 'strip', and, as we all know, you are not supposed to use argument within questions. So I freely acknowledge that. Now within the scope—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. Atkinson interjecting:

Mr HAMILTON-SMITH: No apology is due. I have acknowledged that I said it. But let me repeat: the Treasurer has stripped $2 billion out of SA Water over seven budgets. He has mismanaged the SA Water budget and he is leading this state into fiscal chaos. He is happy to spend $48 million or so on a Taj Mahal at Victoria Square. He is happy to run an SA Water that is apparently overcharging customers to the extent of 30 per cent, so that it can rake $2 billion off them over seven budgets. He is running an SA Water that has not got the money to build stormwater infrastructure. He is running an SA Water that has not got the money to adequately build wastewater infrastructure. He is running an SA Water that cannot even fix the leaks.

But he has enough money in SA Water to take $2 billion over seven years and put it into his general revenue coffer, so that he can build trams, so that he can have 15 ministers, so that he can hire between 14,000 and 17,000 extra public servants (depending on whose figures you follow), and so that he can hire more fat cats than the state has ever seen in its life before. He is happy to use that $2 billion. It is around, as I understand it, 30 per cent of people's water bills. He is happy to use that on general revenue and he says, 'Well, the previous government used to do that too.' That is true, they did, but nothing on the scale that is occurring under this Treasurer's treasurership. So, I am afraid, yes, I have uttered the words 'stripped $2 billion out of SA Water over 10 years'. I will be careful not to say that again in the context of a question, but I can tell members, in my view, that is what has occurred. It is general revenue; it is general tax. It is simply another form of taxation taken out of the pockets of SA Water bill payers for the purpose of propping up this Treasurer's budget.

It highlights a few simple truths. The people of South Australia will now face a further hike in their SA Water bills. The government cleverly described it as a 12.7 per cent increase (I think it

was) in real terms, seeking to keep out of the figures inflation. Of course, we know that is around 17 per cent when you take inflation into account. However, we understand from the information obtained under freedom of information that cabinet has now had recommendations put to it about increases to SA Water bills that are to be gazetted as soon as next week, and that those increases will be more in the order of 20 to 25 per cent rather than 17 per cent. Let us see whether the information we have been given transpires when the *Government Gazette* is published.

It is true that the costs of providing water have to be fully recovered. There is no question about it. I stand by my remarks. It is a patent truth that the full costs have to be recovered, but the government must explain why it has stripped this $2 billion out of SA Water and whether that is genuinely part of that cost recovery. I don't think it is.

Time expired.

BARNET, MR C.

Mr PICCOLO (Light) (16:07): Today I wish to put on the record the contribution made to Gawler and the surrounding districts by the late Craig Barnet. Craig is a member of the Barnet family, who, for over a century, published *The Bunyip* newspaper and who have had a long and proud tradition of supporting the Gawler community. Craig died on Tuesday 21 October, leaving a proud legacy of service to his community.

At the outset, I wish to state that my speech, with the permission of the editor, relies heavily on the stories that have appeared in *The Bunyip*. Craig is remembered as a respected journalist and local historian, with an unrivalled passion for Gawler, his home of 57 years. Craig was paradoxically best known and least known for his offbeat and controversial column written under the pseudonym of Cit, pillorying, lampooning and raising the ire of people for more than 30 years. Everyone read the Cit column, particularly those who held public office, firstly, to see whether he was mocking you or who was his latest target. At some point, everyone has disliked Cit's column, but everyone has read it.

According to the current Bunyip editor, Ms Heidi Helbig, even though Craig was comfortably retired, as a result of *The Bunyip* being sold to the Taylor family of the Riverland, he returned to *The Bunyip* office every Thursday and took great delight in writing the column for a minimal fee. Craig joined the staff of *The Bunyip* as a journalist in 1970 and became a partner in the business in 1977. He made his mark as a journalist and photographer and, during his 33 year full-time stint at *The Bunyip*, won many country press awards, including best newspaper in 1993.

His unflinching approach to news reporting was only matched by his love for Gawler and its history. In 2006, he presented an 1863 hand-drafted map of 'Gawlertown' to the Gawler council for inclusion in the Gawler Civic Collection. It is at this time that the town of Gawler accepted my recommendation (when I was mayor) that the reading room in the Gawler public library be named The Bunyip Reading Room in acknowledgment of the enormous contribution that both *The Bunyip* and the Barnet family have made to the life and social history of the town.

The Bunyip has chronicled the development of the town of Gawler from its earliest days. We owe much of our knowledge about Gawler's past to *The Bunyip*. Longtime friend and colleague, Robert Laidlaw, and Craig had tentatively discussed plans to write a 150-year history of *The Bunyip* in 2013, and Robert hopes to see the project come to fruition in honour of his friend and mentor.

Craig was a fearsome competitor on the footy field, continuing a family dynasty begun by his great uncle Robert in 1889 and maintained by his son, James. Named in the Gawler team of the century in 2005, Craig was described as a 'tough-as-nails' half-back flanker. I was shocked by the news of Craig's death. Craig's passing is a great loss to his family, friends and community. In my view Gawler will be the poorer without Craig's presence.

I first met Craig and other members of the Barnet family back in the early eighties when I was first elected to council, and over the years a strong friendship has developed. The relationship did not start warmly, with the Barnet family seeing me as some sort of bolshie upstart, but over the years a mutual respect and friendship developed between Craig and other members of the Barnet family and myself—so much so that in the 2006 election some members of the Barnet family were on my campaign team, much to the shock and horror of diehard conservatives in the town.

Craig loved Gawler and wanted to right all the wrongs he saw in the town, using the media to draw our attention to things he thought were not right. While we did not always agree with his views, he was right to draw issues to our attention. I think Craig disliked complacency, so he poked

at us to make us think about issues. We will miss his conscience. In a recent editorial, Ms Helbig said:

> As a colleague, Craig was moody…colourful and engaging, in equal measures. Much like his personality, his writing was punchy, incisive, humorous and quirky. He made us laugh with his witticisms, his humour and also his cynicism.

Craig was indeed full of contrasts and contradictions. She went on to say:

> When a subject stirred his emotions he was inflammatory and relentless, lampooning and pillorying through his Cit column in the tradition of his forefathers, whose charter was to 'puncture the pompous'.

The Bunyip started as a mouthpiece for the Gawler Humbug Society.

Craig is survived by his mother Daphne and three brothers John, Anthony and Paul, and their families. My heart goes out to his family, and in particular to his wife Maxine, daughter Nicki and son James. I cannot even start to imagine what a difficult and painful time this is for them.

Ms Helbig correctly said that Craig's 'inventory of insults was legendary. Among others his wrath was levelled at the bleeding heart do-gooders, anti-everything mob...' It is sad to see that Craig was not able to love himself as much as he loved his town.

Time expired.

PRIMARY PRODUCTION

Mr VENNING (Schubert) (16:08): Watching the news on Monday night I was surprised to see Ms Carol Vincent, chief executive of the South Australian Farmers Federation, criticising the Bureau of Meteorology for what she called the inaccuracy of its long-range weather forecasting. I could not help but think that the Farmers Federation was learning from the Premier, who almost daily graces our television screens and bombards the airwaves to inform us that it is all God's fault that it has not rained, and that it is everyone's fault but his that the River Murray is in such a parlous state. Of course, it could be argued that had the farmers had better knowledge of the nature of the growing season many may not have planted their crops. This would have saved them money but, without any income, at best it might have reduced losses and delayed some inevitable bankruptcies by a few months.

