HOUSE OF ASSEMBLY

Thursday 28 October 2010

The SPEAKER (Hon. L.R. Breuer) took the chair at 10:30 and read prayers.

VISITORS

The SPEAKER: I welcome the grade 3 class from St Mary's College, who are guests of the member for Adelaide. I hope you enjoy your time here. It is nice to see you here.

WATERWORKS (TIERED PRICING) AMENDMENT BILL

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (10:33): Obtained leave and introduced a bill for an act to amend the Waterworks Act 1932. Read a first time.

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (10:34): I move:

That this bill be now read a second time.

The bill I bring to the house today is quite a simple one, but it is aimed at resolving quite a serious anomaly caused by the change to quarterly billing for consumers of water—clients of SA Water here in South Australia. We have been in quarterly billing mode for over a year now. The government, when we moved to quarterly billing, made a number of grandiose statements about the benefits of going to quarterly billing. What it failed to do was tell consumers that they would be stung in the tail by quarterly billing, particularly if they were trying to curtail their water use.

What we see now is that those who bend over backwards to save water, particularly those who put in rainwater tanks, etc., to lessen the amount of water that they are utilising, are actually paying more than they should, and paying at a higher rate than those who do not necessarily do the hard yards with regard to saving water. I will explain what has happened.

The water rates in South Australia are set on what we call an inclining block tariff system. A few years ago we moved from a two-block inclining tariff to a three-block inclining tariff. Currently, we have three tariff rates and the more water you use the higher the rate goes. When we had annual billing, or annual meter reading, water consumers would pay at one rate for the first 120 kilolitres of water they used per year and then pay at a higher rate when they went over that annual consumption, right up to 520 kilolitres per year; and at a third rate when you went over that 520 kilolitres per year.

With the move to quarterly billing, those volumes of water that can be used in any period have been split up in a daily rate, but ostensibly with quarterly billing they are split into a quarterly rate and, obviously, if you have 120 kilolitres at the lowest rate that has been split down to 30 kilolitres per quarter; nobody has a problem with that. However, when consumers are endeavouring to do the right thing and help out the government—putting in rainwater tanks, re-using their greywater and reducing their consumption of water, particularly during the winter months when there is plenty of rainfall and they are not needing to use much water outside their home—it has become quite common for people who utilise those practices to use less than 30 kilolitres of water in those winter quarters.

Those consumers would have expected that the unused balance of that 30-kilolitre allowance would be rolled forward into the next quarter, and so on, for the entirety of the year. They would have expected that they would still be able to get the benefit of the lowest rate for 120 kilolitres of water per billing year. The reality is that that is not the way it works. It is hard and fast that at the end of each quarter you lose any benefit, so if you have used less than 30 kilolitres in any one quarter you lose the benefit of that unused portion at that rate and it is not able to be carried forward into the next quarter.

People who have put in the best efforts to reduce their water use are paying a higher rate, and a considerable number of people have sent to me copies of their water accounts, which demonstrate that over a 12-month period they are paying at the second tier rate well before they get to 120 kilolitres of use across the year. I have raised this matter publicly, as have some other members of this and the other place, over a fair period of time.

There is huge sympathy in the community for this anomaly to be corrected. I have debated the current minister on radio on this issue. The minister expressed some interest in the matter. I have given the minister ample time to address the matter—it was many months ago that we

debated it on radio. From memory the minister said he would look into it. It is pretty obvious that the minister has decided, no doubt on the advice of SA Water, that sleeping dogs should be left to lie.

The reality is that not only is there strong community support for fixing this anomaly, but it is just the right thing to do. We are trying to send pricing signals to the community to be waterwise and we spend a lot of money on programs to promote that sort of ethos within the community, but we have an act which mitigates against the people who do the right thing.

Quite simply, what my bill does is ensure that any unused portion of the 30 kilolitres—or whatever the allowance is, whatever is set—is allowed to be rolled forward into the next billing quarter if it is unused in the initial billing quarter, and rolled forward again and again, but only to the end of the full 12-month cycle. I am not attempting to give consumers something that they did not have before. It has always been the case that, if they did not use the 120 kilolitres in the full year, they lost the benefit of any unused portion. I am not trying to change that. All I am trying to do is to re-establish the fact that consumers will get the benefit of the full 120 kilolitres per year at the lowest rate, whether they are waterwise or not. Currently, only those who are not waterwise get the benefit of the full 120 kilolitres per year.

Again, quite recently, the minister said that, when I introduced it, he would have a look at my bill. It is here for him to look at. I hope that we can get back to this matter before the end of the year. I am hoping that the minister and the government will see fit to do something practical to reward those who do the right thing with regard to their water usage and that the minister and the government will see fit to do the right thing by the people of South Australia. I commend the bill to the house.

Debate adjourned on motion of Mr Sibbons.

ELECTRICITY (RENEWABLE ENERGY PRICE) AMENDMENT BILL

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (10:42): Obtained leave and introduced a bill for an act to amend the Electricity Act 1996. Read a first time.

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (10:42): I move:

That this bill be now read a second time.

This is I think the fourth time or it may be the third time that I have raised this matter in the house over a couple years. This bill is about obliging retailers who have, as consumers, people with photovoltaic cells which are pumping electricity back into the grid, electricity which those retailers then onsell as renewable energy at a premium to other consumers. This bill is about obliging those retailers to pay for that electricity which they currently onsell.

When the electricity feed-in legislation passed through this parliament (the feed-in scheme was established at the beginning of July 2008), I commented at the time that I thought that the bill was more about getting a headline than anything else. Subsequent actions of the government have proved to me that my words at that time were very prophetic.

The Hon. M.J. Atkinson: As always.

Mr WILLIAMS: 'As always,' compliments the former attorney-general. I enjoy his compliments; he recognises the wisdom on this side of the house on a regular basis. The feed-in bill was designed to encourage people to install photovoltaic cells on the roofs of their homes, in particular, and it was designed to encourage that as a practice by rewarding people who did it.

The reward is paid by the general electricity consumer in South Australia. It is not paid from the largesse of the government; it is paid by the general electricity consumer as it turns up as an increase in the rate they pay for the electricity they consume. Nevertheless, it is designed to encourage the installation of photovoltaic cells.

There are a lot of question marks over the sensibilities of such schemes. For one, I am not necessarily convinced that photovoltaic cells are the best and most efficient way for us to be producing electricity. Notwithstanding that, they are quite popular because they are usually associated with considerable grants, particularly from the federal government and things like feed-in schemes, which do make them financially attractive over a period of time, but I question whether it is the best way for our society to move forward in a carbon-constrained world. The original legislation is quite silent on the matter of whether electricity retailers pay for the electricity which is fed into the grid and which they subsequently onsell.

Interestingly, before the feed-in scheme started, the major electricity retailers in South Australia—Origin Energy, AGL and TRUenergy—were all paying in the order of 20¢ per kilowatt hour to the owners of such photovoltaic systems. They were all paying around about that rate. As soon as the feed-in tariff was introduced (which is 44¢ per kilowatt area), one of those retailers stopped paying, another one was paying at a very much reduced rate at about 6¢, and TRUenergy continued to pay at 20¢ for a substantial time but has since dropped back to 6¢. I think all three retailers are currently paying around 6¢.

Interestingly, one of the reasons I think they fell to the 6¢ payment is that a backbencher of the government, when we were debating this matter on one occasion, suggested that advice to the government was that 6¢ was about all they should be paying. Before that, TRUenergy was paying 20¢. All the retailers before the introduction of the feed-in tariff were paying about 20¢, but the government, both through its inaction and statements made by a backbencher (in this case the member for Light) has discouraged retailers from doing the right thing to the detriment of owners of photovoltaic systems. It is a really interesting scenario.

The other thing is that, when the original legislation went through the parliament, it was envisaged that there would be a review of the scheme and the review would happen either at a particular time or when the take-up of photovoltaics reached the level where the total production of electricity in South Australia reached 10 megawatt hours. That was reached very quickly; in fact, in May last year (2009) that target was met. I remember that it was when we were debating one of my earlier bills on this matter in June of last year that the member for Light made the comments he did.

Amongst the things he said at the time, he said that the government was already holding its review and would be able to report the results back to the parliament some time in September. I waited patiently and nothing was said in September. I was on radio FIVEaa at the end of October last year arguing the case for the review to occur, arguing the case for the retailers to be obliged to pay for the electricity that they were onselling and a number of other matters regarding the feed-in scheme. I think that was on 29 October last year, and I think it was either the next day or the subsequent day that the minister announced the review. In that announcement he also said that the review would be held and would report back to the government before the end of the year.

I think every South Australian who had an interest in this—and there is quite a number of them, and a number of them talked to me and to my office—expected that review to be completed by the end of December, as the minister said it would be, and that there would be some sort of response from the government. They were expecting that response before the election which was held in March, but the government remained quite tight-lipped, would not even admit that it had received the report from the review, and nothing was said about it until well after the election.

There are a number of recommendations made in that review, some of which I believe the government is going to take up. I asked the minister in the estimates committee specifically which recommendations were and were not going to be taken up. The minister's response to the estimates committee was that he would be introducing a bill later on and we would have to wait and see the bill, then we would know which of those recommendations the government was going to pick up and which ones it was not.

One of my opposition colleagues also has in this place a bill to include other technologies in the feed-in scheme, and I know that that is one of the things that is recommended by the review. I am still unaware of the government's attitude to that recommendation, because the government remains silent on that matter. Notwithstanding that, this is at least the third time I have had a bill on this matter. I am pretty that sure this bill is identical to the one I introduced in the last parliament.

It obliges the retailers to pay for net feed-in electricity produced by small-scale photovoltaic cells as defined under the act at a rate currently published by ESCOSA (the Essential Services Commissioner) which is the default rate. ESCOSA publishes that figure and republishes it regularly. It probably varies slightly from time to time, but it is around 17¢ a kilowatt hour, substantially more than the 6¢ people are getting now, and that should be added on top of the 44¢ they get from the feed-in scheme itself. So those who operate small-scale photovoltaic systems in South Australia should be getting a return for the net electricity feed-in scheme of something around 60¢ or just a little over that.

That is what they should be getting; it is what they should have been getting ever since the feed-in scheme was introduced, as I said, on 1 July 2008. Again, the government has failed to address this matter, and the review that it was obliged to hold under the act was probably 12 months later than when the parliament instructed the government to carry it out. We know we

have an arrogant government, and not only is it arrogant with the people of South Australia: it is arrogant with the instructions that it receives from this parliament, and I think that is lamentable as well. I commend this bill to the house and I sincerely hope that the minister, because he has been so tardy in bringing forth his own legislation, supports my legislation to fix up this anomaly.

Debate adjourned on motion of Mrs Geraghty.

CORRECTIONAL SERVICES (PRISONER COMPENSATION QUARANTINE FUNDS) AMENDMENT BILL

The Hon. I.F. EVANS (Davenport) (10:53): Obtained leave and introduced a bill for an act to amend the Correctional Services Act 1982. Read a first time.

The Hon. I.F. EVANS (Davenport) (10:54): I move:

That this bill be now read a second time.

This bill is the second version of a bill I put to the house in September 2008. On that occasion I introduced a bill that sought to provide a system in South Australia whereby victims of crime could be notified when a prisoner has been paid money by the state for damages for injuries that occurred within the prison system; the victim of crime, having been notified that that prisoner had received money from the state under those circumstances, could then seek payment as a victim of crime. That way, there would be more money going to victims and less money going to offenders.

The model I put up in 2008 was based on the successful New South Wales model. The then attorney-general called me into a meeting at his office and, although he was not at the meeting personally, his chief of staff on his behalf indicated support for the principle. Parliamentary counsel and others were there, and there was an agreement that the government would bring back amendments, to which I agreed so that the matter could be progressed. As of November 2010, nothing has been heard since and there has been a change of Attorney-General.

At that meeting, the government expressed the view that the preferred model from the government's point of view was the Victorian model which, in the government's view, is a less administratively complex and less costly system to implement. So, this bill reflects the Victorian system rather than the New South Wales system. I am giving the government its own suggestion, if you like, even though I said I was happy to accept the amendments that the government suggested back in 2008.

Members of the community may think there is not a lot of money paid to prisoners by the government for injuries that occur within the prison system. In preparation for the 2008 bill, a freedom of information application revealed that, in the previous six years, about $250,000 was paid to prisoners in the state prison system. In my view, that money should be available to the victims of those prisoners' crimes. This is not a new idea. There is a similar system in New South Wales, Victoria, New Zealand, and certainly it has been debated in the Queensland parliament. I am not sure whether it has been passed, but certainly legislation has been introduced into the Queensland parliament.

The concept of the bill is very simple. If a prisoner is injured in a state prison and they receive a compensation payment for damages from the state, the victim of that prisoner's crime is contacted and they have a prescribed time to make a claim, if they are interested in making a claim. It then goes through an administrative process, and they may or may not, depending on the circumstances, get access to part or all of that damages claim.

The principle of the bill is very simple: the opposition wants to give less money to the offenders and more money to the victims. Why the government has delayed this through inaction for two years is a mystery to me, but the opposition is always glad to stick up for victims' rights and for more money for victims. I hope the government can see its way clear to support the bill. It was the preferred model back in 2008, it has had two years to think about it, and it should not be beyond the wit of the government to support this particular bill. With those few comments, I look forward to a debate—and a vote—at some time in the near future.

Debate adjourned on motion of Ms Geraghty.

CRIMINAL LAW CONSOLIDATION (LOOTING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 July 2010.)

The Hon. R.B. SUCH (Fisher) (10:58): I support the member for Davenport. People who engage in looting, particularly during a time of bushfire emergency, would have to be amongst the lowest of the low. They are probably on a par with those who steal from people attending funerals. That has happened to some of my relatives when they have been attending a funeral—people came in and did the farm over.

I believe looting should be classified and treated as an aggravated offence, because it offends against not only decency but all aspects of how humans should behave in their interaction with others. So, I support this bill and I hope that, if not this bill, something similar is adopted by the government. As a parliament, we have a chance to tighten up the Criminal Law Consolidation Act, and I think it is a good measure.

The SPEAKER: Member for Davenport.

The Hon. I.F. EVANS (Davenport) (11:00): I thank the member for Fisher for his response—

The SPEAKER: Member for Davenport, before you speak—you will close the debate.

The Hon. I.F. EVANS: Madam Speaker, you gave me the call to conclude the debate.

The SPEAKER: No, the member for Little Para wants to speak on this.

Mr ODENWALDER (Little Para) (11:00): I oppose this bill and indicate the government's opposition to it.

Members interjecting:

Mr ODENWALDER: Yes, that's right. This bill seeks to make an aggravating feature of offending against division 2 or 3 of part 5 of the Criminal Law Consolidation Act of 1935 (that is, offences of theft or robbery) where they were committed in a place where, at the time of the offence, there was either:

- in force a declaration under part 4 of the Emergency Management Act 2004; or
- residents and others in the place or in the vicinity of the place had been advised by radio by the South Australian CFS that they should activate their bushfire action plans and that advice had not been withdrawn or ceased to apply; or
- residents and others had not been able to return to the place after leaving in response to a declaration or broadcast.

This bill also amends the penalty provision applicable to the offence of theft under section 134 by prescribing a maximum penalty for an aggravated offence of 15 years' imprisonment. For a basic offence of theft, the maximum penalty is to remain unchanged at 10 years' imprisonment.

As the second reading explanation for this bill revealed, it was introduced in response to the bushfires in South Australia, Victoria and Western Australia where there have been reports of people scavenging through people's burnt-out houses and businesses and stealing from them. There is indeed merit to addressing this issue, and it is the government's intention to do so, but not in the way proposed by this bill.

In response to recent reports of looting occurring in fire-ravaged properties both in South Australia and interstate, the minister has recommended that the Attorney-General's Department commence consultation with SAPOL and the commissioner of fire and emergencies to develop legislative action directed at looting amongst other matters regarding bushfires and this will commence shortly.

Under the current legislation, the most obvious offences with which a looter could currently be charged are theft, robbery or serious criminal trespass. This bill does not include the offence of serious criminal trespass as prescribed under part 6A of the CLCA. Given that most looting occurs at businesses or residences, this is a significant omission.

Secondly, the government is critical of the use of the activation of bushfire action plans as one trigger for a feature of aggravation; that is, the bill goes beyond requiring there to be a declaration under part 4 of the act but permits an announcement by the CFS to activate an action plan. Bushfire action plans are a common occurrence and for that reason alone should not form a trigger for a feature of aggravation.

The CFS has been consulted and information sought as to the criteria the CFS uses to determine whether an announcement will be made and as to the statistics on the rate of their use. The CFS has two key triggers for making a public announcement for residents to activate their bushfire action plan: when a total fire ban is declared or when a bushfire information message is released, specifically for ignition/development messages. The wording is standard and recommends that people activate their bushfire action plans.

The public communication for these is done through multimedia, as we know. For total fire bans, a media release is produced and circulated to all media outlets across the state, including all print media, radio and television stations including regional outlets. Bushfire information messages are sent to all print media, radio and television stations including regional outlets for all three media, with specific verbal contact with ABC radio and radio FIVEaa to confirm receipt. The most recent stats for 2008-09 reveal the following:

- the total number of fire bans declared for the calendar year 2008 was 247 spread across 48 days; therefore, on 48 days of that period the CFS issued a media release recommending that people activate their bushfire action plans;
- the total number of fire bans declared for the fire danger season in 2008-09 was 277 spread across 50 days; and
- the total number of bushfire information messages for ignition/development issued for the calendar year 2008 was 18 and, for the fire danger season for the same period, it was 25.

As can be seen from these statistics, it is clear that the use of bushfire action plans is fairly common during the bushfire season. Given that the CFS makes such announcements on a regular basis, it is not appropriate to prescribe this as a trigger point to constitute a feature of aggravation. This issue aside, it would also be extremely difficult to prove that an alleged offender knew of the announcement to activate a bushfire action plan when lighting the fire. The government opposes the bill for these reasons.

The SPEAKER: Member for Davenport, now you can have the call.

The Hon. I.F. EVANS (Davenport) (11:05): I move:

That the debate be adjourned.

The SPEAKER: I don't know why you moved that.

The Hon. I.F. EVANS: I look forward to the government, after its consultation, bringing back the amendments to my bill.

Motion carried.

PARLIAMENTARY COMMITTEES (BUSHFIRES COMMITTEE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 July 2010.)

The Hon. R.B. SUCH (Fisher) (11:06): Once again, I think this is a sensible initiative. I do not believe that as a parliament we do enough in relation to using our committees and the potential of committees to full effect. We are on the eve, potentially, I think, of a very serious bushfire season. You have only to look at the growth of grass and other soft plant species in the Hills areas to realise that, given the wrong conditions, we could have a major problem on our hands. I think that what the member for Davenport is trying to do here is make sure that concern and, more particularly, the way in which we deal with bushfires is at the top of our agenda here in parliament.

I would be surprised if the government supported this measure; it does not seem to be keen to support any positive initiatives. There is merit in having a committee that will monitor and keep an eye on what is happening, and has happened, in relation to bushfires. I think this measure has merit, and it is worth supporting. If the government does not believe that the wording is perfect or absolutely correct, it can amend it. As I have said, the committee system here could be used to better effect, and it is a good way not only of keeping members informed but also of ensuring that what is happening in the world outside in relation to bushfire management is of the highest order. I support the measure.

Mr TRELOAR (Flinders) (11:08): I rise also to support the move to establish a bushfire committee in this parliament, and I support the member for Fisher in his comments; I think the

committee system could be well used in this regard. What people fail to remember sometimes, I think, is that a bushfire is the single most likely natural disaster that we face in this state, and history records that.