However, the smiles that Ms Vincent's remarks may have produced mask an unfolding tragedy which could touch every Australian. While the CSIRO deserves much praise for breeding ever more drought and disease resistant grains, no-one has yet produced a grain that will grow without water—or, indeed, produced a grain variety that will produce profitable crops in the declining rainfall regimes of the Australian cereal heartland. It does not matter how much iron ore we produce or how much uranium and coal we export, it is food and not dollars in the bank that guarantees our continuing life.

Some might argue that with enough dollars we could simply import food; however, with a population greater than at any time in human existence, with increasing acreage being diverted from food and fodder production into biofuels feedstock, and with increasing desertification and salinisation, the additional retiring of previously arable land spells starvation. Whether we confront permanent climate change or, as has been suggested by Professor Mike Young, a 27-year dry cycle, the results will be the same.

This particular Rome has been burning for years, and Nero Rann over there, obviously captivated by Andre Rieu, is still playing his violin. Surely even he must understand that this is no longer a game of spinning every situation to ensure his survival at the next election; surely even he must comprehend that we face a potential crisis, the like of which we have not seen before. We need leadership, we need action: we do not need any more excuses.

Much of our recent attention has rightly been focused on diminishing water supplies and the plight of the River Murray, and that should continue. However, we need both our state and national institutions, with the urgency of a Manhattan project, to devote their intellects and innovation to the plight of our primary producers. Since it is not currently feasible to suggest that our vast acreages can be watered through pipe networks of desalinated water, alternative solutions must be found.

At this time of critical world food shortages, to abandon arable lands because we and the parliaments of the nation could not see beyond the boundaries of our cities, spells not only national disaster but a dereliction of our duty towards the surviving of other countries.

All my life I have heard what some of you are probably thinking now: old Ivan is giving another whingeing farmer speech. I just leave you, the parliament, with this question: would you rather listen and perhaps take in something like this or leave it until you hear the first child you love whingeing because they have not had enough to eat? It is that serious.

As I said in the house this morning, we in this country no longer keep a check of food stocks, and I believe that is a dereliction of our duty. It always used to happen under the regulated system. I am very concerned about that. I only hope that the farmers can continue into next year. In the current situation farmers are totally at a loss to know what to do with their grain, whether to market it or whether to store it, and at what price to sell. This is the issue that our fathers—my father, the member for Finniss's father and the member for Bragg's father—were very supportive of; they were very supportive of a single desk system. Now we are paying that price.

All of us are looking for leadership on this issue. I just wish the Premier would stop playing politics with such a serious issue, because there is no guarantee that it is going to rain next year. It is high time the Premier started doing things and stopped talking. We are sick of the rhetoric, and the people in Frome are sick of the rhetoric. I think the government will be judged when people vote up there in January. I certainly believe that we are in a serious situation. The government has to lead and stop just talking.

COPLEY, MR I.

Ms SIMMONS (Morialta) (16:17): I rise today to talk about one of my constituents and close personal friend, Ivan Copley (Tiwu is his Aboriginal name), who has just been awarded the honour of being the South Australian finalist in the Australian of the Year Awards 2009. This was against an auspicious field of finalists, including Professor Chris Burrell AO, whom I also know, Dr Damien Mead and Dr Ross Philpot OAM—all very worthy finalists.

I believe we are very fortunate to have Ivan representing our state. His citation in the Australian of the Year book states:

> Ivan Copley is a committed man of Aboriginal descent from the Peramangk people of the Adelaide Hills, the Kaurna people of the Adelaide Plains, and the Minang people of Western Australia. He has devoted his life to trying to achieve reconciliation and better outcomes for indigenous Australians. As founder and Chair of the Campbelltown Council Reconciliation Committee he has achieved excellent results, including the signing of a Statement of Reconciliation by the Mayor [Simon Brewer], CEO of the council [Paul Di Iulio] and himself.
>
> Through his work with Rotary he established the first clean drinking water purifier in the Aboriginal community of Leigh Creek, having raised the funds for it himself. Whilst at the Australian Bureau of Statistics he arranged for second-hand computers to be installed in Aboriginal communities without computer access.
>
> Recently he established an Aboriginal funeral fund to assist family members to travel to funerals. He raises money for the fund through sales of merchandise in his spare time. These are just a few of the many ways in which Ivan is putting his heart and soul into bettering his community. He has been described as a bridge for all peoples.

I have always found Ivan to be a very humble man, a quiet achiever who is always more than ready to share his extensive knowledge with anyone who shows an interest in his proud collection of Aboriginal information, culture and history.

His collection spans 35 years, from a time when he wanted to go back and discover his own family tree and Aboriginal background. His collection is now one of the biggest personally owned records of Aboriginal history in South Australia, and he recently told the local Messenger that he hopes to ultimately compile the information to help others in the Aboriginal community track their own descendants.

I sit on the Reconciliation Board of SA , as does the member for Morphett, with Ivan I have also been privileged to travel with him to the north of our state, to Leigh Creek, Copley, Iga Warta and Nepabunna. He not only knows all these communities intimately but he is also very well thought of in them.

He is very proud of his work with the Australian Bureau of Statistics, where his role is to ensure that accurate information is gathered about Aboriginal people in South Australia and that this information is handed back to the communities so that they can use this data for their own benefit. He believes that helping the local communities read the data properly will help them to become more self-governed, which is one of his wishes for the future.

I was privileged to be with Ivan and his beautiful and supportive wife, Mia, when the Prime Minister, Kevin Rudd, made the formal apology to indigenous Australians. We were in Elder Park watching the big screen, and we were all very emotional. Ivan said that he had spent his whole life

waiting to hear that one word—sorry. I feel very proud to have worked alongside Ivan for many years and to call him and Mia friends. I congratulate him on this fantastic and well-deserved achievement.

ROYAL LIFE SAVING SOCIETY AUSTRALIA

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16:21): On Saturday night, I attended the 95th Annual General Meeting of the Royal Life Saving Society Australia, South Australian Branch. It is a proud association with a distinguished history, and it has a number of fine missions and objectives, including to prevent the loss of life in the community with an emphasis on the aquatic environment. Its motto is: 'Whomever you see in distress, recognise as a fellow person.' I was interested to read the report of the chairman, David Dewar, which stated, in part:

> In many states of Australia, most government and non-government schools benefit from our programs, but in South Australia children only have access to our programs via VACSWIM, RLSSA clubs and centres, and some private schools. Reportedly, some schools no longer provide swimming instruction at all, which is a big worry. The drowning rates for children in South Australia have been the lowest in the world, due to swimming and water safety classes offered in all schools and extensive aquatic programs.

A significant address was presented on the evening which outlined a number of statistics, some of which were quite alarming, particularly the fact that 27 young children under the age of five drowned in 2007-08. He also told us that 66 Australians over 55 years of age drowned in 2007-08. Even more alarming is immersion, which is a near drowning; the person does not die but suffers a very significant and sometimes horrific outcome.

What I want to address today is the alarming information that was provided. Whilst it has a significant message, always the key areas of its work are to keep watch, to ensure the fencing of pools, which sadly are the site of a significant number of drownings and, importantly:

> …to ensure that the community has access to low cost, effective and appropriate personal water safety, swimming and resuscitation training so that everyone is a lifesaver.

He then described what had happened with the VACSWIM program, which historically has been in our schools and in the public sector, as follows:

> The internationally accredited and applauded RLSS Swim and Survive program has been removed from the SA Government annual VACSWIM program in the community and replaced by a program constructed by the SA Government's contracted service provider, LeisureCo.

Members might recall that just a couple of weeks ago the Minister for Recreation, Sport and Racing reported to the house new initiatives in relation to water safety and outlined, with the launch of a water safety plan, the very important aspect of ensuring that we continue to educate the community so that we save lives. The report presented at the AGM went on to say:

> This removal was done without consultation with any of the National Water Safety bodies and without community consultation. In fact it was SA Government policy that RLSS (either in SA or nationally) NOT be involved in any review, despite RLSS being acknowledged by the international leaders in water safety education.
>
> The RLSS Australia has examined the replacement Vacswim 2009 programme and has very serious concerns about the programme content and hence the skills to be acquired by participants.

He went on to state that the VACSWIM 2009 program, in their assessment, was 'potentially dangerous' and omitted 'key water safety and survival skills' that were so critical to children being able to protect themselves. He gave the following example:

> At level [year] 3, children should be able to swim further than 20 metres freestyle.

But the RLSS requires 50 metres. He continues:

> There is a large gap between the VACSWIM 2009 level 7 (75 metres) and RLSS Swim and Survive level 7 (300 metres).

These are fundamental differences of standards that are expected. Some of the deficiencies he outlined at the annual general meeting included being forced under water—this is for children in training—for a set time period, which he claimed in its assessment had been known to be a dangerous act. He states:

> There is a very real risk of hyperventilation and asphyxiation as a result of this activity.

The content of this program now contracted by the government is clearly dangerous. He went on to state:

> There are a number of deep water skills completed in the early levels without a requirement to teach sculling or techniques for treading water.

Again, an extraordinarily high degree of risk for students in the program. He outlined that the training provided no contribution on the personal flotation devices (lifejackets). This is a dangerous and dumbed-down program.

Time expired.

SCHOOLS

Mr BIGNELL (Mawson) (16:26): This is a great time of year to be a local member of parliament because we get to spend a lot more time in our schools than we do in here. There are 17 schools in and around the electorate of Mawson.

Mr Pengilly interjecting:

Mr BIGNELL: The behaviour is better in the schools than in here sometimes, I might add. Over the past few weeks, as I am sure a lot of other members in this place have done, I have been attending valedictory nights, speech nights and nights where schools have farewelled their year 12 students and wished them well as they go out into the big brave world. Those nights are always filled with such hope and reflection, as the students look back on their high school and primary school years and as they look forward to getting jobs, going to university or continuing on in the trades that they are studying.

Now is a great time to be leaving school. In the last few years, with unemployment levels in South Australia at record lows, there is great confidence among school leavers about getting jobs. As we look with caution at what is happening around us in the wider world and the world economy, we hope that South Australia can remain, to a certain extent, insulated from the worldwide global downturn and economic crisis.

Beginning at the end of this week, and into next week and the following week, we will see a lot of grade 7 graduations in the electorate, which are also great nights. It is fantastic to hear the grade 7s speak about their goals and what they want to go on and study at university. A few years ago in some of the schools, in areas like Hackham West and Hackham South, they were not even speaking about going on to study at university, but that is their goal now and it is a fantastic testament to the great teachers, principals and other leaders that we have at our schools.

The Rann government is right behind the teachers, principals and schools in this state. You would not understand that from listening to the education union. The education union is in a grab for power at the moment. As a government, we care about the students and the education that these kids get. That is why each year we are spending $12,000 per government school student to make sure that these students leave primary school and then high school with the very best possible education they can get.

The union, on the other hand, is all about getting more pupil-free days, which is going down very badly with parents like myself. Parents of kids at government schools are against more student-free days. The union wants more time out of the classroom and, of course, it wants about $2 billion over three years in extra wages. Some teachers out there are becoming disillusioned with their union and they do not agree with the claims that are being made.

One of the other great things about this time of year is the Premier's Reading Challenge, and going around to all the schools and handing out the certificates, bronze medals, silver medals, gold medals and, this year, for the very first time, champion medals to those students who have been doing the Premier's Reading Challenge for five years.

This year, 106,000 students are doing the Premier's Reading Challenge. That is up about 10,000 on last year. I congratulate all those students who have done the Premier's Reading Challenge this year, and over previous years, because I know how much of a sense of fulfilment they get out of doing it, and they love getting the certificates and medals.

Last week, I was at the Hackham East Primary School. One of the good things about visiting the schools is that the students usually put on some sort of display for visiting members of parliament. So, you get to hand out the awards and then you get to see what the students have been doing during the year.

Hackham East has a boys' choir with 40 boys. As most people would know, once primary school boys get into grade 5, 6 and 7, they are not necessarily keen on joining the choir. But at Hackham East they are joining in record numbers this year, and part of it is due to a New Zealand family (three brothers) who have taught the other 40 students how to do the haka. I saw them do the haka—it was fantastic—and they sang a few songs.

Given the Premier's Kiwi heritage, I have invited the students here tomorrow. They will come to the Balcony Room and perform the haka and sing a few songs for the Premier and also for you, Madam Deputy Speaker, as the member for Reynell, because I know that a lot of students from your electorate attend Hackham East Primary. The Minister for the Southern Suburbs and the Minister for Education will be there. I commend the students at Hackham East, and all the schools that have welcomed us to hand out awards and show us the great work that they have been doing.

NATIVE VEGETATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1014.)

The Hon. R.B. SUCH (Fisher) (16:32): I will not delay the house much longer. I have made most of the points that I wanted to make. This is a very important piece of legislation, which will be very welcome in the Mitcham council area and by the council itself, because there has been longstanding concern about the removal of grey box and other native vegetation in that area. I will make another couple of points.

I think the increase in penalty from $500 to $750 in this bill is only a marginal increase. It is not the full range of penalties available for people who illegally remove vegetation. I think the penalties need to be very severe, particularly where people are removing remnant native vegetation from the metropolitan area and, as I indicated earlier today, we have less than 4 per cent remaining.

In relation to the people who are on the Native Vegetation Council, I think it is critical that they are appropriately qualified in areas like botany, ecology, and so on. We also need people who are grounded in common sense and who can, where necessary, ensure that, if there is to be some clearance, there is an appropriate offset, or what the lay person would call a trade-off. I welcome this bill and I commend the minister, and the government, for bringing it in a speedy fashion. I trust that we can swiftly conclude the passage of this bill.

Mr PENGILLY (Finniss) (16:34): I am happy to express my support for this bill, but I note with interest the contribution made this morning by the member for Stuart and some issues that he wants to address in this bill.

I suppose nothing has been more controversial over many years around rural South Australia than the introduction of the Native Vegetation Act in the 1980s and, indeed, nothing has caused more anger, angst and general crankiness on the island part of my electorate in particular. I well recall a meeting when this was first introduced where the local farming community was ready to hang, draw and quarter the bureaucrats and politicians who turned up on that day, with the exception of my predecessor the Hon. Ted Chapman whom they probably wanted to knight, I think.