There have been many significant fires; some that come to mind are the Adelaide Hills fires in 1939, the Ash Wednesday fires in the Adelaide Hills and also in the South-East in 1983. My own experience extends to the Wangary Black Tuesday bushfires in 2005. Even in my own electorate of Flinders, there have been many smaller but admittedly significant fires that have had a big impact on local communities and landholders.

As I have said, it would seem that bushfires are the single most prevalent natural disaster that we face. They are likely to occur often: it is possible for them to occur every summer in this state. What people do not always remember is that in any given year the landscape of South Australia will burn for almost six months—from November through to April.

So, I think that a committee of parliament focused on bushfire safety and prevention, and really providing oversight on the whole range of services that go towards managing, preparing for and fighting a bushfire, would be a good thing. There are some very complex issues around vegetation and safety management, and I believe this committee could provide some oversight also in that regard. I indicate my support for this proposal, and I hope that the government also will see the light and support it.

Mr ODENWALDER (Little Para) (11:10): The government opposes this bill.

The Hon. I.F. Evans interjecting:

Mr ODENWALDER: That is no surprise to the member for Davenport. It seeks to establish a parliamentary standing committee to do with bushfires. Members in this place in the last term (when I was not a member) may recall that the government did not support this bill when it was introduced in 2009. The Rann government has acted proactively and strategically in its response to bushfire risk management over the past eight years and, since the Black Saturday bushfires in Victoria, the Rann government, along with emergency services agencies, has taken decisive action to deliver significant new safety measures and improvements to better prepare the state against bushfires and to protect lives.

Members opposite will be aware that, since the private member's bill was introduced the first time, the government passed legislation at the end of 2009 to amend the Fire and Emergency Services Act based on a significant number of reviews, including the 2007 ministerial review of bushfire management and the 2008 review of the Fire and Emergency Services Act by Mr John Murray. These changes in legislation brought about the establishment of bodies such as the State Bushfire Coordination Committee and bushfire management committees in support of the already established bushfire task force and zone emergency management committees.

The government's formation of the bushfire task force will bring South Australia to a new level of bushfire preparedness. The task force is chaired by the CFS chief officer and has representatives from a wide range of government and non-government departments, including the Department for Environment and Heritage chief executive, SAFECOM, the MFS, the Department of the Premier and Cabinet, the State Recovery Office, South Australia Police, the Department of Planning and Local Government, the Department of Treasury and Finance, the Department of Education and Children's Services, the Department of Primary Industries and Resources, SA Water, the Native Vegetation Council and the Bureau of Meteorology.

The members of this task force are experts in their various fields and are the best people to look into immediate, medium and long-term solutions needed to improve bushfire management practices and strategies in South Australia and to provide advice to the government. Additionally, standing committees such as the Natural Resources Committee can currently inquire into or have referred to them matters pertaining to bushfires.

There are a number of other bodies that provide a forum for bushfire management and governance. The government has committed over $47 million in additional funding to ensure South Australians are more prepared than ever to face the threat of bushfires. These include: $9.4 million for new technology, infrastructure upgrades, equipment and volunteer support; $18.1 million for bushfire community awareness and education campaigns and additional community educators; $12.4 million for a new emergency warning system; $4.5 million for 10 extra DEH fire management officers and to increase burn-offs to reduce fuel hazard; $2 million for a response and recovery emergency information and support call centre; and $1 million for

five additional bulk water carriers. Emergency services expenditure has been increased from $159 million in 2005-06 to $196 million in 2009-10, and we have increased the state's aerial firefighting capabilities from $831,000 in 2002 to over $7 million in 2010-11.

South Australia adopted a new national framework for advice on warnings to the community in 2009-10. The system was developed to alert the community to bushfires and to provide advice on what to do when threatened by a bushfire. The Rann government will continue to increase bushfire awareness through the Prepare. Act. Survive program. This program will help bolster community awareness around bushfire preparation, giving every South Australian the chance to adequately prepare for the upcoming fire danger season. Prepare. Act. Survive will ensure that people continue familiarising themselves with the new warning system and it will help to motivate people to take action so they are prepared for any eventuality during the fire danger season.

The intentions of the member for Davenport in moving this bill are clear. However, setting up another committee would do nothing more than increase the workload of our emergency services agencies and, in turn, place pressure on their precious resources. There is a major risk that our emergency services will be so tied up with responding to another committee that it will detract from their current responsibilities and primary focus of saving lives. For these reasons, the government has not changed its position regarding this issue and does not support the bill.

Mr VENNING (Schubert) (11:15): I cannot believe we have just heard what we have from the member for Little Para. I cannot understand it. Here we are, on the cusp of the worst bushfire threat we have seen in my memory, and he is worrying about a few cents the committee would use up in time. I certainly support the member for Davenport's motion and commend him for the concept, as it is a good idea and ought to be put in. This committee could be called, say, the 'natural disasters committee' and look at issues other than bushfires—maybe floods or any other disaster that might happen. I am certainly open to that, but at the moment bushfires are the subject we are all very interested in. A dedicated committee could and should be established.

We are on the eve of the worst bushfire threat I can remember. The amount of growth on the roadsides and along railways is huge. I have been out slashing around our farm, around the railway lines and fence lines.

Mr Pederick: How did the yaccas go?

Mr VENNING: A few of those go under the blades. Some of the wild oats and turnips are over the top of the tractor, two metres high. On the railway line, at night you can see the sparks that come off these trains, and it is an inferno waiting to happen. It is just unbelievable. I have spent many hours—and it is good recreation for me—driving around and cutting down some grass on the few occasions I get home.

Members interjecting:

Mr VENNING: No, I do not do that. We should encourage cool burning, which we will have to do in the next week or so, but cool burning can be very touchy. It will burn but, after the change coming in now, there should be an opportunity for farmers and others to cool burn, particularly where you cannot slash—again, alongside railway lines where, because of the rocks and stones, you cannot slash effectively.

Cool burn is the way to go, and the railway authorities should be encouraged, with local farmers present, to burn along the railway lines rather than just grade them as they do. When they grade them, they push all the dirt up with the soil and they end up with a windrow full of dirt, rocks and weeds—a real mess. I know that they try but, with the growth there, it is very ineffective, so cool burning should be encouraged and, in some cases, it should be mandatory.

I note the use of the air crane, as the member mentioned a moment or two ago, and it is a good example of why an independent committee should be set up to look at an assessment of the use of that crane as it is a major state investment and cost. The committee could also look at whether we need more of them and how the ownership of those cranes should be done. We will see some horrific fires in the next few weeks and anything we could do as a parliament, or be seen to do, we should.

Our committees are not overworked. If you do not want a dedicated committee, at least give one of the existing committees the extra role by title to do this. It should sit down straightaway with the authorities to discuss and make sure where are their concerns. If there is anything the

parliament can do or anything local members ought to know and be aware of, it should be done. At the moment we leave it entirely to them: well, it is not on, it is not fair.

I commend all the volunteers for the preparation they have gone through in readiness for this huge bushfire year. I have seen them, with brigades out training and getting everything organised, because within 10 days it is on in earnest. They are harvesting today out at Pirie West. As the member for Frome would know, when they are harvesting things will burn. I commend all the volunteers, crews and officers and wish them all the best for the year. We should be doing our bit to watch this, and I certainly commend the member for Davenport and support the setting up of this committee.

Mr VAN HOLST PELLEKAAN (Stuart) (11:20): I have to say that the member for Little Para is a thoroughly decent chap, but he has been sent in here to do a dreadful, dreadful job. We are all familiar with the term 'announce and defend', but I tell you this: if we have a fire anywhere in South Australia, the government will be flat out defending after announcing that it will not support the member for Davenport and his initiative to set up a committee on bushfires.

I am a proud and active member of the CFS in South Australia in the Wilmington brigade. I had a call-out one night last week—it was Tuesday or Wednesday night—to a fire near Quorn. This is a very serious issue. We all know that there are no rules in regard to bushfires. It is not as if you just look at what has happened and say, 'Right. We've studied it. We know what's going on. We'll put the rules in the cupboard and we'll look at them whenever we need to.'

Fires in Victoria, fires on Eyre Peninsula, fires all over the place teach us that there are no rules. We need an active standing committee in parliament to look at this matter year in and year out to see how we should be addressing it, how we should be dealing with it and how we should be trying proactively to avoid bushfires. I remember very well the day I moved into Wilmington, about 6½ years ago. There was a fire in the hills behind Wilmington (strongly suspected to have been started accidentally by tourists) in Horrocks Pass. It burnt out thousands of acres and killed thousands of stock in those hills.

The key issue there is that the people who were suspected of starting the fire were just not knowledgeable about the risks they were taking. They were driving through those hills and presumably smoking—no-one knows for sure. I am not having a go at the individuals, but the reality is that they just were not familiar with what is required; they just were not familiar with how easily bushfires can start; and they were not familiar with the devastation they could cause.

I believe that having a standing committee of the parliament to look into this matter on a regular basis is a very important issue to consider. I would say to the member for Little Para (who is making a statement on behalf of his government) that, if there was a fire in his electorate, at One Tree Hill or somewhere like that, he would consider this very differently. I support the member for Davenport's motion.

Ms CHAPMAN (Bragg) (11:22): What we have had so far in the eight years that I have been in the parliament are more plans and more pamphlets. We have not had a consistent review and management of what is happening. We have had proposals for cold burns. We have had allocated burns every autumn and every spring, and they do not happen. The one little light here has been an improvement that I have observed in the parks and wildlife area in my own electorate: it now has a plan which will be operating and about which I will be given an annual briefing.

We have sirens but we have been told not to use them, which is just ridiculous. This is the one thing that saves the people in the Burnside CFS region in a highly volatile situation. We have had delays about even improving bunkers. We have this Prepare. Act. Survive. program. We now have a video or a DVD that everyone can watch. They may be helpful to some people to alert them to their own personal responsibility, but they are not enough. The latest measure is to have particular areas you are to go to in the event of a fire.

The Uraidla oval is one of the nominated places in my electorate. This oval is in a basin which has a very high rainfall. Prolific growth has occurred over this winter and, obviously, responsible landowners—public and private—are acting on that at the moment. Let me say that the government announced the Uraidla oval as a place to go to, but it has no independent water supply and it has no independent generator or power supply. What on earth will those people do when they get there to be protected in that circumstance?

It is highly irresponsible of the government to have announced and advised the public and then not provide the infrastructure to go with it. Local people in the community came with me as a

delegation to minister Holloway to attempt to deal with at least the water aspect so that that can be managed. It was laughable when I listened to the radio this morning and heard that the 400 proposed detainees at Woodside—the people whom the Minister for Families and Communities would have to look after (those who are processed and released)—will be instructed on the 'stay or go' policy. What utter nonsense!

Firstly, one has to wonder whether they even understand English. Secondly, how can you stay and go when you are in a detention centre? How can you possibly have a stay and go policy when you are under detention? What absolute lunacy. At the very least, I would have hoped that the government had got its act together and recognised that, if these people are going to reside in the Hills in a highly volatile area for future bushfire and be restrained behind a fence—these people do not even have cars—they would want to go and that, when they do go, they have some hope in hell of getting out of there alive.

I endorse this bill. I thank the member for Davenport for introducing it and he has my full support.

Mr BROCK (Frome) (11:25): I cannot believe that the government will not at least look at this bill and establish this committee, as the member for Davenport has requested. I will be very brief. Many speakers on this side of the house have been very passionate about this. Bushfires know no rules; they have no boundaries. If anybody understands what it is all about it is the people living in the communities. I understand members on the other side are only following the directions of the caucus or the party, but please look at it quite seriously.

We need to establish a committee to look at the facts. It is very easy for us in this house to make rules and regulations. The people who understand the issues are those at the coalface; namely, the ones who are out there working, the CFS and the farmers who deal with it all the time. As members on this side of the house have indicated, it is a very, very emotional and personal issue. This year is going to be the worst ever for bushfires. You only have to travel outside of the metropolitan area of Adelaide to the northern parts of the state and the West Coast to see that the bushfire load is very high. As the member for Schubert has indicated, there are crops and weeds out there that are two metres high. We need to be able to deal with that.

The member for Bragg has indicated that we have taken away the early warning fire sirens. We are not able to use those. Just in Clare, they had a fire siren, an early warning system, which was not allowed to be used. I am very supportive of this bill. I encourage and implore the government to support this member's bill. The member for Davenport has my 100 per cent support.

Mr GOLDSWORTHY (Kavel) (11:28): I will be extremely brief in my remarks, because I understand that this part of our procedures will conclude in a couple of minutes. As the shadow minister for emergency services, the member on this side of the house responsible for these issues, I certainly applaud the member for Davenport for bringing this matter before the house. He introduced it in the last parliament and he has re-introduced it in this parliament. It has my support and the full support of this side of the house. I could raise many issues in relation to this matter being the opposition spokesman on these issues. I could raise a number of things to refute the comments that the member for Little Para put before the parliament. With those few words, I support the bill.

The Hon. I.F. EVANS (Davenport) (11:28): I thank all members for their contribution and look forward to its going to a vote.

The house divided on the second reading:

AYES (20)

Brock, G.G.	Chapman, V.A.	Evans, I.F. (teller)
Gardner, J.A.W.	Goldsworthy, M.R.	Hamilton-Smith, M.L.J.
Marshall, S.S.	McFetridge, D.	Pederick, A.S.
Pegler, D.W.	Pengilly, M.	Pisoni, D.G.
Redmond, I.M.	Sanderson, R.	Such, R.B.
Treloar, P.A.	van Holst Pellekaan, D.C.	Venning, I.H.
Whetstone, T.J.	Williams, M.R.	

NOES (22)

Bedford, F.E.	Bignell, L.W.	Caica, P.
Conlon, P.F.	Foley, K.O.	Fox, C.C.
Geraghty, R.K.	Hill, J.D.	Kenyon, T.R.
Key, S.W.	Koutsantonis, A.	O'Brien, M.F.
Odenwalder, L.K. (teller)	Piccolo, T.	Portolesi, G.
Rankine, J.M.	Rau, J.R.	Sibbons, A.L.
Thompson, M.G.	Vlahos, L.A.	Weatherill, J.W.
Wright, M.J.		

Majority of 2 for the noes.

Second reading thus negatived.

CRIMINAL LAW CONSOLIDATION (LOOTING) AMENDMENT BILL

Mrs GERAGHTY (Torrens) (11:35): I move:

That standing orders be so far suspended as to enable me to move a motion forthwith for the rescission of the vote of this house on the adjournment of the Criminal Law Consolidation (Looting) Amendment Bill.

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

Motion carried.

Mrs GERAGHTY (Torrens) (11:36): I move:

That the vote on the adjournment of the Criminal Law Consolidation (Looting) Amendment Bill be rescinded.

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

Motion carried.

Mr PEDERICK (Hammond) (11:37): I move:

That the debate be adjourned.

Motion carried.

MAGISTRATES COURT, TRAFFIC MATTERS

The Hon. R.B. SUCH (Fisher) (11:39): I move:

That this house calls on the state government to undertake reforms relating to the way in which the Magistrates Court hears and deals with traffic matters, including the creation of a special division encompassing a traffic court with appropriately trained magistrates.

Members need to be aware, obviously, that I had a court matter that concluded in the—

An honourable member: I was just reading about it, Bob.

The Hon. R.B. SUCH: You will read a bit more later. It was in the Magistrates Court. That was dealt with and then went on appeal to the Supreme Court with Justice Tim Anderson. It is not appropriate that I canvass specific aspects of my matter because I am in the process of lodging an appeal to the Full Court, but I do want to talk in general terms about the Magistrates Court—and this is no reflection on any individual magistrate; I have high regard for our magistracy and also for our justices.

Perhaps the best way to outline what I am seeking to do is to read a letter I wrote to the Attorney-General, the Hon. John Rau, and the Chief Magistrate, Elizabeth Bolton, on 14 July of this year after the matter had concluded in the Magistrates Court.

Dear John and Elizabeth

I write regarding the structure of the Magistrates Court in South Australia and the need for a specialist division of the Magistrates Court to adjudicate traffic matters.

I understand that at present, a magistrate hearing traffic matters does not require specialist knowledge or training in the fields of mathematics, physics, photonics, etc., and is chosen from a pool of sitting Magistrates subject to availability.

However, it is imperative that a Magistrate adjudicating an alleged speeding offence understand the technical workings of laser (lidar principles) and radar devices, both fixed and mobile, especially the relationship between the mode of detection and the method of calculating vehicle speed, including any limitations of the technology (eg. effective range and width of the detection area; causes of interference; factors affecting target identification such as more than one vehicle within an image or a vehicle not clearly identified; effects of relative size, shape, finish and distance of targets) and possible sources of error (eg. cosine effect; panning errors; sweep effect; other sources of operator error). It is not unreasonable to expect that a Magistrate hearing a speeding matter should be au fait with the Australian Standards requirements, manufacturer's specifications and SAPOL operational guidelines for laser and radar speed detection devices.

I ask—Will the government take the necessary steps to establish a specialised division of the Magistrates Court to hear traffic matters, with sitting Magistrates who have specialist training and/or qualifications?

It is signed 'Yours sincerely'. The reply came from the Chief Magistrate, Ms Elizabeth Bolton, and I must say that it was not only a courteous reply, which is always pleasing, but also a considered reply. I commend the Chief Magistrate for her response dated 6 August 2010, which states:

Dear Dr Such

I refer to your letter to me of 14 July 2010 and apologise for my delay in replying...In your letter to the Attorney-General and myself you note that a magistrate hearing traffic matters does not require specialist knowledge or training in a number of scientific fields when they hear traffic matters.

As I understand the concerns raised in your letters, they are that a magistrate hearing a traffic matter requires the knowledge of the technical matters to which you refer in order to properly adjudicate whether or not an offence has been committed pursuant to traffic law. Can I suggest to you that that approach is to misunderstand the role of the judicial officer who is adjudicating on the charge before him or her. The role of that officer is to listen to the evidence, including expert evidence and then make an assessment as to whether or not he or she is satisfied that the evidence proves the offence beyond reasonable doubt. As you may appreciate, judicial officers, including magistrates hear matters that involve many different areas of expertise. The judicial officers are reliant on the parties leading expert evidence in a comprehensible and persuasive way so that the officer can then assess that evidence in performing their function which is of course to determine whether or not an offence is committed. This is so not only in traffic matters but in a wide range of matters.

The Chief Magistrate goes on:

In relation to whether or not traffic matters should be heard separately from other matters, I suggest that there may be some administrative benefits in those matters being listed differently from other matters. However, such a separate listing would not be for the reasons which you have outlined but rather because there are many traffic matters and many of them resolve by means of pleas of guilty and there may be some administrative advantages in disposing of those matters separately from other sorts of charges. I will certainly give that issue some consideration.

I appreciate you raising these matters and I am happy to discuss them in more detail with the Attorney-General should he so require.

Yours sincerely

Elizabeth Bolton

Chief Magistrate

Now, clearly, the Chief Magistrate was not convinced with my initial argument about the technical side of traffic matters and I will just comment on that. Magistrates, as I understand it, are lawyers who have five years' practice experience. However, as I indicated in my original letter to the Attorney and to the Chief Magistrate, you could have a magistrate, for example, who has come from doing purely civil-type work (contracts or whatever) and then is in a court making a judgment about what can be a highly technical and specialised area relating to traffic. As the letter says, the magistrate hears from experts and others and makes some considered judgment.