We have been fighting this for some years: the nonsensical lack of common-sense approach. I am pleased that, since we have seen Dennis Mutton come in as chair of the Native Vegetation Council, a little bit of sense has started to come back into it. There is a long way to go. This year—and I would not wish this on anybody—if we have any severe fire situation in this state, including around the Adelaide Hills, this whole thing will rear its head again. You only have to see what happened at Wangary a few years ago and on Kangaroo Island last year, which is just about a week away from its 12 month anniversary, those enormous fires through the national parks, the loss of life and what transpired in order to see the stupidity of where we are and the lack of a common-sense, practical approach to native vegetation in the state.

I love the bush and I have lived in the bush all my life. I enjoy living around it, but when people are looking over their shoulder to see whether someone will dob them in or whether inspectors will lob on their doorstep about a tree falling over or getting knocked over, it is just ridiculous and a sad indictment of the times. I am hopeful that the minister will take on board the contributions from members in this place, especially from the rural members on our side and, in particular, the comments of the member for Stuart. You do not hang around this place for about four decades without having a fair idea of how it works and you do not develop the properties that he has developed over the years without having an understanding of the bush.

It is not a contentious bill. It is a step in the right direction. We need to put things into perspective so that planning, development and, accordingly, the Native Vegetation Act will work together in the common and best interests of not only the environment of South Australia but also the people of South Australia.

I support this bill. I wait to see what transpires from the member for Stuart's amendments as they are proposed. I think we can take a step in the right direction. I have had few issues with the Native Vegetation Council since Mr Mutton has been there. It was an enormous assistance to have Dennis put in there. I think he is working on it. I think a few positions on the council need a bit of attention, though.

I note that the local government nominee is the Mayor of Kangaroo Island, and she is doing a good job. She is level-headed, sensible and knows what is what. I urge the minister to take on my comments and those of others. I support the bill.

Mr PEDERICK (Hammond) (16:39): I also rise to support this bill. I note that one of the most significant amendments will allow for out of region offsets whereby an applicant for a native vegetation clearance permit will be able to provide the required offset allowing a net environmental benefit to be created in a different part of the state. In regard to that, I ask: what will be the monetary cost of the offset? Will it be a factor of 10:1, 5:1 or even 20:1 on whatever bit of Mallee scrub, for example, that may be cleared off?

This is not a contentious bill, but I wonder whether it does go far enough. I certainly take note of the member for Stuart's amendments. Proposed new subsection (2)(b) of his amendment to insert a new clause 14A provides that 'the clearance occurs on pastoral land and is for the purpose of re-establishing land for cropping purpose after a break not exceeding 15 years'. I know that under the current legislation people have actually bought heavy tractors and ploughs to ensure that they keep ahead of the legislation. They have tractors and ploughs going 24 hours a day so that the native vegetation does not grow beyond the prescribed time limit.

I think that this goes against the very thing that people who appreciate the environment want. The amendment allows up to 15 years and then, if that country is required to be put back into a cropping phase, that should be able to be done. It seems ridiculous that people have been out there—and I know that this has happened and it would still be happening—tearing over land every few years because they have to, otherwise they will never be able to clear that land again.

I turn to the construction of vehicular tracks not exceeding 15 metres in width to aid access to particular areas, which forms part of the member for Stuart's amendments, and the construction of firebreaks not exceeding 20 metres in width. In January or February three years ago, there were some big fires in the Ngarkat Conservation Park, and at about the same time there were some other fires around Coomandook, and some of those fires were on my own property. It was very hot—about 45°—and we had many lightning strikes. Plenty was happening locally, not far away, and that was emphasised by the red and orange glow in the night sky over the Ngarkat National Park, which had a tremendous fire in it.

I believe that, if the people on the ground had made the right decisions, we would not have seen some of the disastrous results of that fire coming through to farmland and destroying fences. When these fences are destroyed, does the government come to the party like a normal farming neighbour would? No it does not. The act says that it does not have to. One family in the area are very good farmers. They have a netting fence and then on top of that they have cyclone and then on top of that they have barbed wire, which is over six foot high. It keeps everything out. I can assure members—

An honourable member: Not the fire.

Mr PEDERICK: Not the fire; everything bar the fire. These are good farmers out at Parrakie who grow veldt grass right up to the wire because everything is kept out, including rabbits, kangaroos and emus.

Mr Goldsworthy: It must be a good fence.

Mr PEDERICK: It is a fantastic fence. When I toured the area with the member for MacKillop there was the stench of death from the kangaroos that could not get out—that is how effective the fence is. That is the important point. Usually farmers have only the standard fence in place, 3 foot 6 to 4 foot at the maximum, so all the native animals—whether it be emus or kangaroos—come across to farming land and they certainly can become a nuisance and knock about grazing feed and crops. What I find really disheartening is the fact that, when these events happen, the government does not come to the party and the people adjoining a park have to pay for the fencing.

Some decisions were made on the Sunday morning of the weekend of that fire. They knew the forecast. The knew that the wind was going to be coming at them at around 60 to 90 km/h. It

was going to be quite a wind. They knew it was coming and they could have done a burn back. The CFS was present. They had everything happening. The chiefs were near Lameroo somewhere directing it as they do—and the CFS does a great job—but within the whole chain of command scenario there was a big problem about whether they would be prosecuted through an act regarding back-burning. At the end of the day, it did not happen.

However, I am told that, under the relevant legislation, a man or woman on the ground can make that decision. It would have saved a lot of angst. This fire was going to burn this country that they needed to back-burn, anyway. As a consequence, the CFS made a contingency plan (as they do) and they decided that the Mallee highway would be the stand. Considering the weather conditions—45°, plus high winds, 60 to 90 km/h winds—it would just breach a highway and just go to town, let alone the thousands of hectares burnt beforehand, as well as farmhouses, buildings, farm sheds and equipment.

Mr Goldsworthy interjecting:

Mr PEDERICK: Yes, close to the sunset country. Equipment, houses and sheds could have been lost, but to the credit of the local farmers and the CFS, they did hold it, but not without the loss of many kilometres of fencing and many hectares of farmland. Whether it was the result of paranoia in agencies or whether it was a directive from above, but another side effect was that big bulldozers, ploughs, etc, were sent out. They were blackened areas, nothing was going to burn there again, yet here they were cultivating great firebreaks well after the event. It is no point doing it then: it had all been and gone. There has to be much more common sense.

I am always intrigued when I talk to a member of the CFS or when I hear that they are having a controlled burn that they have over achieved—and sometimes it is a good thing. I think 'over achieving' is the technical term for a very successful burn, in fact, you have probably burnt three-quarters of an area instead of a quarter—

Mr Williams: They did a good one down at Messent.

Mr PEDERICK: Yes, I was just thinking of that, the Messent fire. I believe they were going to burn about a quarter of it and they burnt about three-quarters of it, so they got one hell of a firebreak. There has certainly been over achieving in the Ngarkat park. People have to realise that these parks are tens of thousands, if not hundreds of thousands of hectares, and that naturally, over time, with lightning strikes, etc., they have burnt vigorously. And yes, Ngarkat has had the guts burnt out of it plenty of times.

I think there needs to be far more control about how this native vegetation is managed, because otherwise we will not maintain it. I think there needs to be a partnership with the farmers, decent firebreaks, 20 metre firebreaks around the edge, so that people can access these parks and there needs to be more controlled burns so that sizeable sections can be burnt. If you have decent firebreaks, the dramas of over achieving might not happen either.

This bill does go part of the way, but I certainly support the member for Stuart's amendments. I make another point about native vegetation and highways. The Dukes Highway is one that has been in the media for all the wrong reasons lately. I, along with the Hon. Stephen Wade and the Hon. Robert Brokenshire, attended a road safety meeting at Tintinara. Within two days of that there was another fatality on the Dukes Highway, within 10 minutes of where I live. My sympathies go out to that family because it is a very traumatic time; it does not matter who you are. It is just terrible.

That night I had actually asked the transport department people about the value of a human life and whether native vegetation takes precedence. I believe that, in the past, when they built passing lanes of only 900 metres or up to one kilometre long (they are now about double that length), departments took too much notice of native vegetation. Passing lanes were constructed on corners, yet when you got around the corner there was a nice long straight with three lanes of traffic, rather than two, where everyone could see what was going on. It does create issues at times for people who are confused.

The department's answer on the night was that the Native Vegetation Council had a lot of give and take. Well, I am not one to just slash and burn trees, but I think we need to show some common sense. If anyone wants to challenge me and say that there is not very much mallee scrub down there, I advise them to find a helicopter or a Cessna and get up there; I could show them acres and acres, kilometres and kilometres, of mallee scrub.

I think we need to be a bit smarter with our laws. We do not want to pillage our native vegetation, but when it comes to the simple fact of road safety and human life I think a lot more common sense needs to be demonstrated. Under the Mining Act with regard to native vegetation there can be exemptions, but they have to do offsets, and I think we have to be a lot smarter all along the way. With those few words I commend the bill to the house, but I think it needs to go a lot further.

Mrs PENFOLD (Flinders) (16:53): The Minister for Environment and Conservation announced in 2007 that new directions for native vegetation management had been initiated that were designed to underpin the state government's strategic plan and its biodiversity target 'to lose no known native species as a result of human impact'. The phrase 'as a result of human impact' demonstrates the government's narrow thinking and lack of understanding of our rural environment, while the target 'to lose no known natives species as result of human impact' is like so many set by this government: it gives a warm, fuzzy feeling but in reality what does it mean, what will it cost to achieve, and who will be impacted by this target?

Landholders have often commented that they are happy to conserve native vegetation; however, if it means a loss of income every year into the future they cannot see why they alone should bear the cost. The vegetation is supposedly being conserved for everyone's benefit. I believe that regional communities will suffer the biggest impacts and costs. Small communities must continue to grow and attract new businesses and development in order to retain essential services such as hospitals, schools and police, particularly now that the government has introduced population-based funding—and, I might add, shared services.

The unbelievable nonsense that sometimes accompanies Native Vegetation Council decisions and comments was nowhere better shown than at a meeting in Port Lincoln which was addressed by a native vegetation officer. Many country cemeteries still contain native vegetation. In the course of the meeting the officer was asked, 'What happens when the cleared part of the cemetery is full and more room is needed?' The officer's serious reply was, 'Use the car parks.' No wonder there is considerable confusion and annoyance within the community regarding approval for native vegetation clearance when such idiotic statements are made and they are supposed to comply with them.

Many people believe that obtaining a development approval includes approval to clear native vegetation only to find out, at a later date, that clearance approval or an exemption is required from the Native Vegetation Council and that there is no guarantee that the proposed clearance will be approved. This can be costly for a developer who has already invested time, money and effort into a project, and it can be devastating for a homeowner to receive a threatening letter asking for clarification of the circumstances of the clearance, or advising that further investigation which may lead to legal action will be undertaken.

The majority of people are unaware that residential and industrial allotments are subject to native vegetation regulations, or, they believe the term 'exemptions' covers house sites. In actual fact, 'exemptions' does not mean a person can go ahead and clear a block or site as they must still consult with the Native Vegetation Council and a significant environmental benefit offset may be required. This highlights the complexity of this legislation, when it has to be viewed with several other acts that affect the decisions and outcomes for what are mostly simple projects.

One aspect concerning native vegetation in this bill, which I hope the minister will take on board and make necessary adjustments to, is that the Native Vegetation Council is not bound to any time frame within which it has to respond. Local government bodies have a restricted time frame for approving development applications; hence, a slow response from the Native Vegetation Council invariably arrives after approval has been given. This not only causes a great deal of angst among all involved but also unnecessary expense and waste of time in dealing with the matter.

The concept that time is money is completely lost on this Labor government, which has never been in business and taken the huge risks and responsibilities of borrowing money and employing people, of having to pay interest and pay people while waiting for government approvals.

The minister's explanation of the bill states that 'local government will be invited to process clearance applications the house sites'. It will be interesting to see how this works out in real life, as I believe many councils are not adequately resourced enough to deal with native vegetation issues. Will any fees cover the administration costs involved?

Problems are further compounded because the Native Vegetation Council has greater powers than local government, and there is no appeal process. I did not find any appeal process mentioned in the bill. Since the topic of native vegetation brings up a great variety of issues, some form of appeal rights, even if limited, would bring a measure of justice to native vegetation matters that does now not exist. One can only hope that the minister's assertion is correct when he states:

> The new arrangements include the development and implementation of processes to better integrate native vegetation into the early stages of the planning cycle to ensure that better and early advice is provided to developers.

It would appear that the Native Vegetation Act conflicts with the Emergency Services Act 2005. Here is another area that needs the minister's attention and possibly an amendment so that endorsed bushfire prevention plans are exempt from native vegetation requirements. It is illogical that the act be applied in such a way that preventative action is forbidden only to have a much greater area of native vegetation destroyed by fire.

A weakness in the legislation and in the application of the legislation is a disregard and a lack of acknowledgement for conservation work that has already been undertaken. Revegetation to reclaim degraded areas has been going on for decades on Eyre Peninsula. The work that was done in the 1980s on the reclamation of salt-affected land was some of the best in Australia. Interstate people in the field came across to Eyre Peninsula to see and discuss a wide variety of successful projects in progress there.

I am aware of landholders who have already set aside significant native vegetation reserves, but these stands will not be considered in future development or actions. I suggest that the Native Vegetation Council, in consultation with the applicable local government council, has discretionary powers to acknowledge previous conservation efforts by landholders. The failure to recognise previous land care and environmental initiatives of farmers will compound the increasing negative attitude of the agriculture sector towards native vegetation, potentially undoing the positive achievements that have been made in previous years.

The heavy-handed approach on native vegetation does not appear to comply with the intent of the native vegetation legislation where the Native Vegetation Council was entrusted to achieve a balance between environmental concerns and development. Many decisions have inhibited agricultural and industrial development. The heavy-handed actions on native vegetation do not provide land-owners with an incentive to protect native vegetation. Too many times the problem with native vegetation is not legislation but the application of it. The number of instances when this would come into effect may be minimal; nevertheless, it is an important point that should be considered. As one such landowner commented, 'Native vegetation is preserved for the benefit of the whole population of the state, so I don't see why I should bear the total cost.'

The current native vegetation requirements do not take into account a person who has undertaken prior revegetation works or who has been involved in previous vegetation and biodiversity works. I repeat that native vegetation and biodiversity activities should be recognised and that appeal rights should be established in certain instances where this has not been taken into account. Regrowth exemptions should be allowed, particularly within township areas, for areas that were totally cleared 10 years ago but have regrowth that is now preventing development from taking place.