I do not believe that in most cases it really matters. If it is an issue, for example, of whether someone was parked in the appropriate zone, I think that would be relatively straightforward. However, when you get into areas, for example, of radar, laser and so on, you are in fairly technical areas. It could be argued that the defence and the prosecution can bring witnesses. It does not always happen that way, for a whole range of reasons, and one of them, of course, is the cost.

For example, the police often say to people, 'If you contest this matter, we'll bring a witness from Europe and that will cost you $20,000 if you lose.' So, the person says, 'Well, I'm not going ahead with this; I'll plead guilty,' even if they may be innocent. In other words, in theory, a defendant may be able to bring a witness; but, in reality, if the police, for example, bring a witness and the person loses the case, they are up for a huge amount of money. So, in theory, yes, there may be an expert but, in other cases, there may not be an expert witness available, or cost factors come into it.

One of my concerns, and this, I think, relates to the second point made by the Chief Magistrate, is the following. At the moment, as I understand it, and I stand to be corrected if I am wrong, about 40 per cent of Magistrate Court matters are relating to traffic issues. The cost of that to the community is enormous, and I will deal with a point relating to that in my motion shortly. A lot of the time of magistrates is taken up dealing with traffic issues.

Some jurisdictions overseas do have specialised traffic courts. Despite the Chief Magistrate's initial lack of support for that specialised division, I think it is worth considering, and I ask the Attorney, in conjunction with the Chief Magistrate, to have a look at some other jurisdictions overseas where they do have specialised divisions. I do not see a problem with that; for example, in the completely different area of family law, we have specialised courts and, clearly, we have specialised courts dealing with criminal and civil matters.

I just come back to the point that I believe it is worthy of exploration, and I urge the Attorney and the Chief Magistrate to have a look at this issue, not simply on the grounds of trying to ensure that we have justice but in terms of the administration of the courts system and, potentially, significant savings to the community by having a refined approach in the sense of a specialised traffic division within the Magistrates Court. I commend the motion to the house.

Debate adjourned on motion of Mrs Geraghty.

EXPIATION NOTICES

The Hon. R.B. SUCH (Fisher) (11:50): I move:

That this house calls on the government to review the manner in which expiation notices are issued and reviewed, including having an independent panel of experts to review contested expiation notices.

Again, I am talking in general terms relating to the issuing of expiation notices, which are not just issued for traffic matters, although that would be the main area in which they are issued.

I do not know whether any members here have had the pleasure of receiving an expiation notice, but I am sure that some have received one and they probably do not want to identify themselves. When someone is pulled over for a traffic matter, what they get at that time is not the complete expiation notice, and I do not know whether members realise that: they get the top part of the notice, which is very simple information—the name and address of the person, the alleged offence, licence number, vehicle details and the due date for payment, and that is signed by the issuing officer with their police ID number.

In many cases, it does not matter that the person who is alleged to have committed an offence does not get the complete notice, but I believe they should. I have spoken even as recently as Sunday to two traffic police officers who said to me they would not have a problem with issuing the complete notice at the time because they have to fill it out, anyway. The rest of the notice, what you might call the bottom half, lists the details of the offence. Those details can be critical in some cases, although not in all. Those details on the bottom half of the form are currently provided only if someone challenges the matter in court.

About six or seven months after the alleged offence has occurred, the person contesting the matter in court will get the rest of the expiation notice, which will have the precise details of not just where the offence occurred but also where the officer was, the time of the offence, the precise details of the road conditions, the amount of traffic present, whether the person was breath tested, the weather conditions and all those things. The officer has to fill that out at the time anyway, and I am suggesting that the complete notice should be issued at the time of the alleged offence.

It can be critical, when people want to contest it, if they do not have that detailed information. For example, if they wanted to have witnesses who were at the location, seven months after the event the chance of finding someone who was there is pretty remote. Likewise, under the Expiation of Offences Act, you only have a limited time if you want to write in and challenge aspects of the expiation. I do not know whether members realise that. For example, you can write in and give a reason why you regard the matter as trifling or specify other circumstances. If you do not get the detail until seven months later, you are well and truly past the time—I think it is 21 days but I would have to check that—in which you can write in about your expiation notice.

As to the other aspect in this motion, it has been put to me by one of our highly respected technical experts, Les Felix (who is a police calibration expert who does work around Australia), that, instead of what often ends up in the courts, we should have an independent panel of experts who can look at contested expiation notices. Some people have said that they could pay an extra

amount to have their expiation notice considered by an independent panel; others ask why should they because, as citizens, they should be able to challenge something without having to pay an extra amount.

In New South Wales, they do this already. In South Australia, the police check or respond to a challenged expiation notice, which is not appropriate because you are going back to Caesar to ask Caesar to check, validate and adjudicate on the notice they have already issued. In New South Wales, that does not happen: there if you challenge an expiation it goes to a different section of government, which looks at the notice to see whether there is merit in the challenge. It is fair and reasonable that the contested expiation notice be looked at by someone other than the people issuing it. I do not agree with the people issuing the notices being the judge and jury on an expiation.

If the government wants transparency and fairness in the justice system, then an independent panel is the way to go. If they did that, contested expiations in court would drop dramatically because you would have a panel made up of a traffic engineer or people like that, and they could say that there was merit in the challenge and determine that the expiation notice be waived.

There are a whole lot of benefits in this system. The main benefit would be in terms of fairness, that the person accused gets the details relating to the accusation and the complete expiation notice at the time. It will not cost any more or take any longer because the officer issuing it, whether a police officer or another authorised officer, have to do it there or then anyway. The police I spoke to on the weekend said that, if a person was asked why they were speeding, they would be happy if they signed to say that it was an accurate record of their conversation: that is an even better approach.

In conclusion, I ask the police minister, the Commissioner of Police and the Attorney to look at the current expiation notice system, which has been in place for a long time, to see whether it can be improved and made fairer and less costly for individual citizens and the taxpayer because of the costs imposed on the court by dealing with an increasing number of people challenging expiation notices. If the complete notice can be issued at the time of the alleged offence, everyone will be a winner. I commend the motion to the house.

Debate adjourned on motion of Mrs Geraghty.

PARLIAMENTARY PROCEDURE REVIEW

Mr VENNING (Schubert) (11:58): I move:

That this house, in light of the agreement in the commonwealth parliament, supports a review of the procedures of the South Australian state parliament and requests the Standing Orders Committee to convene and formulate recommendations, to be reported to this house by 30 June 2011.

When the federal parliament reconvened in September, a few weeks ago, a raft of changes and reforms were passed relating to the many different aspects of the operation of that parliament, including increasing the opportunity for private members to introduce measures and make speeches, quadrupling the time allocated each week for private member's business and an overhaul of question time.

This included limiting questions asked during question time to 45 seconds, ensuring that responses are 'directly relevant' to the question and limited to four minutes. Ministers are also now not allowed to use extensive notes when answering questions, which will put an end to Dorothy Dixers. Changes have also been introduced to increase the effectiveness of parliamentary committees, in that ministers will now have to respond to committee reports within six months or explain why they cannot, have not or could not. The changes to the operation of the federal parliament should provide the impetus and the catalyst for reform to this parliament's standing orders, and also act as a guide for the changes we may wish to see occur.

Attempts over many years (since I have been here) to update the South Australian parliament's standing orders have always failed. Political parties of all persuasions support the idea but only while they are in opposition, never when they are in government. The goodwill that we see in Canberra is an opportunity to do the same here, and I believe that a review of the procedures of the South Australian state parliament by the Standing Orders Committee would be the best place to start.

I believe that, with much goodwill, we can achieve something with the current leadership in position, particularly under the current Speaker (Hon. L.R. Breuer) and Deputy Speaker. Taking

into account the government's situation and this opposition, I am sure that we could come up with a situation that could stand the parliament very well into the future. Issues such as whether the Speaker should be independent of both government and opposition and whether the Deputy Speaker should be from a different party, as well as whether the powers of the Speaker to control the house should or could be considered.

A review of the operations of the South Australian parliament by the Standing Orders Committee could include many different aspects of the procedures of parliament including but not limited to the number of sitting days per year. There should be a minimum number required, say, 60 to 70—a lot more than the total of 40 sitting days expected this year. With respect to the hours of sitting, there should be fixed minimum sitting times, say, 11am to 6pm. If the government business concludes before 6pm the house should consider private members' business and committee reports rather than adjourning early. Sitting during meal times should be considered, especially for long debates, such as supply debates, etc.

Set times for major divisions could be considered, such as big divisions on certain debates, as occurs in the United Kingdom parliament. Question time is a farce, we would all agree, with more than half the allocated time used by government members asking ministers Dorothy Dixers—prepared questions and prepared answers. It is a farce.

Mrs Geraghty interjecting:

Mr VENNING: It has been going on for years.

Mrs Geraghty interjecting:

Mr VENNING: There are exceptions, but not many. It really is a nonsense that the government is allowed to ask itself questions. Question time is about keeping the government accountable. Ministers should be expected to answer the question, not fudge and dodge them completely. It is answer time as well as question time. Often there is no satisfactory response, and ministers deliberately evade the question.

This is the time when a government is accountable to the parliament. It has been abused and needs to be addressed as a high priority, and the Speaker needs the independence to be able to sit them down without fear of retribution. Question time should consist of 10 questions only from non-government members. Ministers have ample opportunity to sprout their good news via ministerial statements prior to question time.

I also think that time limits should be applied—as happens in the federal parliament—to both the question and the answer to try to combat the waffly, drawn-out answers which do nothing more than help the government run down the clock and avoid scrutinising questions from the opposition or any other non-government party.

Private member's time is another farce, with hundreds of motions blocking up the *Notice Paper*. Over the years I have tried to remedy this. We need to have a different scheme operating. The whole process needs to be streamlined. Do not let motions hang around forever. Some never get debated—they are never intended to be debated in some cases. The government of the day should not be able to control or manipulate this time. Many motions are continually adjourned. They should automatically fall off the *Notice Paper* after being there for a certain amount of time. Strict time limits should be put in place.

I believe that parliamentary committees need to be better utilised. Committees need to be revamped to be of more direct value to the parliament. They need to meet more often, with fixed meeting times, and they need to be accountable. Much time could be saved by the parliament if committees scrutinised all legislation prior to it coming before either of the houses. The *Notice Paper* should be reformed into a one-list system of bills and motions—start at the top and work through to the bottom; two adjournments and they are off the *Notice Paper*. Use of parliamentary privilege—abuse versus acceptable behaviour needs to come under scrutiny.

Citizens rights of reply—parliament introduced this right some nine years ago. It enables citizens the right of reply if they feel they have been unfairly treated by an MP or the parliament. There have been nine applications, but none accepted. Why? We need strict guidelines and an independent adjudicator. I understand right now, though, there is consideration of a citizen applying to appear before the bar. I hope that that is given good consideration. This decision ought to be made by an independent adjudicator.

Codes of conduct for MPs need to be put in place. Parliamentary protocols need to be reviewed. Technology in the house—use of mobile phones, cameras and computers all needs to be clarified. Televising parliament and public access via the internet, etc.—guidelines need to be put in place and continually reviewed and assessed. The people of South Australia expect their parliament to be more effective, efficient and accountable. It is time to revamp the rules to enable that to happen. It is time we put this above politics and put in place a system that will serve South Australia well into the future.

I believe that the best way for this to occur is for the Standing Orders Committee to conduct a review of the current processes and operations of the parliament and to formulate recommendations to be reported to this house for consideration and, as such, I ask that members support the motion. I am a member of the Standing Orders Committee and I am happy to commit myself to bring about this reform.

The Hon. R.B. SUCH (Fisher) (12:06): I strongly support this motion by the member for Schubert, with one minor consideration; that is, I do not believe the committee needs until the middle of next year to report. We have had a committee inquire into this place before. I think it was chaired by the previous member for Chaffey, if I am correct. I know I have put in numerous submissions and others have as well, but nothing has happened in terms of reforming the way in which we conduct ourselves.

You can nominate just about any other parliament and they have made significant changes. Certainly the Victorian parliament, the Western Australian parliament and Queensland have brought in a whole lot of useful reforms, but we are still going through antiquated procedures here, for example, the Speaker having to vacate the chair during the committee stage. A lot of parliaments got rid of that ritual years ago.

Many parliaments have a committee of the house to look at complex bills. We did it here on one occasion, I think it was one health bill, where the detailed complex aspects of the bill were thrashed out before they came to the floor of the house, so when you get into the parliament you can put something through relatively quickly because you do not have a whole lot of questions being asked ad nauseam about issues which could have and should have been resolved much earlier. If you have a committee of the house, then you can bring in experts from outside, any MP can appear, and so when the minister (or anyone else) introduces a bill it is in a pretty streamlined form, so you are not spending hours carrying on in here unnecessarily.

Other parliaments have introduced a whole lot of other reforms. The federal parliament, as we know, has tightened up question time procedures. We have question time; we do not have answer time. Observing the parliament this week during question time, it is an embarrassment really for people coming in from outside to observe the way in which we conduct ourselves. I have a provision later (and I will not discuss it now, we may get to it) relating to reforming the way in which we operate.

Currently, the Speaker's hands are tied essentially in terms of trying to maintain order, because the reality is that whoever has the majority of numbers in this house will determine whether or not someone is suspended. That is not a fair system and it is not a workable system. Yesterday, we had the Speaker being very generous and giving people three warnings. If you did any of those things in the Queensland parliament, you would have been outside to cool your heels for five or 10 minutes–and that is something that is the substance of a later motion, if we get to it.

The long and the short of it is that we need to reform this place. We are so far behind other parliaments—and that is not the important issue. The issue is: can we be more efficient? We hear moves in another place to set a minimum number of sitting days. What we need is sitting days when we are efficient and effective in representing the people of South Australia, making legislation, keeping the government accountable. It is not the number of sitting days: it is what you do on those sitting days that counts.

Estimates committees I have previously described as a near-death experience. I did not even bother to participate this year because it is basically a waste of time, and you have hundreds and thousands of dollars, of taxpayers' money, being used to prepare questions to answers that will never be asked. It is ludicrous, it is ridiculous, and it is time that we moved forward.

I trust that those who are on the Standing Orders Committee and the Speaker will really reform the way in which we operate because we can do a lot of things a lot better than what we currently do. I support this motion but I do not believe that we need to have a report by 30 June; I

think we could have one by the end of February, and that would be quite appropriate. The motion states by 30 June, but that does not preclude it reporting earlier. I support this motion.

Mr PEGLER (Mount Gambier) (12:11): I support this motion, too. As a new member here I have been amazed at how this place works in some ways. Bills going through the parliament are extremely slow. The processes, as far as I am concerned, are completely wrong. The system we have in place could be streamlined a lot better, and I am sure that those bills could go through in a much more orderly manner and to the satisfaction of all.

Question time, as far as I am concerned, is an absolute disgrace, from both sides of the house. We see the Dorothy Dixers and the often longwinded answers and then, of course, there are always questions from the opposition trying to set up the people in power, but then the people in power actually do not answer the questions that are asked. I believe there should be a much better system in place.

As to the power of the Speaker, I think that when people are not conducting themselves in a manner that they should in this house, the Speaker should have the power to make sure that they can control the house in a much more orderly manner. The theatre is great but I do not think it achieves a lot. I certainly support the idea that we reform this place.

Debate adjourned on motion of Mrs Geraghty.

CHRISTCHURCH EARTHQUAKE

Mr VENNING (Schubert) (12:13): I move:

That this house—

(a) notes the devastation caused by the recent earthquakes in Christchurch, New Zealand, the sister city to Adelaide; and

(b) urges the incoming Lord Mayor of the City of Adelaide to establish a relief fund.

As we know, on 4 September, Christchurch, New Zealand was hit by a magnitude 7.1 earthquake which caused minor injuries and widespread damage, including collapsed buildings, damaged bridges and sewerage lines, etc.

Officials have estimated that 50,000 homes in the city need major repairs from the quake, with 1,200 likely to be demolished and rebuilt. Officials estimate the total damage bill for the quake could reach $4 billion (New Zealand dollars) which equates to $2.9 billion (Australian dollars). Reports say that, although the recovery effort is well under way, the task is enormous, and the aftershocks that continue to occur are not helping the efforts.

On Tuesday 19 October a powerful aftershock hit the city of Christchurch again, cutting power and phone services and causing further light damage. It has been reported as the largest aftershock of the approximately 2,000 that have hit the city of Christchurch since the 4 September quake.

Adelaide has been a sister city to Christchurch since 1972. As such, I believe that some financial assistance should be provided to help with the recovery effort and that South Australians should have an opportunity to contribute. We in South Australia extend our best wishes and support to the people of Christchurch and, as a sister city, I think it is most appropriate that we start a relief fund. I was in Christchurch only one week before 4 September. It is a beautiful city with wonderful people. We all hope that the earthquakes subside and that the city can quickly rebuild. I urge the house to support this motion.

The Hon. R.B. SUCH (Fisher) (12:15): I was in Christchurch this time last year, and I have a former staffer who lives there. She is married to a pilot who flies for Jetstar. While I was there, I met the Deputy Lord Mayor, and I urge members, when they are visiting sister cities such as Christchurch, to make themselves known to the city council because they were very friendly, very receptive and assisted me in every possible way. It is a great place.

This event in New Zealand and the subsequent aftershocks highlight the fact that Adelaide sits on a fault line; in fact, I think it goes down the main street of Blackwood. Let us hope we do not have another earthquake like the one in the 1950s. When the member for Davenport was speaking in relation to his bill on bushfires, I was thinking that maybe—and hopefully the government will give this some thought—we need a committee of the parliament that looks at not just bushfires but also earthquake potential, flooding and other natural disasters. I do not think it would be inappropriate to look at the whole gamut of potential disasters.

I know that SA Water not that long ago looked at all the dams and reservoirs they own in South Australia to ensure that they meet the world standard for earthquake resistance or capability. As a result of that, they upgraded and changed some of the reservoirs, including the one in my electorate. Given what has happened in Christchurch, we should be mindful and make sure that we are ready for such an eventuality here because, without being too pessimistic, I think it will happen. People also need to ensure, wherever possible, that they have appropriate insurance, because, as I understand it, most policies do not cover earthquake damage.

I support this motion. The Kiwis, despite their obsession with that funny game of football, are basically good people, and I certainly support any measure to help them as a result of the earthquake.

Debate adjourned on motion of Mrs Geraghty.

PORK INDUSTRY

Mr PICCOLO (Light) (12:18): By leave, I move my motion in an amended form:

That this house—

1. Notes—
   - (a) the importance to continually improve animal husbandry practices to ensure the practical welfare of animals;
   - (b) the work being undertaken by the pork industry in Australia to phase out, as far is practical, the use of gestation stalls in the management of sows;
   - (c) the research being co-ordinated by the Pork Cooperative Research Centre (located at the Roseworthy Campus of the University of Adelaide) to ensure changes in sow and pig management are based on sound scientific evidence;
   - (d) that local pig producers acknowledge the participation of Woolworths in research to promote good animal husbandry practice;
   - (e) the unilateral decision made by Coles Supermarkets not to purchase pork from Australian farmers who have not completely phased out gestation stalls by 2014;
   - (f) the refusal by Coles Supermarkets to apply its decision to the producers and suppliers of imported pork; and
   - (g) the failure by Coles Supermarkets to properly consult with local pig producers.
2. Expresses its concern that the decision by Coles Supermarkets could have a significant negative impact on the Australian Pork Industry with no net benefit for animal welfare.
3. Calls on Coles Supermarkets—
   - (a) to apply the same welfare standard to all its pork products;
   - (b) to invest in research that will lead to improvement in animal husbandry practices;
   - (c) to work alongside the Australian pork industry to achieve better universal animal welfare outcomes without having a significant adverse impact on the industry; and
   - (d) to support rural and regional communities by investing in research that will improve animal husbandry practices and the productivity of the animal related industries.