The minister says a lot about significant environmental benefit offsets, but the process is complicated and confusing for the average person. Currently, an arbitrary basis is applied to quantify significant environmental benefits required from applicants. There appear to be no clear guidelines or criteria as to how the significant environment benefits will be applied to an application under the Native Vegetation Act. Past decisions have often appeared to be inconsistent or discretionary.

There is a general lack of understanding of the significant environmental benefit outcome for clearance that requires a significant environmental benefit offset. Provision should be made for significant prior work to be recognised, with the ability to give an environmental and financial value that can be used and accepted as a significant environmental benefit offset.

The act and the amendments deal with the preservation and/or destruction of native vegetation. That is fine, but the big question is: who determines which flora are involved? The extensive levels of data and the level of reporting required for applications for native vegetation clearance are beyond the skills of many applicants and they have to engage consultants at great cost both to assess the site of clearance and to lodge the applications.

A simpler system needs to be introduced to allow different levels of reporting for different applications across the range of township, settlements and rural areas. No application for residential site development on an allotment of less than perhaps 1,200 square metres could overcome this, which is one of the most misunderstood sections of the current act.

Eyre Peninsula flora are unique in that they share species with both western and eastern Australia, while also having some species that occur only on Eyre Peninsula. I emphasise that we also have a significant majority of the state's national parks, reserves and conservation parks, along with roadside vegetation and vegetation on privately owned land. The biodiversity plan for Eyre Peninsula indicates that 44 per cent of Eyre Peninsula comprises either government owned parks or is under private heritage agreements.

I foresee that Eyre Peninsula residents will once again be called on to pay the cost of repairing the environment in other parts of the state through the significant environmental benefit offsets. Of course, this is of no concern to this government, which has shown its contempt for rural and regional South Australia and sees those living outside Adelaide, particularly those on Eyre Peninsula, as milch cows paying for Labor's profligacy. Labor has no comprehension of the interconnectedness of country and city or that city people depend on the country for their standard of living.

Mr HANNA (Mitchell) (17:04): I am speaking in support of this amendment to the Native Vegetation Act but with some reservations. I note that the government maintains that the essential purpose of the native vegetation legislation will still be to preserve native vegetation as much as possible. The legislation before the house ensures that there can be offsets when vegetation is to be cleared. In other words, where native vegetation is approved to be cleared, the person doing the clearing can be credited for providing vegetation outside the region where that native vegetation is being cleared.

In other words, it may be more useful, environmentally, for the new vegetation to be some distance away from the land that is to be cleared. It is hard to argue with that, although it is also easy to see how the situation might be abused and where an area of less significance might be enhanced with some native vegetation while a more precious area is cleared.

Secondly, the legislation proposed by the government allows credits, that is, where a landholder has already provided additional native vegetation they can be given a credit which would allow clearing. I can understand the reasoning behind that, in the sense that it may encourage landholders to provide native vegetation in one area so that they can ultimately have those credits and clear another area at their discretion, although that is always going to be subject to approval by the Native Vegetation Council. However, there are problems in this area as well, because if the credits are granted in a less valuable area then we may end up with a lower quality of native vegetation overall, despite the concept of having an offset.

Possibly the most problematic aspect of this legislation is the change to the membership of the Native Vegetation Council. The commonwealth minister for the environment nominee is being replaced by the state minister's representative and there is also the inclusion of someone from the mining sector. I am somewhat concerned that these changes will lead to a greater balance on the Native Vegetation Council itself toward mining and developing; in other words, land clearing interests rather than land preservation interests.

We need to bear in mind that under the Native Vegetation Act there are seven members of the council and one of their important functions is to approve the clearance of native vegetation. So, they have a vital role when it comes to preserving this state's native vegetation. It is not just about the quality of the people who are going to be appointed. The legislation itself will actually tilt the balance towards the interests of those who propose to clear native vegetation.

The government states that it is still valuing biodiversity and wanting to avoid species loss as much as ever. I take the opportunity to point out that it has been failing (in shocking terms) in relation to these aspirations. I am particularly mindful of this because Associate Professor David Paton of the University of Adelaide has proposed what he calls the Woodland Recovery Initiative, which involves the planting of trees on Glenthorne Farm (in my electorate) and through the Adelaide Hills in an effort not only to increase the amount of native vegetation available in the Adelaide Hills but, therefore, to protect the remaining bird species that we have in the region. Of course, the University of Adelaide seeks to sell off land at Glenthorne Farm (perhaps up to 950 housing lots) in order to fund this extraordinarily broad and ambitious vision.

The point that I need to make here is that the government has failed to mitigate species loss, particularly bird species in the Adelaide Hills. Things have become much worse in the last six years and, if it continues at the current rate, we will have more species lost in the next generation. So, something needs to be done about that. In fact, the changes that we see to the Native Vegetation Act proposed by the government today do nothing to help the problem in the Adelaide Hills region.

So, it is with some misgivings and some sadness at the continuing species loss under the reign of this government that I support the legislation. My main concern at the end of the day is the change in the balance of the Native Vegetation Council, which has such an important role to perform.

The Hon. I.F. EVANS (Davenport) (17:11): The Liberal Party has decided to support the bill. I understand that the member for Stuart might have some colourful and interesting amendments—as always—when this matter is debated in committee.

I have some history with the Native Vegetation Act. I was fortunate enough to be minister for the environment for a period, and I brought into the house a bill to change native vegetation laws, but the 2002 election intervened before that matter could be resolved. Contained in that bill was the principle of environmental credits for native vegetation planting, something strongly advocated at the time, if I recall, by the member for MacKillop, now the shadow minister. It has taken the government two attempts and seven years to reach the same conclusion, but it has reached the same conclusion: that there is a benefit to the community to introduce a system of credits. So, seven years of hand-sitting sees us essentially coming to the same conclusion: that the system would be improved by a system of credits.

It is good to see you come in for this significant contribution, Mr Speaker. I raise for the minister's consideration a couple of concerns that I think need to be clarified on the record so that people are clear about the government's intention. One concern in particular is this very simple question: which act takes precedence—the act in relation to bushfire prevention or the Native Vegetation Act? The reason I ask that is that my electorate of Davenport (which is essentially the Mitcham Hills) is one of the highest bushfire risk areas in the world. It has 26,000 people protected by about 12 to 15 fire appliances, and it has only seven exits available to those 26,000 people. Of interest to them is this question: where there is a conflict between the legislation—between native vegetation or bushfire—which piece of legislation will take precedence?

If my memory serves me right, in about 2003-04, I wrote a letter to the then minister seeking the answer to that question on behalf of a resident in Pasadena. The answer I got back was that the native vegetation legislation took precedence. So, I would like to get it on the record so that it is clear. I was a member of the Economic and Finance Committee, as was the member for Stuart, and we had the pleasure of Euan Ferguson coming in from time to time to talk about that very popular measure—the emergency services levy. Mr Ferguson gave evidence to that committee that, as the chief fire officer of the CFS, he had concerns that the Native Vegetation Act restricted the operations of the CFS.

I direct the minister to the relevant Economic and Finance Committee transcripts; he can get them from the members of his party. If that is the case, while this bill is before the house, that matter should be resolved. This bill will not get through the upper house before parliament rises for Christmas. I understand that the upper house is very keen to sit during the optional week but that still will not deal with this bill, so the minister needs to get Euan Ferguson's evidence to the Economic and Finance Committee and clarify what the issues are and resolve them while we have the bill before the house.

The other question I raise is: how does the significant tree legislation impact on this act? I will take you to Mitcham Hills. The member for Fisher made some comments in this debate prior to question time about the impact on Mitcham council and what is known as the Grey Box Community throughout the Eden Hills and Blackwood area generally. A very dedicated group of residents in the Eden Hills district have formed a community interest group to save the grey box because they are concerned about its ultimate demise given the extra development throughout the Mitcham Hills.

I was a bit surprised when the member for Fisher said that this bill brought new protection to the grey box because certain suburbs of the Mitcham Hills area have been added to extra coverage under the Native Vegetation Act. I went to my shadow minister because that had not been brought to my attention, and that is not a criticism of the shadow minister because the

shadow minister told me that the officers of the minister in briefing had said that there was no extra coverage.

So, I am not criticising the shadow minister for not bringing it to my attention because his briefing was that there was no extra coverage. I went straight across to the officers concerned and asked the questions about the extra coverage and the officers confirmed to me before question time that there is no extra coverage in the City of Mitcham. If there is no extra coverage, then there is no extra protection for the Grey Box Community, and that is why I was a bit surprised when the member for Fisher raised the issue.

I rang the City of Mitcham because I had had a meeting with the City of Mitcham with representatives of the Grey Box Community specifically to talk about how we could better protect the grey box. The City of Mitcham advised us that one option was to change the regulation in relation to the significant tree legislation where, from memory—and I do not have my notes in front of me—there is a regulation where if a eucalypt is 200 millimetres in diameter, a metre off the ground—

The Hon. J.W. Weatherill interjecting:

The Hon. I.F. EVANS: I will come to that in a minute because I am sick to death of that excuse.

The Hon. J.W. Weatherill: I will be interested to hear the answer.

The Hon. I.F. EVANS: I will tell you what the answer is. So, that was one option. Another issue that the Mitcham council raised was that it was changing its planning laws so that less of the block can go under building, so the coverage of building on blocks would be less and that means fewer grey box would be destroyed. I would be interested to know how the significant tree legislation applies specifically to the Mitcham Hills community that has been brought into this act.

I rang and asked the council, 'What is the story? Bob Such says there is extra coverage; the officers told my shadow minister and me that there is no extra coverage.' According to the City of Mitcham, there is extra coverage. The City of Mitcham says:

> Mitcham Council has been endeavouring to have the suburbs of Blackwood, Eden Hills and Bellevue Heights included as areas to be protected under the Native Vegetation Act to add to those already covered under the Hills Face Zone.

According to the Mitcham council (on 14 October this year), those suburbs are not covered and it is seeking for them to be covered. That is what Bob Such, the member for Fisher, said: that this now provides that coverage. Looking at the bill, it does provide that coverage.

So, with due respect to the officers, we were told first in the initial briefing, which went to the whole party room, and in the briefing that I received five minutes before question time—admittedly, it was just a discussion in the gallery, it was not a formal sit-down brief—that there was no extra coverage. There is extra coverage. I will tell members what that means exactly for the suburbs of Eden Hills, Blackwood and Bellevue Heights, of course, is that our side of the chamber has been denied a briefing prior to this debate, because we have come to the chamber on the understanding that there is no extra coverage—and that is regrettable.

However, given that this is going to go through on the numbers, I will seek a briefing in between the houses and we can deal with any issues in the other place. However, I say of the officers of the native vegetation branch that I have always had a reasonably good relationship with the native vegetation branch because it is an area of great interest to my colleagues. Every time an issue was raised, I had to be briefed, so I became reasonably proficient in understanding the workings of the native vegetation branch, and if ever they want to brief me about my electorate, they certainly know the numbers.

In regard to the issue of the significant tree legislation, the Liberal opposition has always been available to sit down and work through that issue, but you cannot work in a vacuum. The government walks away from a clause in a bill with a number of different issues and does not come to the table and say, 'Well, can we resolve this particular issue?' The opposition would have been quite happy to sit down and work through the issues, as we have offered the government in regard to others. But if you put the issue in with five or six other major issues, ultimately you will see the debate, or the defeat, or the stalling of the bill. That does not stop the government from coming to us and saying, 'Well, look, can we fix up this problem?' The government, of course, has never done that.

The member for Mitchell raised the issue of biodiversity loss, bird loss and species loss. There was a report done by the then federal government—I think minister Hill might have been the federal minister at the time—into the Mount Lofty Ranges and the significant loss of bird life as one of the hot spots in Australia for the loss of life of birds. I think one of the proudest things that I did as environment minister was when I was able to sit down with David Paton and ask him, 'What do we need to do to reinvigorate and protect bird life in South Australia?' and David Paton's advice to me was, 'Find about 1,000 hectares,' I think it was, 'Find a huge slab of land and buy it and revegetate it specifically with vegetation designed for certain bird species.'

As luck would have it, two weeks later Mrs Law from just outside Gawler walked through the door and said that not only did the Law family have a property of that size in its possession, but that Mr Law, in his passing, had wanted the land revegetated specifically for birds. Not only did they donate the land, or make the land available, but they also donated a sum of about $1.2 million over 10 years to have that land revegetated. So, I think that the message is that there is a lot of goodwill in the community, indeed the rural community, toward native vegetation and improvement of native vegetation, if it is managed properly at an administrative level in the department.

All the changes which have slowly been proposed over the years are about trying to refine the rough edges of some of the legislation to make it more user friendly and more practical in its application, particularly in rural communities. The opposition is supporting this legislation, but I do refer the minister to the points which I want clarified at some point. If there is a conflict between the bushfire legislation and the native vegetation, which one has precedent; and I ask the same question in relation to the significant tree legislation, in particular regarding the Mitcham Hills? During the break, I will seek a briefing from the minister's agencies so that I can clearly understand the impact on those suburbs. With those comments, I will support the bill.

Mr GOLDSWORTHY (Kavel) (17:26): I will raise a number of points in relation to this legislation. A couple of the points are based around the relatively significant amendment that this bill makes to the current act; that is, to allow for out of region offsets where an applicant for a native vegetation clearance permit will be able to provide the required offset giving a net environmental benefit to be created in a different part of the state. A number of constituents have met with me in relation to letters they have received from the Native Vegetation Council specifically concerning this issue of the establishment of offsets. It is my opinion, and obviously that of my constituents, that this whole issue around the establishment of offsets is one of complexity and cost.

In letters sent to my constituents from the Native Vegetation Council it states that it is a costly process to engage in the establishment of these environmental offsets. I do not necessarily know why they would stipulate that it is costly, because if a person has a relatively large area of land, for argument sake, 10 hectares, and they are looking to clear a small area of native vegetation, say, 10 trees—obviously not significant trees, perhaps stringy-bark eucalypts or something similar which do not grow to the extent of the big blue gums or red gums—then there does not seem to be any set model. The member for Hammond raised this point in his contribution; that is, the property owner has to plant, say, 50 trees (5:1), 100 trees or 200 trees somewhere else on the property.