I move this motion because it is a very important issue for not only rural Australia but also the whole country, since what happens in rural Australia impacts on the rest of the country as well. We have an integrated economy and society, so things that impact on our farmers ultimately impact on the townships in rural areas and on other parts of the economy and society. The very strong reason that I move this motion is that I do not believe this proposal is about animal welfare; it is really about market share. It is about big business actually increasing its profit margin and using animal welfare as a marketing tool to achieve that.

I will go briefly through the motion point by point. In terms of the first point about the importance of having in mind the welfare of animals, in our community there is a range of views from the animal rights people who think we should not eat meat at all to people who think we should be able to do what we like with animals.

Most of the community, I would say, would be in between there somewhere and would say that, if we are going to keep and eat animals, we should do it in a way that is as humane and as ethical as possible. That is what this motion is about: it says that we accept the reality that in our society we are going to eat meat and maintain animals but that we need to do it in a way which

minimises harm to animals and which also is as ethical as possible. That is where this motion emanates from.

I think it is important that, if we make changes to the way we maintain and keep animals, we need to do it in a very practical sense so that, in other words, what we seek to do actually achieves the aim. Mr Acting Speaker, I am not sure that the time clock is right. I do not think I have spoken for 10 minutes already.

Mr Bignell: It seems like 20!

Mr PICCOLO: It seems like 20, does it?

The ACTING SPEAKER (Mr Pengilly): We will get that corrected, member for Light.

Mr Pederick: With such a presentation, time flies.

Mr PICCOLO: It does; it is such a lightning presentation, time has flown. The industry acknowledges that it has to change. There is nobody in the industry who does not acknowledge, and most farmers acknowledge, that the industry has to change the way we maintain and run our pork industry. That is not the issue. They are not standing still and saying that what we have done in the past is what we should do in the future. There is an acknowledgement that we have to change, but we need to change in a way that protects the industry and achieves the stated aim of actually improving animal welfare.

Industry is now working with people in universities and scientists to create a scientific way of achieving those changes. The changes have to be based on science because, to the untrained eye, when you actually go into a piggery, what is often seen as bad is not as bad as it looks. That is true of a lot of things. To the untrained eye, a lot of things look worse than they are and that is where our sort of foot-in-the-door journalists do most of their work. A lot of things that we do to manage animals are actually done for their own welfare, given that we actually do keep and maintain animals. So, we need to make sure that the changes are real, practical and support animal welfare in the long term.

It is also important that we do not drop productivity because, even though some people think it is a dirty word, productivity is a very positive word. We try to achieve as much as we can with the minimum amount of resources; it is actually a very sustainable concept. So, we need to make sure that what we do does not have an adverse impact on productivity, and any unilateral decision to change would do that.

So, we need, quite rightly, to invest money into research to make these changes. Let us not be under any illusion: changes are very expensive for farmers. It is not a case of just changing the internal configuration of a shed. They will need bigger sheds and a whole range of fencing. Some will be external, so there is a huge cost to farmers as well.

Importantly, one of the supporters of the scientific approach to the change is actually Woolworths. Woolworths, which is one of the biggest competitors in the marketplace, on this occasion is being a good corporate citizen and should be rewarded because it is actually prepared to put money into research to make sure that any changes are realistic, affordable and lead to long-term change.

The unilateral decision by Coles is all about profit and market share; it is not about animal welfare. In a letter to the *Stock Journal* on 19 August, the General Manager for Corporate Affairs for Coles Supermarkets actually says that. His very final sentence in that letter to the *Journal* states:

> ...the good news is that Coles' pork sales have surged since the announcement—the first positive growth in the category in a long time.

That is what this is about: it is about increasing market share for Coles. That in itself is not a bad thing if it actually achieves the desired effect, but it does not—and I will get to that in a second.

Coles' claim that this is about animal welfare is just a nonsense. Also, Coles' refusal to apply its decision to importers also underlines that fact because 70 per cent of pork from manufactured pork products is imported already. Coles suggesting that it is interested in supporting industry is quite a nonsense. In that same letter to the *Stock Journal*, the Coles General Manager also says:

> Coles' decision to only purchase pork from producers who do not use sow stalls by 2014 was taken in the full confidence that Coles' producers, in SA and other states, were willing and could meet the farming requirements for this to occur.

Coles goes on to say:

> Our discussions with pork producers were open and inclusive to what they and Coles could do in adapting to these changes.

Well, if you speak to some of the pork producers, that is just a nonsense. Excuse the pun, but Coles is really telling porkies here because, when you speak to the producers, you realise that they were told, 'This is it; you have no choice.' The producers cannot speak up because there are not many retailers and purchasers in the marketplace any more—we have a duopoly, almost, in this country when it comes to retail—and, as a result, the producers are not going to speak out to defend themselves. So, Coles has taken their silence to mean consent, which is clearly not the case.

What we could end up with is a decimated industry, where we end up importing all our pork products, with no net benefit to animal welfare across the globe. It would be a tragedy if a country such as ours, which has so many resources and able to feed its own people, ends up importing food. What this motion seeks to do is to ensure that we have a level playing field in this industry.

It is quite appropriate for this house to call upon Coles Supermarkets to apply the same welfare standard towards pork products. After all, I would have thought that a pig is a pig—it does not matter whether it lives in Australia, Europe or Asia, a pig is a pig. It is like saying that, somehow, we need some sort of pig racism—that our pigs are more important or superior to the pigs overseas. Coles is saying that it is interested in animal welfare, but it is not, and it just undermines Coles' argument.

It is important that we have serious consultation with industry, because they are prepared to adjust and that we work with them as well. As I said, this decision by Coles could wipe out the industry. Again, in its letter to the *Stock Journal*, Coles says, 'Coles only buys, and will continue to do so, fresh pork from Australian pork producers.' Well, at the moment, my understanding is that there is a ban on importing boned pork products.

So, it is not because Coles wants to do so, it is because it cannot. I can assure members that, if that ban was removed tomorrow, Coles would be importing more and more pork. So, I think it would be right to say that Coles' commitment to the pork industry is a load of tripe—I guess is the right thing to say. Again, Coles is quite happy to wipe out an industry for its market share.

I think it is about time that Coles not only supported our rural and regional communities by investing in research to improve animal husbandry practices but also protected the jobs of not only the farmers but those in the production and processing industry. As I have said, it is also important that Coles makes a genuine attempt to advance animal welfare. With those comments, I seek the support of the house for the motion.

Mr PEDERICK (Hammond) (12:29): I wish to move an amendment to the motion as follows:

> To add the following paragraph to the motion:
>
> 4. Calls on the federal government for full and prompt national implementation of the Model Code of Practice for the Welfare of Animals—Pigs, as approved by the Primary Industries Ministerial Council on 20 April 2007.

It is not often in this place that I agree with the member for Light. There must be some love or something else in the air today. This motion recognises the true importance of animal welfare across the globe, and not trying to pick a sector, state or country above another is absolutely the right move.

I would like to discuss what Coles has done here. They have made an announcement that by 2014 they will stop buying fresh pork from producers who use sow stalls, and their ban will not apply to processed pork products, such as ham and bacon imported from overseas. Certainly, South Australian producers believe this will place them in an uncompetitive position and jeopardise the Australian pig industry. It is common knowledge that pregnant sows are placed in sow stalls to prevent them fighting each other, which is a natural tendency that often results in abortion and, therefore, lost production.

It is also worth noting that farrowing crates are used in the pig industry—for the survival of piglets, mainly, because, if they are not used, they run a high risk of death and very low litter rates in the breeding of pigs. The industry is telling us that up to 80 per cent of ham and bacon consumed in Australia is imported, much of it from Denmark, Canada and the United States, where gestation stalls exist and producers also enjoy subsidised farming systems.

Coles makes the grand claim that this move is motivated by animal welfare concerns. They decline to disclose how much pork they import and claim double-digit sales growth since the announcement. I agree with the member for Light that this is about perception and people feeling good when buying pork products from Coles, when most of it is imported product when Coles can get hold of it. The only reason they might not be purchasing it at present is that there is a ban, and I agree that as soon as that ban is lifted they will be straight back in the market bringing in imported product.

Coles also makes the claim that their decision followed consultation with South Australian pig farmers who, they say, supported the move. The problem is that Australian fresh pork producers will incur considerably greater production costs through increased infrastructure costs or through foetus losses if this move is brought forward by Coles without being brought forward across not just this state but also across this country and internationally.

Australian Pork Limited estimates that Australian farmers could pay between $400 to $900 per sow to phase out sow stalls. Most pig farmers support the general intent behind the decision and would accept it if it applied to all pork products sold in Australia, imported or locally grown. They object to being forced to adopt practices that will make them uncompetitive against overseas producers. Coles' consultation has been a little like Labor's and has been described as more like, 'This is how it's going to be,' and no real choice was offered. There is very little export of Australian pork. Other countries who export do not, in the main, import products that they produce.

Some countries that claim not to use sow stalls actually use them for four to six weeks through the most critical period of a sow's pregnancy rather than risk production levels. They are seen to be doing the right thing, but only up to a point. This is the other point about deception that I mentioned earlier. It is felt that most Australian producers would happily adopt this practice.

While Coles claims that animal welfare is the driver of this decision, it appears more commercial than altruistic. The move is seen by many as an attempt to catch up to Woollies, which grabbed a niche market share months before with a similar demand on some growers. If Coles were truly concerned about animal welfare it would acknowledge that all pork-based smallgoods are made from fresh pork wherever it is grown, whether it is pigs from Denmark, USA or Canada (from where almost all our pork imports emanate), and should be entitled to the same consideration, in which case Coles should apply the same demands on processed pork imports. It would certainly be ironic if we had to finish up trying to import fresh pork from countries using sow stalls.

It is interesting to note that in April 2006 the Primary Industries Ministerial Council endorsed a revised Model Code of Practice for the Welfare of Animals—Pigs, which was developed by a panel of experts including industry, government, animal welfare groups and the RSPCA and was acceptable to all. Changes were to be phased in over three, five and 10 years from then. South Australia adopted the code immediately but not all states followed suit. As a consequence, not all South Australian producers have embraced the changes or the timetable because they need to wait until all other states implement the same code, otherwise South Australian producers will be at a competitive disadvantage not only with internationally grown pork but with pork grown in other states. That is why I have moved the amendment.

Given that industry guidelines exist within this code, it is necessary for the federal government to insist on all states adopting the code promptly. This requirement for national adoption would be a far more reasonable and effective broad solution than using the blunt instrument of retailer imposed discriminatory bans. All growers are just asking for a level farmyard or playing field. The vast majority of farmers, whether farming pigs, sheep, cattle or other livestock, do the right thing, but there is always the odd one that does not. Certainly in the pig industry hygiene is absolutely paramount in order to prevent disease, and the care of sows is paramount so that they get optimal litter size.

I note also the expansion of using eco-shelters, where many pigs can be kept in units and have free-range to move around to their feed, water and sleeping shelters. People are making the right moves, but we need to do this not just in this state but right across the country and across the

world. This is all about perception. Putting a ban on one group of farmers, crippling our own local farmers, to make it look like you are doing the right thing is completely wrong. In closing my remarks, I note the motion from the member for Light. The Liberal Party will support the amended motion and I seek the support of the house.

Mr PEGLER (Mount Gambier) (12:39): I do not support the motion as it does not address the major issues facing the pork industry. The discussions before us on the pig industry and Coles need to be tempered with fact. The Australian government signed a peace agreement with the EU (along with other nations) and agreed to accept subsidised agriculture imports in exchange for the EU retaining membership of the WTO. Consequently, we are importing pork middles from Denmark to manufacture bacon.

Paul Keating negotiated an Australian export beef deal with Canada, which agreed to reciprocal trade of Canadian pork imports into Australia. Boneless pork legs are now imported for ham and smallgoods manufacture from that country. The Australian government signed the USA Free Trade Agreement. This agreement accepted USA boneless pork leg meat imports into Australia as a reciprocal trade. A trade battle emerged between Canada and the USA to supply boneless leg meat into Australia, and we now find (in October 2010) imports quoted at $2.58 a kilo being landed in Melbourne.

The OECD's agricultural policies 2010 producer support estimates show that Australian producers receive around 3 per cent; USA producers, 12 per cent; Canada, 18 per cent; and the OECD, 22 per cent. Australia cannot compete on price because the playing fields are not level. We have free trade in this country, but it seems to mean that our producers do it for free and all the other countries manage to trade with us.

From 2002 to 2007, Australian processors manipulated oversupply with imports. In 2007-08, the Australian pig industry had market gross oversupply as Australian processors greatly escalated imports to replace Australian pig meat used for ham and bacon because imported meat was so cheap. All Australian processors were forced to use imported meat so they could be market competitive on price with those using imported meat.

The Australian pig industry comprised 320,000 breeding sows at the beginning of this period, but due to extreme financial losses had reduced that number to 250,000 sows by the end of 2008. A total of 25 per cent of the industry had gone, leaving millions of dollars of infrastructure unused—empty piggeries were everywhere. The industry was to face a massive restructure as the ham and bacon processing market had shifted to imports. The remaining pork producers were focused on supplying the fresh meat market.

In 2008-09 the exit was so great that market undersupply prevailed for fresh pork, pushing prices to $3.60 a kilo for hot standard carcass weight. Also, 18 months of high prices and cheap grain delivered profits. Many producers restocked empty piggeries as the temptation was too great. We now find that in 2010 there is a market oversupply in the fresh meat pork market and prices have crashed to $2.40 a kilo.

Producers selling at under cost of production with a grain price escalation in August of 30 per cent will see another exit from the pig industry to restore the supply/demand balance. We must bear in mind that Coles and Woolworths account for about 80 per cent of the retail food trade in this country, so they are the major players. Coles Supermarkets and their stock suppliers of 10,000 pigs per week to meet their needs are fully aware of the risks associated with exotic disease outbreaks in Australia; those diseases being post-weaning multisystemic wasting syndrome and porcine reproductive and respiratory syndrome. These diseases are epidemic in all other countries in the world, and if they ever get into this country, we will see that those barriers cannot be used against those other countries.

Australia is the only nation that is free of these two viral diseases that have devastated the world. While we maintain this status, Biosecurity Australia is forced to allow pig meat into Australia for cooking and processing only. If we break with these diseases, fresh meat will flood into Australia at prices under our cost of production and decimate the Australian pig industry. Coles and its Coles stock producers believe we must start now to create a branded premium natural product that delivers excellence in sensoric eating qualities and builds an image of clean, fresh and safe. Coles has started the image of its meat by banning growth hormones from all Coles' cattle. It is imminent this will follow into its premium pork brand.

Consultation on stall free as part of brand with all Coles producers has taken place. Contracts and market premiums for supply of stall-free pork are currently being negotiated and

supply will commence in 2011. Coles politically had to hold its cards close to its chest on stall free to win the battle of first supermarket to announce welfare accredited pork. The rubbish and propaganda that has followed Coles' announcement is unbelievable. Coles' announcement will have no impact on the survival of Australian producers short term. The many producers exiting is inevitable due to the oversupply from imported products.

Australian pigs taking back significant market share for the processor market from imports is a dream. The reality of price will not see this happen again. The only way we can ever compete with these overseas importers is to have a superior product. Coles and its producer-suppliers need to be allowed to fulfil their visions of building a branded pork label that may allow competitiveness against fresh pork imports when it does happen.

They have been working together (that is, the producers and Coles) on the genetics and their farming practices so they can produce a superior product. In the genetics you work on sheer factors such as where the meat will cut the best and be the most tender and juicy, and, of course, farming practices also take that into consideration. The producers and Coles have been working together to come up with a superior product to be branded under this label.

Every country in the world has supermarkets driving change as they build brands for competitiveness. I think we must bear in mind that Coles has been working with its producers to come up with a brand of product and it was those producers who agreed with the sow stall situation, so I will be voting against this motion.

The Hon. R.B. SUCH (Fisher) (12:48): This motion by the member for Light raises a whole lot of issues. It is not unusual to hear people being critical of Coles and, at other times (although not in this motion), Woolworths. By implication, there is an inference that the other supermarkets are somehow more noble or worthy, but, in actual fact, Metcash, which supplies Foodland IGA, is a South African multinational and also supplies most of the service stations—and you see what sort of prices you pay there for—

Mr Pengilly: No, I don't, because I don't buy anything there.

The Hon. R.B. SUCH: Well, a lot of people do. They have been criticised by the ACCC for their behaviour. As a general point, when people are focusing on supermarkets and the rights and wrongs, I think they should apply the same standards. I do not know whether members caught up with the news this morning that Australia is now a net importer of processed food. We do not produce our manufactured food. If you go into a supermarket, as I am prone to do at times, you find that a lot of things are coming from all over the world.

That is not necessarily a bad thing if it is a level playing field, as the member for Mount Gambier said. The reality is that it is not a level playing field, but I think Australians want to be very careful that they do not put themselves in a position where, despite what should be a land of abundance, we do not generate our own food.

The issue of animal welfare, which this matter of pork production fits into, is a huge area and anyone who disregards what is happening in the community among consumers would be very foolish indeed. It is obvious that Coles have read the signals coming from consumers. The consumers generally do not want any product that has resulted from any practice that has involved animal cruelty.

I was talking to one of the senior Coles managers the other day, and he said that their sales of pork have doubled even though they have not brought in this new system, but the perception is out there that Coles are concerned about animal welfare—in particular, in this case, pork production. Their sales have doubled and they have not even implemented this new approach. It shows you the effect of people believing that animal welfare is being considered.

Putting it in the broader context, we have a con in relation to free-range eggs—not by all producers, obviously. There was a study done showing that the numbers mathematically did not add up in terms of those claiming to be free-range egg producers and what was actually produced. It is the same with free-range chicken. I know from my local chicken shop at the Hub when they switched to free-range and put the price up, their sales boomed because people will pay extra if they believe there is no cruelty involved.

We know that with the free-range chicken industry there is a lot of smoke and mirrors there, not actually in the pens or sheds, but some of these big producers have giant sheds with tens of thousands of so-called chickens in them who have a little exit trapdoor where they can go out and have a look at the view occasionally. There are genuine free-range producers; we have many

excellent ones here in South Australia. But we still do not really have a tight system of accreditation.

Compared with many places in the world, our animal welfare standards are a lot higher. I remember going to Japan once and I went to a dinner there. They said they would be serving fish. The fish was actually alive but it had the flesh taken off it. It was in the centre of the table packed in ice, still breathing (or whatever fish do), which put me off my fish dish a little. We have in the Middle East—and it is practised here—halal slaughter of animals where they do not even stun the animal, they just cut the throat and let the animal bleed to death, because apparently somewhere in the Bible it suggested that that be done.

So we have a lot of hypocrisy and double standards and a lot of carry-on where there is animal cruelty practised. One of the ironies is that we have gone more and more into factory farming when, of any place on earth, we are one of those where you would think we would be moving, as they would like to in Europe, towards a free-range-type production. There are arguments for and against free-range. You have issues of predation and so on, but the trend, if you look around areas like Murray Bridge, is towards intensive farming. That, I assume, will continue.

In terms of the pork industry, Coles has told me that all of their fresh pork is local. One would expect it would be if it is fresh, it would not be too fresh if it had been on a boat for a month or two. They have told me that all of their pork, 100 per cent, is Australian and it is fresh. What is imported is the processed pork, as the member for Mount Gambier has pointed out. This motion says that Coles should apply the same standard in relation to sow stalls and other measures on the imported product. I can understand the logic of that call. It is not easy to achieve, obviously, because those producers are outside this country.