One of my constituents unlawfully cut down some native vegetation, was fined and so on. They did not have any issue with paying the fine because they allege that they were given some incorrect information. However, some officers from the department and other associated agencies attended at their property and said, 'Well, you cannot do this, you cannot do that and you cannot do something else; and you have to establish the offset on a particular part of your property.' My constituent did not agree with that. We arranged an on site meeting with the head of that section of the department. I cannot remember the gentleman's name or the actual department, but I have his card at my electorate office.

However, it was a productive meeting because the constituent and his wife went out into the paddock and said, 'This is where we would like to plant the offset, the trees to replace the few we cut down.' The head of the department and the officer from an associated agency agreed to it, saying it was fine and that they could not see any problem. There had to be a management plan put in place to keep down weeds and other grasses so that the trees could become established and would be viable, so there was a maintenance program put in place for the viable establishment of the offset.

However, it comes to a point where the correspondence being received by constituents states that it is costly, and it therefore also gives the impression that it is a relatively complex and complicated process that the landowners have to go through—and it is, because they have to

make an application and so on in relation to all these issues. I am guessing (although I may well be wrong) that that acts as a deterrent. The landowners think it is all too hard so they won't look to take down those trees; they are getting told that it is too costly and too complicated, so they will just not bother.

I am not convinced that is the right and correct way to go about administering the affairs of the state. Obviously, there are clear reasons why deterrents have to be put in place—that is, to protect the safety and lives of human beings—but I am not sure that that ideology should be applied to clearance of native vegetation, and I raise that as an issue.

Another one of the points I want to make is why do they say it is costly? I guess it is costly if they have to go and establish it somewhere else, and there is the cost of growing or purchasing the actual vegetation or trees themselves, or whatever it is to be replaced in the offset.

I am working on an issue at the moment where a constituent has bought a normal 800 or 900 square metre residential block in a residential area. There are six eucalypt trees right on the front boundary, and that person applied to the Native Vegetation Council to remove those trees but the application was denied. The constituent has engaged a professionally-qualified arborist who has said (and I have read the report) that the trees are diseased, that they are in a bad state and are potentially unstable in terms of their structures, and who has recommended their removal. They are right on the boundary of the property next to the footpath, and I personally think they pose a risk to the public—either people walking along that footpath or vehicular traffic travelling along the road.

We are working through that particular issue, but it contrasts with another point I want to raise—that is, the inconsistency of decisions of the Native Vegetation Council in assessment of applications to clear native vegetation. This owner of a residential block wants to remove six rather scrawny trees. I have looked at these trees. I have not just taken the word of the constituent on these important issues. I like to go out and view the situation myself. I have called around to the block and had a look at it, and I can tell you that they are pretty straggly and poor specimens of eucalypts.

We have a situation where a resident wants to take out these trees and is more than prepared to plant a patch of native vegetation on that block, that is, up along the rear of the property. He does not really mind how many trees have to go in, whether it is six or 60. That is probably getting a bit carried away, but he does not mind at all replacing those trees somewhere else on this block in relation to the position of his home. He has engineering reports for footings and the like and, if he changes the location of the actual dwelling, it will cost him a significant amount of money.

Compare the following situations: the Native Vegetation Council says that those six diseased, straggly trees cannot be taken down but it has given approval to take down, from memory, about a dozen quite healthy, majestic gum trees in order to put in a roundabout to cater for increased traffic flow through a new residential development that is going into that town. There are some real inconsistencies in the approach to the assessment of applications and in the clearance of native vegetation. Also, there is no real set model—it is all quite subjective—in relation to the ratio for the replacement of the native vegetation that is removed in establishing these offsets. I wonder if the minister, in his contribution, can shed some light on that.

Members, particularly on this side of the house, have broadened the debate in relation to the issues of fire safety and fire risk. I, with a number of my colleagues on this side of the house and also on the government side, represent an area of the state which is, as the member for Davenport aptly stated, one of the highest fire risk regions in the world. We have seen enormously devastating fires in California, and I just hope and pray that we do not ever again experience a similar situation to the 1983 fires and what has been experienced in California in the last couple of weeks.

I commend the government—and it is not often that I do—for the way that it has conducted cold burns in what it refers to as a 'mosaic' manner. A patch is burned in a particular park on SA Water owned land, or whatever the agency may be, and then a patch is burned in another area so that a mosaic effect is created. If a fire comes along, it comes into the area that has been burned. I certainly encourage the government and the agencies, which have responsibility to carry out that work, to continue, enhance and accelerate that work.

We know that we are currently in an extremely high fire danger season. The Adelaide Hills are drying off extremely quickly. You only have to drive around the Hills region to see that farmers

have cut paddocks, bailed hay and carted it away. Often, in years of average rainfall, with subsequent rain those paddocks have greened up again and the green feed has continued, but not to the point where they can cut again for hay, as they do in the UK, where they can sometimes cut as often as three times. However, this year, all those hay paddocks have dried off very quickly. This is just an illustration of how significant and severe is the fire risk season that is currently upon us.

To expand on those remarks, I am pleased that the government has made the decision to contract an air-crane style helicopter for this fire season. It had been Liberal Party policy for two or three years to have an air-crane—

Mr Bignell interjecting:

Mr GOLDSWORTHY: The member for Mawson scoffs, but I remind him that two or three years ago I think there was a total of $13 million in the Community Emergency Services Fund, where the emergency services levy is held—and that was surplus. After the budgets for the MFS, SES, CFS and the emergency services agencies had been catered for, there was a surplus of $13.5 million. The Minister for Emergency Services in the other place (Hon. Carmel Zollo) refused that year, and it is only this year that she has agreed to contract an air-crane into South Australia. I am pleased—

Mr Bignell interjecting:

Mr GOLDSWORTHY: I have heard the member for Mawson bang on about this before. You have to remember that we were recovering from a situation where your government bankrupted the state, so I would not spruik too much about your track record of managing the show. I would not be too keen to highlight the deficiencies of past Labor governments.

In relation to the management of public land, every day I come into the city I drive past the Anstey Hill Recreation Park, in the member for Newland's electorate. A very important piece of infrastructure in the park—the Anstey Hill water filtration plant—supplies a fair part of metropolitan Adelaide with filtered water. The noxious weeds and the growth in the park are a disgrace. The artichoke thistles are thick as thick, and the government—

Mr Bignell interjecting:

Mr GOLDSWORTHY: The member for Mawson should not reflect on himself in his interjections.

Mr Bignell interjecting:

Mr GOLDSWORTHY: How pathetic! You've got to do better than that, mate.

The SPEAKER: Order! The member for Mawson will come to order.

Mr GOLDSWORTHY: The park is thick with artichoke thistles. They slash a strip for emergency services on one side of the hill if a fire does get into the park. Every summer, it is a hot spot for fire bugs, and there is a fire there pretty well every year. I would have thought that, particularly in view of that vitally important piece of infrastructure—the water filtration plant perched on top of the hill—the government would undertake more work to reduce the fire risk and the noxious weeds in that area under its responsibility. Like other members on this side of the house, I, too, am pleased to support this legislation.

Debate adjourned on motion of Mr Williams.

STATUTES AMENDMENT (BETTING OPERATIONS) BILL

Received from the Legislative Council and read a first time.

At 17:47 the house adjourned until Wednesday 26 November 2008 at 11:00.