I remind members that there are a lot of great local producers who are producing bacon and other smallgoods from local fresh pork. There is one in the electorate of the member for Kavel, the Kanmantoo Bacon Company. They use local fresh pork, it is all smoked locally, and you do not have to buy imported 'crap' (to use the scientific term). You can buy the local quality smallgoods that are produced from fresh Australian pork. There is choice out there for some people, but this issue has a long way to go.

I can understand the logic of keeping sow stalls, but, as Coles has recognised, there is consumer demand for changing what may be seen as a practice that is cruel to animals but which is designed to protect the litter from being crushed by the sow, and I can understand that. It is important that we debate this measure—and so that we can vote, I will limit my remarks—but this motion has a way to go in terms of the implications contained therein.

Mr PICCOLO (Light) (12:56): I do not disagree with what the member for Mount Gambier has said, but it is important to remember that this decision by Coles in no way helps to create a level playing field; it actually does the reverse. That is the important thing: it does not help create a level playing field. We have some of the most efficient farmers in the world and yet all this decision does is punish them further. If Coles wants to have a range of products, which is understandable, it can still differentiate products without making it compulsory for producers to do it immediately. Coles has the capacity to do that. This is really an abuse of market power. Coles is using its market power to ensure that the farmer does what it says.

In summary, we need to take a thoughtful and balanced approach to ensure that we achieve actual benefits in animal welfare and minimise losses to the industry, which could contribute significantly to the decline in our rural areas and regions.

Amendment carried; motion as amended carried.

[Sitting suspended from 12:57 to 14:00]

VISITORS

The SPEAKER: Honourable members, we have a number of guests in the gallery today. We have some people from the South Australian Regional Community Leadership Forum. It is an organisation from the Spencer Gulf region, so they are here as guests of myself, the member for Frome and the member for Stuart. They have been working here all day and seeing how we operate. Welcome; it is lovely to see you here, and I hope you get something out of your day.

We also have some year 11 students here from Rostrevor College, who are guests of the member for Morialta. It is nice to see you here as well; I hope you enjoy your time here. The member for Adelaide has some guests, who are ESL students from TAFE; we hope you enjoy your time here as well. I will just give a special mention to the former speaker of the house, the Hon. Jack Snelling, who has some special guests here from Italy to see us today; welcome to them.

TELEVISION CAMERAS

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (14:01): Madam Speaker, whilst we are noticing the guests in the gallery, it has come to my attention in recent times that there is another television camera that has been operating from the gallery. It is my understanding that it is not from one of the TV stations that has had permission from the house or from yourself over the years to operate from the gallery.

The SPEAKER (14:02): Apparently, it is from Sky television, and we have given permission for that some time ago, so there is no subterfuge about it. Eventually of course, we will be televised, so your bad behaviour will be noted by everybody in South Australia. I am sure we will have the top ratings in the state when we start being televised. People with insomnia will sit up all night to watch us.

NORWOOD MORIALTA HIGH SCHOOL

Mr GARDNER (Morialta): Presented a petition signed by 1,967 residents of South Australia requesting the house to urge the government to reverse its decision to cut funding to Norwood Morialta High School.

PAPERS

The following papers were laid on the table:

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

Health Service—
- Far North Health Advisory Council Annual Report 2009-10
- Gawler District Health Advisory Council Inc. Annual Report 2009-10
- Leigh Creek Health Services Health Advisory Council Inc. Annual Report 2009-10
- Mannum District Hospital Health Advisory Council Inc. Annual Report 2009-10
- Mid-West Health Advisory Council Inc. Annual Report 2009-10
- Murray Bridge Soldiers' Memorial Hospital Health Advisory Council Inc. Annual Report 2009-10
- Port Pirie Health Service Advisory Council Annual Report 2009-10
- SAAS Volunteer Health Advisory Council Annual Report 2009-10
- South Coast Health Advisory Council Inc. Annual Report 2009-10
- Whyalla Hospital and Health Services Health Advisory Council Annual Report 2009-10

By the Attorney-General (Hon. J.R. Rau)—

- Attorney-General's Department—(Incorporating the Department of Justice) Annual Report 2009-10
- Electoral Commission of South Australia—Annual Report 2009-10
- Equal Opportunity Commission—Annual Report 2009-10
- Guardianship Board—Annual Report 2009-10
- Legal Services Commission of South Australia—Annual Report 2009-10
- Public Trustee—Annual Report 2009-10
- South Australian Classification Council—Annual Report 2009-10

PUBLIC WORKS COMMITTEE

Mr PICCOLO (Light) (14:04): I bring up the 387th report of the committee, entitled Burnside Primary School Redevelopment.

Report received and ordered to be published.

QUESTION TIME

EDUCATION, ADULT RE-ENTRY

Mrs REDMOND (Heysen—Leader of the Opposition) (14:05): My question is to the Minister for Education. Under the government's adult re-entry policy, at which institutions will a person over 21 years of age but with no special needs or disability seeking to complete their SACE now be able to complete it, and what is the eligibility criteria?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development) (14:06): I thank the honourable member for her question, which seems to be recounting this misapprehension that the shadow minister for education has been running around about, and that is the question of TAFE and the relationship with SACE. Let me do it the long way—

Ms Chapman interjecting:

The SPEAKER: Order, the member for Bragg!

The Hon. J.W. WEATHERILL: —so that members opposite and the shadow minister can understand it. The SACE is a certificate; it is accredited by the SACE Board. It can choose to provide that accreditation to a range of different subjects and, increasingly, and under this government, more substantially as from next year, it will be allowed to take into account things such as vocational education and training—things that can be done within school or that can be done within TAFE.

The difficulty with the question here is that it proceeds from a misunderstanding about the way in which SACE certificates are actually constructed these days. SACE, which used to be the Senior Schools Certificate in what most of us would have known as matriculation, used to all be done in high school, except for those geniuses who managed to be successful and didn't need it. But, nowadays, it is a much more flexible arrangement that means that it can be completed in a range of different institutions: adult re-entry colleges, TAFEs and registered training providers. Just to add another degree of complexity, registered training providers are sometimes also adult re-entry colleges—some of them actually have accreditation.

What we have said consistently is that our adult re-entry colleges should be for people returning to get a second crack at getting their high schooling—that is what we have said they should be used for. We have been a victim of our own success because what has happened is that, because of our very high school retention rates, adult re-entry colleges are being used for things other than people trying to complete their high schooling. So, people are coming back, using them for WEA courses and all those sorts of things. We cannot afford to do that bit, but we can afford to continue to allow them to be used to allow people to complete their high schooling—that is what they were for in the first place.

There is another important interface here. A dramatically important budget announcement was the $194 million that the minister for further education announced in the Skills for All package—100,000 places over six years. We are talking here about a relatively small savings initiative. It is massively eclipsed by that initiative that will ensure that those people who are wanting to upgrade their skills—foundation skills or other vocational education training skills—can gain access to a subsidy that will assist them to do that, and that may be able to be done in adult re-entry colleges.

The other thing that is important to remember here is that we are placing our emphasis on the fence at the top of the cliff, not the ambulance at the bottom. The absolutely most important thing we can do is to ensure—

Mr WILLIAMS: Point of order, Madam Speaker.

The SPEAKER: Point of order, Deputy Leader of the Opposition.

Mr WILLIAMS: The minister was asked a very simple question: at which institutions can these people undertake their SACE? We have been listening to the minister for over three minutes now and he has not gone anywhere near explaining at which institutions these students will be able get their SACE.

The SPEAKER: I also think part of the question was criteria, etc. Sit down, member for MacKillop. I think there was something about criteria in the question also.

The Hon. J.W. WEATHERILL: Exactly.

The SPEAKER: I am sure the minister will direct his answer.

The Hon. J.W. WEATHERILL: They fail to appreciate the fact that there are a range of institutions, and I have been setting out those institutions and the way in which they can do it. The other group of people—

An honourable member interjecting:

The Hon. J.W. WEATHERILL: You will get a comprehensive answer because you don't like the fact that we are doing so much to allow young people to actually get on and get access to the training they need to make a success of their life. You don't like the sound of it but you are going to get it—in detail.

The other thing that we are doing is using our incredibly successful ICAN project, another $38 million for which was added into this budget. That project takes some of those older South Australians who are over 21 years of age who have become disconnected from school and engages them with a package of support to complete their high schooling. That occurs within the high school context—the high school proper, not the adult re-entry campus that sits next to the school. That is another initiative that goes to the question being asked.

Further, within our high schools, we are seeing innovative programs to allow those people who are not going to get their SACE but who, principals realise, need the foundation skills necessary to take the next step in their life to go on to TAFE or maybe employment. So, special campuses are being arranged, often collocated with TAFEs (in the case of Elizabeth TAFE and Fremont high school), that provide opportunities for those young people.

So there is a range of options for young people seeking to achieve high school qualifications and adults who are seeking a second crack. We are putting more resources than ever into this effort—an extra $203 million in the education budget—and all we get is misinformation from those opposite.

Members interjecting:

The SPEAKER: Order! Member for Torrens.

ABORIGINAL HEALTH PLAN

Mrs GERAGHTY (Torrens) (14:11): My question is to the Minister for Health. How is the state government working to ensure that Aboriginal communities get the best access to health care?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:12): I thank the member for Torrens for the question; I know she has a very strong interest in Aboriginal health issues.

I am pleased to advise the house that the state government has released the Aboriginal Health Care Plan for 2010-16 and next week I will join with the Aboriginal Health Council of South Australia to officially launch this very important plan. The Aboriginal Health Council represents the various Aboriginal-controlled health organisations across South Australia and provides very good advice to government and, of course, their own constituents.

This is a document that will guide the way health services are provided to Aboriginal communities in our state and provide a strong framework for better access to services and, ultimately, better health outcomes. The plan aims to do three particular things:

- reduce ill health in Aboriginal communities;
- establish a health system that is culturally sensitive; and
- promote health and wellbeing in Aboriginal communities.

As we know, Aboriginal people make up about 1.8 per cent of our state's population but, sadly, are disproportionately represented in our healthcare system (as they are in many other institutions, including the prison system).

SA Health data on potentially preventable hospitalisations shows Aboriginal rates to be over five times higher for adult Aboriginal adults compared with non-Aboriginal adults. In Aboriginal

children aged 0 to four, it is 50 per cent higher than for non-Aboriginal children. South Australia's Aboriginal population is hospitalised at at least twice the rate of non-Aboriginal people.

Chronic and serious conditions such as diabetes, heart disease, respiratory disease and chronic renal disease take a high toll on Aboriginal communities. The plan has been developed by our department (SA Health) and provides a framework for the COAG Closing the Gap strategy, and South Australia's State Strategic Plan Aboriginal health targets in targeting positive outcomes for Aboriginal people. It will focus on priority areas, including: child health (A Healthy Start to Life); youth health and safety; chronic disease; oral, ear and eye health; social and emotional health and mental illness; and preventable injuries.

One of the things that we particularly want to do, of course, is focus on smoking rates in the Aboriginal population. They are still at very high levels, and we know if we can bring down smoking rates to similar to that of the broader community we will go a long way towards reducing the gap in health outcomes for Aboriginal people.

The plan has a strong focus on promoting good health and preventing illness through better targeted information and the creation of healthier homes and communities for Aboriginal people and families. The plan will provide guidance on the types of health services and programs that need to be readily accessible, with promotion of their use.

Planning for health services will be tailored to each region to ensure that the most appropriate services are provided for those communities. The plan is reliant on collaboration between SA Health, the Aboriginal Health Council, Aboriginal community controlled health services, the commonwealth government, divisions of general practice, other clinical leaders and other state government agencies. So it brings together a whole range of people.

A monitoring committee will be established to ensure that the report is being effectively rolled out and to report back to the health department and the Health Performance Council on progress. I would like to thank all those involved in the development of the plan for the work they have done.

Can I also say, Madam Speaker, that I was very pleased earlier today because the Minister for Aboriginal Affairs and Reconciliation met with a group of senior people from the APY lands to talk to us about the role that arts and the arts centres play in the advancement of health outcomes on the APY lands. The minister and I were very pleased to meet with them and to promise them that we would advance their interests in relation to those matters.

Ms CHAPMAN: I rise on a point of order, Madam Speaker. I ask that the minister table the plan if it's so damn good.

The SPEAKER: I am not sure what point of order that was.

The Hon. J.D. HILL: Can I say that, for the benefit of the honourable member, the plan is now on the SA Health website, so I direct her in that direction.

CHAMBER DRESS CODE

The SPEAKER (14:16): Before I call on the Leader of the Opposition for the next question, could I ask Ms Muriel Matters, who is sitting in the gallery, to please remove her hat. It is not appropriate for a member of the gallery or anyone in this place to wear a hat. Thank you.

QUESTION TIME

EDUCATION, ADULT RE-ENTRY

Mrs REDMOND (Heysen—Leader of the Opposition) (14:16): In spite of not getting an answer to the last question, my next question is also to the Minister for Education. Under the government's adult re-entry program, can the minister advise at which institutions a person over the age of 21 will be able to study basic literacy and numeracy?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development) (14:16): I answered this question before; it is substantially the same question. I think that those opposite are troubled because what has happened over the last few weeks since the budget is that their misrepresentations about a number of the budget savings initiatives are beginning to unravel. So, what is—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —happening is that, as we get around and speak to the adult re-entry colleges—and I have now had the opportunity to speak to all but one; I am meeting with Marden College soon—we have had very positive discussions. What has emerged from those discussions is the view that, in some quarters (I will not say that this is universal), these reforms were overdue. That is what has been said to us.

There has been a broad acknowledgment about the use to which the adult re-entry colleges are being put, that is, being used as WEA courses or some form of community education for people who are looking for companionship; although that is important, it is difficult to justify using a high-cost high school model to continue to provide those services.

We do not want to leave those people behind, and we will find ways in which they can be connected with the WEA courses. In terms of the foundation studies that are being referred to, I repeat what I said earlier: our principal aim is to make sure that you do not leave school without that basic literacy and numeracy. That must be our focus. That is the starting point. If, though, you have left school, we will seek to re-engage you through our ICAN programs.

If, for instance, you leave within a few years, we will have the opportunity of re-engaging you in the high school—again, if you are about completing SACE. If, however, you want to come back to high school for the purposes of trying to receive some foundation studies, we have the Skills for All package that talks about foundation studies to give you the skills necessary to then go on and gain a qualification in a vocational, education and training setting.

If you are a registered training organisation, you can gain access to that. The truth is that the adult re-entry colleges are registered training organisations.

Mrs Redmond interjecting:

The Hon. J.W. WEATHERILL: Some of them are, or some of them are co-located with registered organisations, such as TAFE. I know that it is difficult to understand. I know that you have never paid a lot of attention to the way in which young, disadvantaged people leave high school and try to find a life for themselves. I know that has never really been a concern of those opposite who are worried about the leafy suburbs and the big end of town, but—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —we spend our days and weeks thinking about these things, because—

Mr Williams interjecting:

The SPEAKER: I warn the member for MacKillop.

The Hon. J.W. WEATHERILL: —that is what Labor governments do.

CRIME STATISTICS, CITY OF PORT ADELAIDE ENFIELD

The Hon. S.W. KEY (Ashford) (14:20): My question is to the Minister for Police. Minister, can you provide information regarding the crime rate in the City of Port Adelaide Enfield and the work that is being done to bring the crime rate down in that area and across the state?

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (14:20): I am pleased to advise the house that the latest official figures from the Office of Crime Statistics and Research show that total victim reported crime in the City of Port Adelaide Enfield has fallen by 31 per cent since 2002. The statistics show that there has been a reduction of over 6,000 offences since 2002. This equates to 115 fewer offences occurring every week in the Port Adelaide Enfield area compared with 2002.

Major assault, minor assault, sexual offences, break and enter, fraud, illegal use of a motor vehicle and many more have fallen since 2002. Even more pleasing is that you are far less likely to become a victim of crime in the City of Port Adelaide Enfield area today compared to 2002. In 2002, there were 190 offences per 1,000 of population. This has dropped by a massive 36 per cent to 121 offences per 1,000 of population.

These statistics show that the greater police presence in the western suburbs is having an impact. In fact, the recruitment of 700 additional officers is having an impact across the state. The

latest South Australia Police statistics show that crime in South Australia has fallen by 35 per cent since 2001-02. These reductions in crime are no fluke. Rather, it is the product of a well-resourced, professional and high-performing police force, coupled with tough new laws introduced by the government.

This year's SAPOL budget has reached record levels—more than $693 million has been allocated, representing an increase of more than 88 per cent compared with the last Liberal budget in 2002. There are more police on the beat than ever before, with a further 313 additional police, on top of the 700 already recruited on their way. These figures by the Office of Crime Statistics and Research confirm that the opposition leader's forum tonight is nothing more than an attempt to create fear and panic among the people of the western suburbs—

Mr WILLIAMS: Point of order, Madam Speaker. The minister has now strayed into debate—standing order 98.

The SPEAKER: It is getting very close to debate. Minister, would you like to conclude your remarks?

The Hon. M.J. WRIGHT: —and nothing more than a feeble attempt to paper over the Liberal Party's lack of credibility on law and order. Madam Speaker, they're soft on law and order!

Members interjecting:

The SPEAKER: Order! No debate across the chamber, please. When you have settled down. Member for Unley.

EDUCATION, ADULT RE-ENTRY

Mr PISONI (Unley) (14:23): My question is to the Minister for Education. Which aspiring premier is correct—quick, up, Patrick, up, up—

The SPEAKER: Order!

Mr PISONI: The Minister for Education who said today—

The Hon. P.F. CONLON: Point of order.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: I'm a courteous man, I always accept an invitation, but it is out of order.

The SPEAKER: It was very cheeky, I must admit.

Mr PISONI: Which minister is correct, the Minister for Education who said today, regarding the government's adult re-entry policy:

> We can guarantee that everybody that is seeking to finish their high school will be able to complete their high school.

or the Treasurer who on 20 September 2010 said:

> We don't have the luxury any more of accepting mature aged students into our normal schooling system.

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development) (14:24): The two remarks are completely consistent.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: Our schooling system has to be for the completion of high school. It cannot be used—

Members interjecting:

The Hon. J.W. WEATHERILL: We need to understand what it is being used for at the moment. We are aware that—and it has only been confirmed as I have travelled around to each of the adult re-entry colleges—people are doing high school subjects, using high school teachers and all of the resources of the high school system out of interest. That is fine, I like that, because it is a nice thing to be able to go back and do an arts subject here or there or a history subject here or there.

Many of these people are older South Australians and that is fine, as well. However, it is not being directed at completing their high schooling. It is not about getting on and getting a job or preparing for life. Many of these people have lived a very substantial life. On the front page of *The Advertiser* there was a 94-year-old gentleman who was studying history. The paper had a very interesting story about the fact that he had lived through the Depression and he was now studying the Depression. That is all fine and I do not think it is a bad thing. However, the problem is that we cannot afford to do that and do the other things that we need to do in our education system.

Remember, the extra $203 million that is going into education is a net figure. That is after the savings that we have had to make. It is a much more substantial figure that is going into our education system. This is the net figure after savings, the net increase in the education budget: $203 million. It is completely consistent with what the Treasurer said.

Our schooling system cannot be used for mature-age students who are looking for something in the nature of a WEA course. I am sure that it does provide some camaraderie and some interest for them, and I do not want to dismiss that as unimportant, but we cannot use our high cost, high standard high school model to—

Mr Marshall interjecting:

The SPEAKER: Order, the member for Norwood! I warn the member for Norwood.

The Hon. J.W. WEATHERILL: —provide that support. The truth is that, as our school retention figures have gone up, our adult re-entry colleges have taken fewer people who are seeking to complete their high schooling. So, they have taken in other people to fill up the space. We cannot afford to continue doing that and we are focusing, as I said, on making sure that people complete high school in the first place or give people a second chance to complete their high schooling.

Mr Williams interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order members on my right, also!

BANKSIA ENVIRONMENTAL AWARDS

Mr KENYON (Newland) (14:27): My question is to the Minister for Environment and Conservation. What national recognition has been bestowed upon the efforts of South Australians in the battle to ensure the survival of our iconic Coorong, Lower Lakes and Murray Mouth region?

Mr WILLIAMS: Point of order, Madam Speaker.

The SPEAKER: Order!

Mr WILLIAMS: That question was full of comment and I think it is totally out of order: standing order 97.

The SPEAKER: The question has been asked; you have made your point.

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (14:28): I thank the member for his question and acknowledge his very keen commitment to all matters that relate to our environment. I am very pleased to inform members that the Department of Environment and Natural Resources was recently recognised in two significant categories at the 2010 Banksia Environmental Awards ceremony.

Russell Seaman, the environmental manager of the Coorong, Lower Lakes and Murray Mouth Program, was named the Prime Minister's Environmentalist of the Year. The department's outstanding program (Coorong, Lower Lakes and Murray Mouth—a government/community partnership to ensure a future for the Lower Murray) was named the winner of the Land and Biodiversity—Preserving our Ecosystems category.

The Banksia Environmental Foundation is a national not-for-profit organisation that promotes environmental excellence and sustainability through its awards program. The foundation's annual awards are considered to be Australia's most prestigious environmental awards.

The 2010 Banksia Awards ceremony was conducted in Sydney on Friday 15 October. Russell Seaman was nominated in the category Prime Minister's Environmentalist of the Year for the central role that he played in developing innovative and visionary solutions to the threat posed by drought and associated issues to the environment of the Murray-Darling Basin and specifically to South Australia's Coorong, Lower Lakes and Murray Mouth region.

Mr Seaman's role as manager of the Coorong, Lower Lakes and Murray Mouth Program, and his efforts in the specific areas of acid sulfate soil management, the management of Lake Alexandrina and Lake Albert, and the Goolwa Channel Water Level Management Project have been outstanding, and this award is greatly deserved.

The Land and Biodiversity—Preserving Our Ecosystems award is presented to the entry that has been deemed by the judges to demonstrate leadership and innovation in protecting and enhancing land systems, soils, forests and biodiversity, and protecting individual native flora and fauna species to complete ecosystems.

With the Murray-Darling Basin having experienced the worst drought since records began in 1891, the Coorong, Lower Lakes and Murray Mouth program was created to address the environmental challenges confronting the region where the River Murray meets the ocean. Those issues include: salinity, acidification, soil erosion, loss of habitat and risk to many species. The federally-funded Lower Lakes Bioremediation and Revegetation Project is one of the key initiatives being implemented in conjunction with the local community to help secure a healthy and sustainable future for the region.

In partnership with the Milang and Districts Community Association, the Ngarrindjeri Regional Authority, the scientific community and other government agencies, the Department of Environment and Natural Resources is developing and implementing the best options to stabilise the ecosystem, help manage acid sulfate soils and improve biodiversity. The department's commitment to a partnership approach was recognised by the judges, who commended the Coorong, Lower Lakes and Murray Mouth project for establishing true cooperation across the local community and a range of national, state and local organisations.

I am sure all members will join me in congratulating Russell Seaman and the Coorong, Lower Lakes and Murray Mouth team on winning these prestigious awards. Their commitment to developing innovative solutions in partnership with the local community to secure a healthy, sustainable future for the Coorong and Lower Lakes region is to be commended. These prestigious national awards are also a recognition of the steadfast commitment of the Rann government to implementing effective freshwater solutions to ensure a sustainable future for this iconic region.

EDUCATION FUNDING

Mr PISONI (Unley) (14:32): My question is to the Minister for Education. Will the minister continue to allow education bureaucrats to spend $100,000 on entertainment per year, which last year included a $585 half-hour ministerial drinking session at the Royal Institute?

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development) (14:32): All of the big issues are being discussed here—a $2.5 billion budget and the honourable member is focusing on those issues.

Mr Williams interjecting:

The SPEAKER: Order, member for MacKillop!

The Hon. J.W. WEATHERILL: I do not know what the breakdown was of those various events, but it could well be the case that a number were in the nature of professional development events that were catered for. I do not know what the nature of those events was, so I am not prepared to provide some blanket answer about the nature of those events.

Obviously, there should be modest entertainment undertaken to ensure that the purposes of the department are properly undertaken. If the honourable member has a particular issue he wishes to raise with me about an element of those expenses that he takes exception to, I invite him to draw that to my attention and I will investigate the detail.

EDUCATION FUNDING

Mr PISONI (Unley) (14:34): I ask a supplementary question. What is the department's annual budget for entertainment?

The SPEAKER: I do not think that is a supplementary; that is a new question.

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development) (14:34): I do not know whether there is a particular budget line for entertainment. I suspect that it is a matter that is dealt with at the sub-manager level in relation to a whole range of programs. I do not think there is a global entertainment budget in relation to the education department, but I will attempt to find out an answer, if there is, in fact, such a beast within the department.

STATE FOREST

The Hon. I.F. EVANS (Davenport) (14:35): Did the Minister for Forests tell a forestry forum in Mount Gambier on 20 October that in regard to the sale of the state forest 'it is a really bad time to sell'?

The Hon. M.F. O'BRIEN (Napier—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Northern Suburbs) (14:35): You have obviously seen the transcripts; I did. It is a bad time to sell, and there will not be a fire sale—end of question.

SA WATER, MURRAY RIVER LICENCE

The Hon. I.F. EVANS (Davenport) (14:36): My question is to the Treasurer. As the Treasurer told estimates that South Australia would keep around 7 per cent of the $228 million of the commonwealth contribution towards the desalination plant, which is about $16 million, how much of SA Water's River Murray water entitlement will the government relinquish in exchange for that amount?

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (14:36): I thank the—

An honourable member interjecting:

The Hon. P. CAICA: No; I am not getting the answer at all.

An honourable member: It's probably on your tweet.

The Hon. P. CAICA: I don't know how to tweet. I thank the honourable member for his question. Quite simply, what we have said on previous occasions is that the licence for SA Water will not in any way form part of being reduced with respect to that money that is going to be provided by the commonwealth in regard to its commitment to the desalination plant. I could go through it again, about what reducing reliance on the River Murray means—

An honourable member: Go on!

The Hon. P. CAICA: No; they should know by now. I know Mitch has already said that he needs to become more wise, but it will take me too long for that to actually happen. There will be no impact upon the SA Water's licence. That is not to say that subsequently, in the context of the Murray-Darling Basin Authority's final plan, whenever that arrives, there will be some impact upon all licence holders, one of which is SA Water.

The Hon. K.O. Foley interjecting:

SA WATER, MURRAY RIVER LICENCE

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (14:37): You right there, Kevin? I'm not real keen on that tie, mate.

The SPEAKER: Member for MacKillop, you will ask your question.

Mr WILLIAMS: My question is also to the Minister for Water Security—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! Point of order.

The Hon. K.O. FOLEY: Madam Speaker, I will take clothing critique from the Leader of the Opposition and the member for Bragg, but never from the member for MacKillop.

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: My question is for the Minister for Water Security. Can the minister confirm—

Members interjecting:

The SPEAKER: Order, members on my right—behave!

Members interjecting:

The SPEAKER: Order! This is not a Trinny and Susannah program; this is a parliament.

Mr WILLIAMS: Thank you, Madam Speaker. My question is Minister for Water Security. Can the minister confirm that the commonwealth is demanding around a 30 gigalitre reduction in SA Water's River Murray water licence in return for its funding commitment to this desal plant?

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (14:39): Madam Speaker, I know it is difficult for the Leader of the Opposition—I beg your pardon—the Deputy Leader of the Opposition, the current deputy leader, one of the many deputy leaders of the opposition. I answered that question previously.

An honourable member interjecting:

The Hon. P. CAICA: I did. I answered that question previously in relation to the impact of the licence—that is, SA Water's licence—in the context of the arrangement with respect to the $228 million that will be provided, which has been guaranteed by the commonwealth government.

Mr Pederick: How much water?

The Hon. P. CAICA: I answered the question earlier.

Members interjecting:

The SPEAKER: Order! On your feet to speak, please. We will have no more of this. Member for Goyder.

NEWPORT QUAYS

Mr GRIFFITHS (Goyder) (14:40): My question is for the Minister for Infrastructure. When was the minister first made aware of the details of the Environment Protection Authority's submission on the Newport Quays development?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (14:40): I am very happy to answer this question as I was asked it by the media so I have had a bit of practice at this one. I need to give some information in background—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: I didn't think that was particularly funny.

Mr Williams interjecting:

The Hon. P.F. CONLON: No, I am going to talk about the substance of the question and not the relevance as you keep saying—the substance of the question as required by standing order 98.

Mr Williams interjecting:

The Hon. P.F. CONLON: Are we done now? The issue of industries existing side by side with a residential land release has been around for a very long time; in fact—and this goes to the hypocrisy of the opposition on this—since the opposition, when they were in government in about 2001, decided to release the Port Adelaide land in the harbour for a residential development.

Just so we all understand, Adelaide Brighton was there; Incitec Pivot was there; the Shell tanks were there; all of those industries were there when they decided to release the Port Adelaide land for a residential development. Just so we understand so that we do not hear any more hypocrisy from that side.

Members interjecting:

The SPEAKER: Order!

Mrs Redmond: Outside the exclusion zone.

The Hon. P.F. CONLON: No, no, no; all exactly where they were when you put this land onto the market. If you cast your mind back—because you have no memory on your side, no wit, no memory, no hope.

An honourable member: No future.

The Hon. P.F. CONLON: No future. It was, in fact, in the early days of this government in 2002 that we got back the results of that initial tender. Funnily enough I have a letter in front of me from the EPA on this very issue of Adelaide Brighton Cement and buffer zones. This letter is dated 2004 and was sent to the former minister for planning, Jay Weatherill, who talks about dust emissions from Adelaide Brighton Cement and the need for an 800-metre buffer zone, which was what the development worked on. Then the EPA came up with a different report and we found that surprising, so there was a conversation about that.

An honourable member interjecting:

The Hon. P.F. CONLON: When did I first know about emissions? I first learnt about it almost as soon as we got your tender back in deciding to build a residential development down there. and the conversation has been going on for years. Forgive me if, when the EPA comes out with a different view, we go and say, 'How does this work because this isn't consistent with what we understood in the past?' Since that initial view I understand that the EPA has taken other views. This issue is on your land development. If you only discovered it last week, member for Goyder, that is not our fault. You should have known about it when you put the land on the market.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The Hon. P.F. CONLON: I knew about Adelaide Brighton Cement when I went to Le Fevre Primary School.

Members interjecting:

The SPEAKER: Perhaps we could have a cup of tea while we are waiting for you to finish this banter across the chamber. Member for Goyder.

NEWPORT QUAYS

Mr GRIFFITHS (Goyder) (14:43): I have another question for the Minister for Infrastructure.

Members interjecting:

The SPEAKER: Order!

Mr GRIFFITHS: Minister, if you will listen to me, what is the state government's financial exposure on the Newport Quays development?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (14:43): Sorry, what is our financial exposure to what? We do not have a financial exposure; it is a land release. To the best of my knowledge, we are not exposed to anything; it is a land release. Can I point out to you, again, the hypocrisy about this. They care suddenly about their land release when there have been people living next to Adelaide Brighton Cement for as long as Adelaide Brighton Cement has been there without a buffer zone. Our concerns are for everyone on the peninsula and will continue to be, and to the best of my knowledge we have no financial exposure. That's not to say that, if some party was disappointed, they might not try to seek something from us.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: I have no doubt that, if someone comes after the taxpayer with some spurious claim, the opposition will support them.

DISABILITY FUNDING

Ms CHAPMAN (Bragg) (14:44): My question is to the Minister for Education. Can the minister tell the house why $5.1 million of disability equipment funding in the 2008-09 years was transferred to the Julia Farr Association? With your leave and that of the house I will explain. The minister has repeatedly told the house this week that, ultimately, the funding was spent on disability equipment. The question as to why the minister transferred the disability equipment funding to the JFA, which is an organisation that does not provide disability equipment and the commentary in the Julia Farr Association—

The Hon. P.F. CONLON: Point of order, Madam Speaker.

The SPEAKER: Order! A point of order.

The Hon. P.F. CONLON: The rules are quite specific: the member is entitled to ask a question without notice and entitled to seek leave of the house if the member wants to explain that question, not go off on a lengthy discourse. If she wants to explain it—

An honourable member interjecting:

The Hon. P.F. CONLON: Well, it might not seem lengthy to you but, listening to it, it seems very long to me. I would ask her to ask the question—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: —and explain it with the leave of the house.

The SPEAKER: Order!

Ms CHAPMAN: I am actually happy to accept that advice, Madam Speaker, and I seek your leave to complete the explanation. The Julia Farr Association 2009 annual report states that the money was being held in trust for the Department for Families and Communities.

The SPEAKER: The Minister for Disability.

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Housing, Minister for Ageing, Minister for Disability) (14:46): Thank you, Madam Speaker. It is really interesting that we have the member for Bragg, the shadow minister for disability, so interested in disability equipment, and I think—

Ms Chapman interjecting:

The Hon. J.M. RANKINE: I say that in the context of the lack of your commitment to improving the life of people with a disability. You went to—

Ms CHAPMAN: Point of order, Madam Speaker.

The SPEAKER: Order! A point of order.

Ms CHAPMAN: The minister is accusing you, Madam Speaker, of having a lack of commitment to people with a disability, which is outrageous.

The SPEAKER: Order! Yes, it's the terminology. Minister, continue the answer.

The Hon. J.M. RANKINE: The $5 million that was transferred to the Julia Farr Association for disability equipment is—

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: —half of the total amount they were going to commit to the entire disability budget over four years if they were elected.

An honourable member interjecting:

The Hon. J.M. RANKINE: Well, you may not know this, but Julia Farr Services is a highly respected disability service here in South Australia, and it was providing disability services, but it went through—

Members interjecting:

The Hon. J.M. RANKINE: No, listen.

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: You want to listen.

Ms Chapman interjecting:

The SPEAKER: Order, member for Bragg!

The Hon. J.M. RANKINE: You want to listen. There was a process in which Julia Farr Services was going through a transition into Julia Farr Association.

Members interjecting:

The SPEAKER: Order! I can't hear the minister.

The Hon. J.M. RANKINE: Money was paid to the organisation that was going to be ongoing, not the organisation that was closing down. It is my advice that the money had actually been—

Members interjecting:

The Hon. J.M. RANKINE: Madam Speaker, I can't tell them—

Members interjecting:

The SPEAKER: Order! I have no idea what you are saying, minister, and they haven't either because no-one can hear you. I suggest you—

Mr Marshall interjecting:

The SPEAKER: Order! Member for Norwood, you are on your second warning.

The Hon. J.M. RANKINE: It is my understanding that the money was actually expended in the financial year for which it was—

Ms Chapman interjecting:

The SPEAKER: Order! Member for Bragg, you're on a warning.

The Hon. J.M. RANKINE: Will you just be quiet? Three strikes yesterday; if you were a trust tenant, we would be taking you to the tribunal.

Ms Chapman interjecting:

The Hon. J.M. RANKINE: Three strikes yesterday.

Members interjecting:

The SPEAKER: Order! The minister.

The Hon. J.M. RANKINE: It is my understanding that the equipment was purchased during the year in which the money was provided—

Mr Venning interjecting:

The SPEAKER: Order! The member for Schubert will stop making those noises across the floor. You're on a warning.

The Hon. J.M. RANKINE: —but the Julia Farr Association, as of 30 June 2009, had not yet paid the bill.

Members interjecting:

The SPEAKER: Order! The minister has sat down; she has finished her answer. The member for Kavel.

HOON DRIVERS

Mr GOLDSWORTHY (Kavel) (14:49): My question is to the Minister for Road Safety. Given the government has recently crushed two cars seized from hoon drivers with a combined total of 90 traffic offences, will the minister now seize and crush the car of the Minister for Correctional Services, who has been individually responsible for 60 traffic offences?

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order across the floor! I am not even going to ask the minister to respond to that question. The member for Stuart.

YORKEYS CROSSING

Mr VAN HOLST PELLEKAAN (Stuart) (14:50): My question is to the Minister for Transport. In light of the second sulphuric acid spill yesterday in the last three weeks on Highway 1 at Port Augusta, will the minister revisit his decision not to upgrade Yorkeys Crossing as a backup to the Port Augusta bypass?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (14:51): I have no doubt at some point in the future someone will revisit that decision.

REBELS MOTORCYCLE CLUB

Ms CHAPMAN (Bragg) (14:51): My question is to the Attorney-General. Given that the Attorney-General's predecessor took six months to consider the Police Commissioner's application to have the Finks made a declared organisation, why has it taken almost 11 months for the Attorney-General to make a determination on the commissioner's application in relation to the Rebels? With your leave, Madam Speaker, and that of the house—if granted—I hope Patrick is listening—

An honourable member interjecting:

The SPEAKER: Order!

Ms CHAPMAN: The police clearly do not think that we need to wait for the outcome of the Totani case, as it is reported that a declaration application against the New Boys has been prepared.

Members interjecting:

The SPEAKER: Order! Attorney-General.

The Hon. J.R. RAU (Enfield—Attorney-General, Minister for Justice, Minister for Tourism) (14:52): I thank the honourable member for her question. As she would be well aware, she has asked a question that relates to material in the nature of police intelligence. I do not intend to provide any further information to parliament about those matters.

HICKS, MR D.

Ms CHAPMAN (Bragg) (14:52): I have a further question to the Attorney-General. Can the Attorney-General advise the house what he is doing to enforce the law that was enacted in 2007 by this government that promised that David Hicks would not be allowed to sell his story and profit from it?

The Hon. J.R. RAU (Enfield—Attorney-General, Minister for Justice, Minister for Tourism) (14:53): I was not aware that it was my particular role to be pursuing Mr Hicks.

ANTI-CORRUPTION BRANCH

Ms CHAPMAN (Bragg) (14:53): I have a further question to the Attorney-General. Can the Attorney confirm that the head of the Anti-Corruption Branch has been given responsibility for Operation Nomad, diluting the focus of the branch?

The Hon. P.F. CONLON: I have a point of order, Madam Speaker. Once again, the addition of the word 'diluting' at the end of the question is pure comment. If she does not want debate in the answer, she should not put it in the question.

The SPEAKER: I uphold that; but there was a question at the start that the Attorney might like to answer.

The Hon. J.R. RAU (Enfield—Attorney-General, Minister for Justice, Minister for Tourism) (14:54): In relation to that matter, I am unaware as to what Operation Nomad is or might be. I assume it is another one of these matters that relates to police investigations about which I would not be inclined to make any remarks, anyway. I think it is probably helpful for the honourable member and other members to know that, to the best of my knowledge, that group of individuals reports to the Police Commissioner and, through him, to the Minister for Police, not to me. My understanding is also that the minister for—

Mr Williams interjecting:

The SPEAKER: Order, the member for MacKillop!

The Hon. K.O. Foley interjecting:

The SPEAKER: Order, the Treasurer! We will not have a discussion across the floor. Minister, have you finished your answer?

The Hon. J.R. RAU: I think I have covered most of the main points.

AGRICULTURAL SPRAYING PRACTICES

Mr PEDERICK (Hammond) (14:55): My question is to the Minister for Agriculture, Food and Fisheries. What is the state—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The Minister for Industry and Trade, be quiet.

Mr PEDERICK: I think that we should just crush your car, Tom.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: Minister, I warn you. I warn the Minister for Industry and Trade.

Mr PEDERICK: We will just crush your car. You are an idiot.

Members interjecting:

The SPEAKER: Order! Can the member for Hammond have the respect of the place, please, to ask his question.

Mr PEDERICK: Thank you. What is the state government's position on additional restrictions to agricultural spraying practices currently being considered by the Agricultural Pesticide and Veterinarian Medicines Authority? In a letter sent to the minister and South Australian country members of parliament (state and federal), the Crop Science Society of South Australia Incorporated, a non-political organisation interested in the science and technology of agriculture, has expressed its concern that some of the proposed restrictions are unnecessary and will severely impact on the efficiency and productivity of Australian agriculture.

The Hon. M.F. O'BRIEN (Napier—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Northern Suburbs) (14:56): I thank the member for Hammond for the question, and particularly the explanation. I will return with a—

Members interjecting:

The SPEAKER: Order!

The Hon. M.F. O'BRIEN: Madam Speaker, I am not the best; it is just in comparison to the member for Hammond that I actually look this way.

The SPEAKER: And, of course, you are a product of Whyalla High School, minister. The member for Hammond.

ANIMAL HEALTH BIOSECURITY FEE AND PROPERTY IDENTIFICATION CODE

Mr PEDERICK (Hammond) (14:58): I will have another go, Madam Speaker. My question is to the Minister for Agriculture, Food and Fisheries.

Members interjecting:

The SPEAKER: Order!

Mr PEDERICK: Why did the government not distribute a PIRSA memo—

Members interjecting:

Mr PEDERICK: We are actually trying to get your minister to answer something that he should know about. Why did the government not distribute a PIRSA memo about animal health biosecurity fees and the property identification code before making certain statements about its intentions on these matters in the budget papers and in subsequent questioning in budget estimates committees on 13 October? Is this, in fact, an about-face on the anticipated implementation of decisions that it had already taken? A so-called media release listing numerous dot points on the animal—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: Order!

Mr PEDERICK: Well, that is the thing; it was unmarked—health biosecurity fee and the property identification code was made available to livestock industry groups on 18 October, apparently to facilitate further discussion and consultation on those matters. I am advised that no consultation as such took place before the announcements were made in the budget despite statements to the contrary by the minister.

Members interjecting:

The SPEAKER: Order!

The Hon. M.F. O'BRIEN (Napier—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Northern Suburbs) (14:58): The member for Hammond makes me look brilliant again. I will take the question away, get my staff to analyse it to see whether we can make any sense out of it, and then I will return with a full and frank answer. At the moment, it was rambling and incoherent.

Members interjecting:

The SPEAKER: Order! The member for Fisher.

CHAMBER DRESS CODE

The Hon. R.B. SUCH (Fisher) (14:59): My question is to you, Madam Speaker. You earlier ruled that Muriel Matters was out of order for wearing a head covering in this chamber. Would that apply to someone wearing a hoodie, a turban or a burqa?

The SPEAKER (14:59): I have been sitting here thinking the same thing myself. I will come back to the honourable member with an answer.

MURRAY RIVER, DROUGHT COMPLIANCE

Mr PEDERICK (Hammond) (15:00): Seeing I can't get any answers out of the minister for ag, I will try the Minister for the River Murray. How does the government propose to maintain drought compliance and other river channel surveillance along the River Murray now that the drought compliance team has been disbanded? On 24 September, the government terminated the employment of the entire 11 member drought compliance team. The team had responsibility for checking for water theft and abuse, illegal dumping of waste and other contaminants, illegal developments, riverbank slumping and collapsed trees. With rising water levels, these risks have increased rather than decreased. It is my understanding that random patrols will be rare or non-existent and inspections will depend on incoming reports from the public.

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (15:01): I thank you very much for the question. Of course, he raises a very important issue; that is, that along the length and breadth of the River Murray we are able to ensure that there is compliance regarding the water that people can extract. Indeed, we have processes in place to make sure that we can identify those people who extract water and who are not supposed to extract water. Part of that is our department having linkages with the community. In respect of the specifics, which I do not have here in front of me, I think I should take the majority of that question on notice and I will certainly get back on that matter.

ABORIGINAL HEALTH PLAN

Dr McFETRIDGE (Morphett) (15:01): We will try to make up for the four hours we should have had in estimates. My question is to the Minister for Health. Minister, given your answer to the member's question about the release of the Aboriginal Health Plan—

The Hon. P.F. CONLON: Point of order, Madam Speaker. Given that the member for Bragg does not like people addressing comments to you, perhaps she should lecture the member for Morphett in asking his question directly to the minister instead of through the chair.

The SPEAKER: Member for Morphett.

Dr McFETRIDGE: Thank you, Madam Speaker. My question is to the Minister for Agriculture—

The Hon. M.F. O'Brien: Health.

Dr McFETRIDGE: Health—he knows everything, though. Minister, given your statement to the house in response to a question—

The Hon. P.F. CONLON: Point of order, Madam Speaker. I wouldn't be a stickler for it, except that it was raised by the member for Bragg. Could he address the question through the chair?

Dr McFETRIDGE: Given the minister's statement to the house concerning the Aboriginal Health Plan 2010-2016, why has there been a reduction in expenditure on targeting Aboriginal health employees in the Department of Health by over $323,000?

The SPEAKER: Member for Morphett, can you repeat your question? You did your usual racetrack trick; we didn't hear it.

Dr McFETRIDGE: I understood it perfectly, ma'am. Can I ask the Minister for Health: why has there been a reduction in the expenditure on targeting Aboriginal health employees in the Department of Health by over $323,000?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:03): I am not quite sure I still heard every word he said there, but I get the gist of it, I think. I thank the member for the question. I think the question was: why are we reducing—

CHAMBER DRESS CODE

Ms CHAPMAN (Bragg) (15:04): On a point of order, Madam Speaker, I am loath to interrupt the response from the minister, but can I bring to your attention that someone wearing headdress has been asked to leave the public gallery, and given that you indicated that you were going to advise us of your ruling on that I would like your assurance that you have not asked anyone to leave the chamber until that has been resolved and what your decision is.

The Hon. R.B. SUCH (Fisher) (15:04): Madam Speaker, point of explanation, I did not realise that were people up there.

Members interjecting:

The Hon. R.B. SUCH: No, I didn't. Just listen—

The SPEAKER: Can I have some clarification? It is very unfortunate that you asked this question, member for Fisher, and I am very angry that you did, because there are people in the gallery who are wearing their traditional headgear. It is sad that you asked this question in what was a bit of—perhaps not fun. In a minute, I am going to open the grille that we have brought out from the UK. That this happened today is very unfortunate, but if anyone upstairs has been asked to leave, then I apologise for that. It should not have happened because I have not come back with my reasons at this stage. It is very unfortunate that this has happened. It has spoilt the day. I am sorry about it.

The Hon. R.B. SUCH: Can I just clarify that I did not know those people were in the gallery until the member for Mount Gambier—

The SPEAKER: It is too late now. Member for Fisher, sit down.

Members interjecting:

The SPEAKER: Yes, sit down. It is too late now and it is very unfortunate that it has happened. We did have a question. The minister was about to answer it.

QUESTION TIME

ABORIGINAL HEALTH PLAN

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:05): The gist of the question from the member for Morphett was: why has there been a reduction in that part of the bureaucracy which is part of the Aboriginal health area? The reality is that we have reduced the number of public servants within the health bureaucracy, including the Aboriginal health section, but we have increased the amount of funding made available to services on the ground.

The SPEAKER: Could the house settle down. There is a very unpleasant taste in here at the moment so could the house please settle down.

CHAMBER DRESS CODE

The Hon. R.B. SUCH (Fisher) (15:06): I seek leave to make a personal explanation.

Leave granted.

The Hon. R.B. SUCH: I make it clear again—and the member for Mount Gambier can verify this—that I was not aware of anyone in the gallery as I do not normally look up into the gallery. After I had asked the question he said, 'Do you realise there are some people in the gallery wearing scarves?' I did not know that until he told me, after I had asked the question. I do not care whether people wear head covering in here or not. I was just asking a question to get it clarified because there are people who come in here who may wish to wear—

Members interjecting:

The SPEAKER: Order!

The Hon. R.B. SUCH: —a turban, and I do not have a problem with that, or if they want to come in wearing a burqa. I was just getting clarification on your ruling, that's all.

The SPEAKER: Well, I'm sure that's your explanation, member for Fisher.

GRIEVANCE DEBATE

MINISTERIAL STAFF

Mr VENNING (Schubert) (15:07): How ironic it was that, when the public sector workers were rallying here on Tuesday against the government's decision to axe 4,000 public service jobs, parliament was suspended from just after midday until 2 o'clock, as the Rann Labor government had run out of business. With only 32 sitting days this year, it is appalling that the government could not find anything to put to the house. It is yet another demonstration of how arrogant and lazy the Rann Labor government has become.

It is so arrogant that the Premier and his government thought that they would get away with hiding 200 spin doctors across various departments. These 200 staff are in addition to 298 spin doctors and other ministerial staff employed in the 15 ministers' offices, with a total annual salary bill (for these 200 public relations and communications staff) estimated at $17.4 million. That brings the total wages bill for the whole spin team to $28 million, plus perks. That is appalling. This is at a time when the Premier is slashing hospital and school budgets, axing public sector jobs, and reducing funding to the agricultural sector but still increasing fees and charges.

What are these people employed to do? They have to try to make an unpopular government popular again. Let us look at the some of the messages the spin team has tried to sell for the Rann government over the past year or so:

- the construction of a new rail yards hospital, which the public does not want;
- the infamous Water for Good Plan spruiking that the Rann Labor government is working to reduce our reliance on the River Murray—how many adverts have we seen about this and at what cost to the taxpayer; and

- construction of the desalination plant—another project that has been splashed across the television but we are still to receive any benefit from it.

I could not believe it when I read that in South Australia the lowest-paid ministerial adviser—and there are 18 of them—receives $99,540, plus home phone rental and broadband connection, two-thirds of calls; reasonable use of a mobile phone—and it is a pity the Treasurer cannot be made to show similar restraint; internet costs and city car parking. I wonder what the total salary package would add up to. If the ministry were reduced, there would be no need for 18 of these ministerial advisers and the money saved could be better used elsewhere.

We heard the Minister for Health in the house yesterday defend the government budget cuts to the three private hospitals at Keith, Ardrossan and Moonta. These hospitals are vital to the small communities they service, and to see the government withdraw the $800,000 they get in total as grant support—only $150,000 for one of them—that is only one wage in this spin team.

What about pulling money away from our food-producing industries? How can any government that has any credibility savagely cut crop research—crops for food—and yet today we hear that Australia is a net food importer? How can they cut this valuable work and still keep in place a massive PR spin team to make the government look good? What hypocrisy. What totally double standards.

This morning, in an interview on ABC radio, the Minister for Health was justifying the cuts to the three hospitals due to the economic crisis. What a lot of rubbish. How much credibility is there when they waste $28 million on this massively oversized spin team? What credibility have you got when you are happy to get on the radio in all sincerity and say, 'It's all about the economic downturn,' yet you know you have $28 million in your pocket that you are throwing away on a spin team. Did the spin team suffer the same cuts? No way, did not touch it.

Also, in last week's *Advertiser* we saw, 'Chief of staff's hidden $80,000 windfall: Rann's top man paid in secret.' It goes on to say:

> Taxpayers paid the Premier's chief of staff Nick Alexandrides about $80,000 more than the Government reported in its yearly salary reports.

It goes on and on. I am sick of hearing the crocodile tears from the Minister for Health and others that all these cuts are about the economic downturn when you have $28 million there that you do not need to be spending. If you were a good government you would not need to have a spin team at all. In the old days of Sir Thomas Playford you barely had one adviser per minister. It is high time you were credible and axed it too.

WILMARK AWARDS

Mr BIGNELL (Mawson) (15:12): I rise today to congratulate the winners of the recent Wilmark Awards at the Willunga Farmers Market a couple of weeks ago. It was my great privilege to be at an establishment called Our Place on top of Willunga Hill, which is run by Andy and Anna Clappis, who used to have the Maylands Hotel and who now do a fine job of making fantastic bread, pastas and other goodies in the Willunga area. They have a stall called Happy Foods at the Willunga markets every Saturday morning, and they hosted us again this year for the Wilmark Awards.

I would like to congratulate the stallholders and individuals who were winners this year. They include Hart's Vegetables, a family company that has had three generations involved in market gardening. They were originally in the Campbelltown area when Campbelltown produced a lot of our state's fruit and vegetables. Unfortunately, a lot of that land is now under housing and producers are moving further and further out into the fringes.

I mentioned at the awards that the markets not only provide us with a great opportunity to get fresh fruit and vegetables and other produce every Saturday morning but they also set a fine example for people in South Australia about how food used to be. I think that, in many cases, we have lost a generation (or perhaps two generations) of knowledge of where food comes from, how to prepare food and how to grow food.

The markets give us an opportunity not only to buy good fresh fruit and vegetables but to meet the people who produce it. From companies such as the Bickleigh Vale Farm you can buy your vegetables and also buy seedlings. I have to pick up some on Saturday, it is that time of the year when we have to redo the vegie patch, and the people who run that company tell you when you should plant your seeds and how to grow them.

I congratulate Diana Bickford and Jen Harvey, who were winners of the Grower of the Year Award at the Willunga Farmers Market awards—the Wilmark Awards—and thank them for the great contribution that they make in educating people like myself, who maybe only a few years ago were not too sure what to grow and what things look like, and telling the difference between a radicchio and a radish, but I am much better informed now, thanks to those people.

It has also helped drive my passion against the introduction in this state of genetically modified plants. We have seen other mainland states in Australia give into the poison pedlars like Monsanto, who want to bring in genetically modified crops and allow them to grow. I think South Australia is providing a fantastic point of difference in the international market. We see Japan going against GM foods, and we see EU countries more and more going against genetically modified foods. For South Australia now to be able to claim that we are the only mainland state in Australia to produce crops that are free of genetically modified nasties, I think is a very good thing.

Mr Venning interjecting:

Mr BIGNELL: The member for Schubert interjects. I have actually used that line in front of a guy in London who worked for another one of those companies—Bayer. So, we have had the debate in London on this as I promoted overseas the fact that South Australia is GM-free. To get back to the Willunga Farmers Market and the great example that they set, I will continue with a few more of the award winners and give them my congratulations.

I have mentioned already Harts Vegetables, who won the Favourite Stall. Best Customer Service went to another great outfit—McLaren Vale Orchards. When you have to get up, pick all of your crops and get to the market first thing in the morning, you are not always at your best, but each year there is an award for Best Morning Person. This year went to a young person called Quin McPherson, who gets out there and rings the bell. He was pretty delighted when he received his award and a miniature bell.

Shopper of the Year went to Kerry and Brad Gerritt, and the Grower of the Year, as I mentioned before, went to Bickleigh Vale Farm. Best Value Added Business went to the Willunga Pasta Company—again, great produce. The Outstanding Service Award went to Jude McBain, who has done a great job chairing the Willunga Farmers Market over the past year or so.

I do declare an interest in this. I am a member of the Farmers Market at Willunga, and long may it continue. It is the first one in South Australia. We have now seen markets grow in the Barossa, at Victor Harbor, and there is one at the Wayville Showground every Sunday morning, and I think it sets a fine example.

ABORIGINAL COMMUNITIES

Mr MARSHALL (Norwood) (14:18): I am a member of the Aboriginal Lands Parliamentary Standing Committee, which I was very happy to be elected to by this parliament. I visited the Anangu Pitjantjatjara Yankunytjatjara lands earlier this year, and on that visit I saw some very positive things that were happening on the lands but, unfortunately though, there still remains much work to be done.

One of the things that is very obvious to anybody who visits is the lack of meaningful employment for the people on the lands; in particular, this has been exacerbated by the federal government's decision to reduce CDEP funding and also MUNS funding. So, the only real jobs that exist on the lands for the local Anangu people really are tied up in either Nganampa Health, DECS or SAPOL, maybe, as a community constable. There are very limited employment opportunities for the local Anangu people.

However, one very shining example of where employment does exist is the burgeoning arts community there. During my visit, I was very pleased to visit the arts community, with Beverley Peacock at Fregon; Julian Green at Pukatja, at Ernabella Arts; and Skye O'Mara, at Tjala Arts, at Amata. Skye O'Mara in particular spoke very passionately about the transforming nature of this non-welfare money coming onto the APY lands and what it did for the local community.

I commend the new Minister for Aboriginal Affairs and Reconciliation, who met with these groups when they visited the parliament today. We heard earlier in this parliament the Minister for Health, who referenced the fact that they recognise that these arts communities play an important role in the communities, especially in the area of health, and he has promised to look very carefully at the issue of housing.

Meeting with people is not enough. Promising reviews is not enough. These communities need immediate action. Let me tell you about one such community, that is, the community at Mimili Maku. This is a small emerging arts community. The facilities there, let's face it, are absolutely appalling, but even with these appalling facilities, the artists there have been able to reach absolute heights and we already have two artists there, Tuppy Goodwin and Milatjari Pumani, who have had their work purchased by the Art Gallery of South Australia.

So, there is a great talent there. This art centre is a great opportunity but it is being stifled by one thing—the lack of housing for the arts worker who runs the organisation. Hannah March first came to Mimili Maku in January 2010. Since that time, they have been able to really transform the operation there and in fact, last financial year, $130,000 of non-welfare money came onto the lands because of the Mimili Maku Arts Centre. This financial year so far—and of course we are only a few months into it—we have already hit $165,000. It will be a great year.

However, Hannah March has been without accommodation since she arrived. She put it to me that she has essentially been living as a backpacker. When somebody goes away, she gets to go and sleep on their floor for a couple of weeks; this is a totally unacceptable situation. I am very pleased that the government is listening because I think that it is absolutely crucial that we do everything we can as a parliament to support non-welfare money going onto the APY lands to transform the lives of the indigenous Anangu people there.

There are a large number, I think something like 60 artists, in Mimili alone who contribute to the work at the Mimili centre. They have had their first sole Mimili exhibition in Adelaide at the AP Bond Gallery, on Magill Road, in my electorate. In fact, I opened the exhibition and I am pleased to say that every single work there sold. I think they are going to get me back to open another exhibition soon. I say that in a light-hearted way but this is not a light-hearted issue. It is a crucial issue. I am glad that the government is listening. I will be paying a lot of very close attention to the response that the Minister for Health and the Minister for Aboriginal Affairs and Reconciliation make to this situation, and I commend to the government an increase in funding to housing as a matter of absolute priority.

GAWLER RACECOURSE

Mr PICCOLO (Light) (15:22): In mid-2008, the Premier announced a $6 million funding agreement with Thoroughbred Racing SA to enable the Gawler Racecourse to be updated to meet the contemporary needs of both the industry and the visitor/punter. That $6 million investment by the state government has resulted in a wonderful $12.5 million redevelopment of the track and facilities. This investment protects local jobs, small business, tourism and secures a long-term future of the open space—the track itself.

While the community has generally welcomed the investment, the proposal has been actively opposed by the local council, aided and abetted by the local Liberal Party. The overall proposal also includes the rezoning of a very small portion of surplus land for retail purposes as a way of funding the balance of the $12.5 million redevelopment. As part of the package, the adjacent high school also obtains a piece of land to give it frontage to the main road which it has been seeking for some years.

The DPA process to give effect to the rezoning has been opposed by the Town of Gawler aided and abetted, as I said, quite actively by the local branch of the Liberal Party. Despite their opposition to the proposal, the Liberal Party did not have the integrity or the courage to make a formal submission to the DPA process because it did not want to be seen to oppose the redevelopment, but oppose they did.

Their local spokesperson has made a number of public comments that are critical of the proposal. The DPA was authorised by the minister in February 2010 and the comments continue. The Gawler and Barossa Jockey Club then duly lodged a development application to undertake the development as proposed by the DPA. The council then decided, in secret, to take judicial review of the DPA authorisation, and the development has stalled costing the Gawler and Barossa Jockey Club $30,000 in interest per month. I do not wish to comment on the legal merits of the case as that is obviously the role of the courts to decide. However, I was concerned by media comments made by the council in justification of its actions. The *Adelaide Independent* of 9 January states:

> However, Gawler council, urban planning environmental groups, and residents are fighting the proposed 'neighbourhood centre' [the retail development]…Gawler Council director of development and strategic planning Michael Wohlstadt said the council consulted the community regarding the racecourse early last year, canvassing

the opinions of around 600 residents. As a result, it made a submission to the State Government urging the preservation of open space at the site [the surplus land]…

My sense was that the overall view of the community in that locality was supportive of the development, subject to the concerns being appropriately addressed, which is a reasonable position. So, I decided to undertake a survey of the residents in the locality.

Interestingly enough, the local Liberal Party has publicly criticised me for seeking the views of local residents. Why would the local Liberals oppose a survey? Why would they oppose the local member of parliament engaging the community? I can tell you why. Because the opposition of both the council and the opposition to the development is not supported by the local community. The responses received up until yesterday are instructive. They show that 90 per cent of residents (from about 450 responses) support the development and oppose the council spending up to $300,000 of ratepayers' money on taking action in the Supreme Court to have the development stopped.

I also want to acknowledge that some people do oppose the development, that is, 2 per cent of respondents oppose the development and support the council action. While they are in the minority, their views have to be respected and their concerns addressed. However, the survey exposes the lie that the council and the local Liberal Party have been peddling that the development is opposed by the local community.

The council is quite within its rights to take action and take local opinion as one of its considerations in that decision, but it does not have the right, aided and abetted by the local Liberal Party, to lie to the local community and residents.

This proposal is supported by the government and the community, and it is about time that the council and the local branch of the Liberal Party came on board and did the right thing and protected local jobs and the local club as well as the open space for this community.

NORWOOD MORIALTA HIGH SCHOOL

Mr GARDNER (Morialta) (15:28): I was very pleased earlier today to lodge a petition containing 1,967 signatures of members of the Norwood Morialta High School community. The petition states:

We draw the attention of this honourable house to the plight of Norwood Morialta High School. In this year's state budget the government announced changes to education funding whereby 'multi and dual campus' schools will lose the extra support they currently have to meet their special needs.

Norwood Morialta High School has been a dual campus school since its forced amalgamation in 1993 and has been funded to reflect the greater costs of running two separate campuses. The 2010-11 state budget handed down by the government seeks to remove this support, which will result in funding cuts of more than $620,000 per year for Norwood Morialta High School.

Your petitioners therefore request that the house urge the government to reverse its decision to cut funding to the Norwood-Morialta High School.

It was very disappointing that an education minister, who claims to decry the government's longstanding 'announce and defend policy' of government (as opposed to consult and then decide) would be the one with his hands all over this policy.

In lodging this petition, I particularly acknowledge the work of Gia-Yen Luong, the President of the Student Representative Council, who is in year 11. I think Gia-Yen would make an excellent member for Hartley one day because of the way in which she has taken up the cause of her school. I commend her for that. I also commend Jeff Eglinton, the chair of the school council, as well as the staff, parents and friends, and students who have helped in getting this petition together.

I note that Norwood Morialta High School is not alone in being hit by this funding cut. Yesterday in the house we heard the member for Finniss talk about the issues faced by Kangaroo Island Community Education, which has had $160,000 a year of its funding for special needs cut, based on its multiple campus status, even though it had had that extra funding guaranteed to 30 June 2013 in a letter from the head of the education department.

This morning on the way to parliament I heard on the radio the chairwoman of the Eastern Fleurieu School council talking about the $230,000 a year cut that this education minister has caused to that school, based on the same funding line, even though they had that funding guaranteed to the end of 2011.

The Norwood and Morialta high schools, in 1993, when they were effectively forced to amalgamate by the government, were guaranteed that they would receive extra funding based on the increased needs and complexities that having a multiple campus structure requires. In 2006, the department wished to renegotiate and they did so in good faith. They renegotiated a certain sum of money extra every year until the end of 2011, at which point they would look at it again and see how they were going.

In this year's budget, they have had the rug pulled out from under them as of 1 January next year. In all three cases, the schools have had guarantees of that funding up to a point that has now been pulled out. I note that Jane Whitford wrote an article in the *East Torrens Messenger* of 28 September in which she succinctly says:

> The school says it will be forced to cut at least four staff members and reduce the hours of its school service officers and groundskeeper.
>
> Governing council chairman Jeff Eglinton told the *East Torrens Messenger* that parents were both 'devastated' and 'concerned' by the news.

It was in relation to this matter that the education minister has on a number of occasions said that there were efficiencies that could be made. We asked him about those in the estimates committee. He first said that the figure of $620,000 was wrong and that in fact the school would lose only $588,000, so, clearly, the school can take great comfort from the fact that they will lose $30,000 less. Nevertheless, the Minister for Education—this champion of the 'consult and then decide' model—said:

> What we were going to do (and we are doing this) is work with the school to identify the way in which the school works across the two campuses, because there are ways in which the school works across the two campuses that can create costs for the school, and there are ways of working across the two campuses, in terms of the way in which staff are allocated, that can reduce costs. We want to find ways in which we can work with the school to minimise those costs.

However, they had already come to the result: they have already said that there are going to be $590,000 in cuts, and this is something the member for Hartley picked up. When writing to the minister, she said:

> My constituents are concerned about the ramifications this decision will have on the school and its existing structure.

She also said:

> I share these concerns and take very seriously the representations being made by local residents and the school community.

The letter was reprinted in the school newsletter. The minister admitted this letter but said that he explained it to the member for Hartley and 'she accepts that explanation'. It is not good enough from the member for Hartley and it is not good enough from the Minister for Education. He has demonstrated a failure of leadership as a minister, and he has demonstrated a lack of ticker. He is clearly unfit for the high office that he holds as the Minister for Education, and he is doubly unfit for the higher office that he seeks to hold.

LOCAL GOVERNMENT MEETINGS

The Hon. M.J. ATKINSON (Croydon) (15:33): My topic is how local government copes with the disruption of the proceedings of council meetings so severe that the council cannot function. Councillor Jim Jacobsen has done this to Burnside council repeatedly, and Charles Sturt mayoral candidate Kirsten Alexander has employed the tactic from the gallery at Charles Sturt.

Indeed, at Charles Sturt, we had the mayor, a 74-year-old widower, shouted at by Miss Alexander's host that he was a four-letter word beginning with C. Councillor Anna Rau was spat upon by a person from the same host. Miss Alexander tells us that her protesters were just 'mums and dads'. I do not accept that a demonstrated ability to reproduce gives one licence to behave in this fashion.

Up to half of Miss Alexander's followers at these demonstrations were not from the Charles Sturt council area, let alone Woodville. Those who have met or had dealings with Kirsten Alexander are most unlikely to vote for her in the current ballot but, alas, not enough Charles Sturt ratepayers will meet Kirsten Alexander before they vote, and I predict she is a shorter price to win the mayoralty than So You Think was to win the W.S. Cox Plate last Saturday.

Like the People's Liberation Front of Judea in Monty Python's *The Life of Brian*, the St Clair residents' action group has split, and its Facebook site is now vilifying former member and candidate for the state district of Cheltenham, Henrietta Child of Woodville North, who is also running for mayor.

The Hon. A. Koutsantonis: Splitter.

The Hon. M.J. ATKINSON: Yes, indeed, splitter, as the part owner of the Governor Hindmarsh Hotel, Richard Tonkin, accuses her on the Facebook site. We can look forward to four years of the Charles Sturt Council's being a soap opera as mayor Kirsten fights the staff and ward councillors in the course of trying to make the Corporation of the City of Charles Sturt's principal function that of a battering ram against the state Labor government. I predict that should Mr Jacobsen not be elected mayor and Miss Alexander not be elected mayor neither will accept the result.

They will continue to disrupt the duly-elected councils from the gallery. They will call for an independent commission against corruption (ICAC) to be established, presumably for the purpose of investigating the majority of electors who fail to endorse their candidature or those who had the cheek to nominate against them.

Anyone who disagrees with them they will characterise as 'corrupt' or 'alien'. Indeed, it is a most unpleasant feature of civic discourse in South Australia that disagreement about any political topic, even the most mundane, leads to opponents of the state government—from Her Majesty's opposition to the bloggers—claiming that their opponents are corrupt and that the matter can be resolved with the inauguration of an ICAC.

They think of an independent commission against corruption as a kind of an Australian NKVD, dispensing antipodean instansyia to purge our state of counter-revolutionaries. The innocent must be purged so that none of the guilty escapes.

It is important to preserve the right of public protest and the right of individual-elected councillors to be obstreperous. This must be balanced with the ability of elected bodies to conduct their deliberations. We have seen many examples in modern history of mobs refusing to accept the legitimacy of elected bodies and besieging them, or minorities on the floor of the chamber effectively dissolving them by defying the chair.

A former member of the other place, Mr David Winderlich, supported standing orders that prevented both in this house and in the other place just the kind of misconduct by strangers that he led at Burnside and Charles Sturt, including an invasion of the chamber at Burnside.

You, Madam Deputy Speaker, have the authority to name members who are frustrating the despatch of business—the business of the house. In local government, the mayor as the presiding member is authorised to keep order at council meetings. Councillor Jacobsen has defied the rulings of the mayor at Burnside council meetings and defied a resolution of the council that he leave the chamber for deliberately obstructing the business of the council.

An hour after the resolution he had still not left the chamber. Burnside council cannot get help to deal with councillor Jacobsen's misconduct. One rather doubts, given the network responsible for the Burnside council report, that it will be a matter addressed in Mr MacPherson's report.

I can understand why South Australia Police would steer clear of such offences. My thoughts on this topic turn to the Office of State/Local Government Relations, but it seems that it cannot or will not do anything. What is the role of Mr John Hanlon in this, given that he is a former chief executive officer of the Burnside council?

Time expired.

MINING (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 October 2010.)

Mr PEDERICK (Hammond) (15:38): I rise to complete my remarks in support of this bill. In my concluding remarks yesterday, I spoke about the prevalence of new mines in more suburban-type areas. As I said in my speech last night, when I say 'suburban' I do not mean in the pastoral areas but more like farming areas or closely built-up areas.

Mr Williams: The inside country.

Mr PEDERICK: The inside country, that is the appropriate term. Thank you, member for MacKillop. That has created a whole new regime as far as mining in this modern world. I indicated in my comments yesterday about how mining did occur in built-up areas over many years. If the silver mine at Glen Osmond was not the first mine in this state, it would have been one of the first.

I want to speak about two mines that have been in my electorate. The Strathalbyn mine, which is no longer in my electorate because of redistribution, and the Australian Zircon mine at Mindarie. I am pleased to say that the current Minister for Mineral Resources Development invited me to the ceremonial turning of the sod pre the 2006 election. I was glad that I could be part of that event and appreciated the minister giving me the opportunity to be there.

I have also been heavily involved with the Strathalbyn Terramin mine since before its inception. In fact, it was quite an issue to deal with as a candidate trying to gain a seat in this place and having to make sure that all the appropriate actions were taken to make the residents of Strathalbyn and surrounding districts feel comfortable with having a mine within about 1.5 kilometres of the town. In the main, both these mines have operated reasonably well, although there have been issues.

Obviously, mining is an expensive occupation. I can understand companies wanting to gain the resources with the least cost. I can certainly understand that coming from my farming background. As I said, there have been issues. Sadly, Mindarie is in recess at the moment. I think there is still a lot of potential there. There are issues with how the zircon sands were mined. I think there were issues about the depth of the resource and some of the management that went along with that. It went from a model that was going to be a moving plant to a piped slurry system of mining. As I said, sadly it is in care and control at the moment. Thankfully, it has not just been shut down, it is in care and control.

Recently, I had some constituents (the Crouches from Mindarie) contact me because they are very concerned about some of the rehabilitation that is still to take place. I must say, I was pleased that the minister and his assistants came up to Mindarie only last week to have a good look at this. It has been an ongoing issue. Previously, I believe the mining operator did exceed some of the recommendations of the mining and rehabilitation program. In fact, about three kilometres of mining needed rehabilitation, when, I believe, under the plan, they should have only been 750 metres ahead of the rehabilitation program with the actual mining.

However, things are looking up, I must say. Some compensation has been paid. There are still moneys owing to farmers. There are new operators. I believe Lucas Earthmovers is completing some of that rehabilitation. I note that the minister took it on board that they need the appropriate people from PIRSA to be there when the top soil goes back into place so that these lands can be rehabilitated to support the appropriate style of farming and yield levels that these lands were at before. These are the issues that have been developing over years with farming in this state and with access for miners to farming land.

There was a lot of angst in the lead-up to this mine. I hope it all works out in the longer term because I support both the exploration and mining of minerals in this state. I also heavily support agriculture, and we must make sure that we get the right result for both sectors.

The Strathalbyn mine has certainly had its issues. Part of that has been because more water than modelled turned up in the mine. It obviously needed dewatering. It certainly needed extra water and tailings to be placed into the tailings dam. I am a member of the Strathalbyn consultative committee, and we have worked with the mining company (Terramin) to try to get that remediated as soon as possible.

Sadly, in some of these cases, things have taken far too long, but things are on the increase here as far as solutions being found. A reverse osmosis plant has been brought in from Dubai. There were a few issues in getting that going, but I believe that the company is on track to make sure that it complies with its mining and rehabilitation plan.

In the overall picture of mining in general, that is part of the reason that the Mining Act 1971 had to be updated. We needed to make sure that miners and people living in built-up areas could cohabit and enjoy the resources of the state but not knock around people's lives and their lifestyle. There are certainly issues at Strathalbyn about lead (it is a lead and zinc mine), and ongoing monitoring is going on, with wind monitoring and testing of levels in water tanks around the town.

People in the wider community need to realise that there is going to be more mining in settled areas because there are a lot of resources there to be had. In the same vein, we have to make sure that the miners work in the best interests of not just their companies but also the community. That is part of the reason why the Mining Act is being amended, I believe—so that compliance can be better managed by the minister and the primary industries department.

I note that some of the fines increased heavily, some from $100,000 to $250,000 for compliance. In fact, new environmental provisions have come into the bill that help with overall mining programs. I note new parts 10A and 10B, and part 10A—Programs for environment protection and rehabilitation provides:

(1) The object of this Part is to ensure that the holders of the mining tenements—

(a) provide adequate information about the mining operations that will be conducted under the tenements; and

(b) ensure that mining operations that have (or potentially have) adverse environmental impacts are properly managed to reduce those impacts as far as reasonably practicable and eliminate, as far as reasonably practicable, risk of significant long-term environmental harm; and

(c) ensure that land adversely affected by mining operations is properly rehabilitated.

New subsection (2) provides:

(2) The Minister must, in acting under this Part, have regard to, and seek to further, the objects of the *Natural Resources Management Act 2004*.

Hopefully, in the future, when the bill is gazetted as an act, we will see some good outcomes. I think it is a good thing for this state. As I said, there is a lot more mining happening on the inside country.

An honourable member interjecting:

Mr PEDERICK: 'Inside country' is below the pastoral zone.

Mr Williams: Inside the dog fence.

Mr PEDERICK: Inside the dog fence, where the rubble pits are. As I said during my contribution, things have changed a lot, even in the outback mines. There is far stricter compliance on people's behaviour in motor vehicles, and far stricter compliance with occupational health and safety, and also with environmental outcomes in the pastoral zone. As I stress, on the inside country, in the suburban areas and near townships, we have to make sure that we get it absolutely right.

I must say, in regard to the two mines that I deal with in my area as a member still of the Strathalbyn consultative committee, they have generally done pretty well. However, as I said, they have both had their issues. For instance, at Strathalbyn we are putting dimmer lights so they do not upset people at night and mounds so you screen off the plant. In fact, if you drive down the Strathalbyn-Callington Road you would barely know there was a mine in there, which is a good thing. It has to be managed well into the future, and in regard to both of these mines it is the rehabilitation that counts, because tailings dams will be there basically forever, and they need to be managed in such a way that the people of the community are happy.

In summing up, I do support these amendments and I wish the mining sector, the agricultural sector—because they are the people that need consulting as well—and the communities of this state all the best moving ahead. Let us hope that we have a big, bright mining outcome for this state. In the bigger sense, I certainly wish BHP Billiton all the best with its Olympic Dam expansion; it will bring great wealth to this state.

Mr VENNING (Schubert) (15:51): I, too, rise to support the bill, but before I participate in this debate, along with the Treasurer, I do have to declare that I have shares in various portfolios, many associated with mining, and I do own a rubble pit, from which I do collect royalties from the council.

Members interjecting:

Mr VENNING: It is a good one, too, Madam Deputy Speaker.

Mr Pederick: Is it a good pit or good rubble?

Mr VENNING: It is good rubble, good pit. With my past history as the ex-parliamentary secretary for Mines and Energy under minister Stephen Baker, I note with interest this bill and the previous mining act that came into force in 1971. I know at the time minister Baker put some very minor amendments to it—but we needed to redraft the whole thing. Although it has been amended, there are definitely aspects of it that needed savage review.

I can remember—and the member for Hart was here then—when I served on the Yumbarra Conservation Park Select Committee. That was an interesting exercise. I spent a lot of time with Mr John Quirke when he was a member in this house. I thought the result was a fait accompli, but the final result was totally clouded by politics. At the final meeting of the select committee there was a complete reversal of the decision we were going to make. The politics won and it became a farce. As it turned out, the anomaly was still there. I do not think it has been properly or fully explored. It would have been a huge fillip economically for that area. So the Yellabinna stays as is, a scrubby land which had regular fires through it and generally not very attractive.

Parts of this bill seek to amend existing legislation to allow the minister to better deal with the environmental issues that can arise with mining. It includes a new definition of 'environment' and introduces a new definition of 'mining or mining operations' to, amongst other things, include the rehabilitation of land once the mining has finished, because that is a huge issue. We have some huge holes out there. In most cases it is just not practical, but I think every effort should be made, particularly in relation to a new mine.

I am aware of issues that can arise in relation to mining and to the environment. Over the past couple of years there have been some issues with the operation of the Penrice mine at Angaston. However, I understand that they have been working with the community, and I have been involved first-hand myself, and they are attempting to rectify the problem. I commend them on making a pretty tidy effort in relation to dust, noise visual amenity, rehab works, underground water issues and the drag out on roads, amongst other issues.

Particularly during the Northern Expressway works, there was a huge amount of traffic movement in and out of the Penrice mine. So, it has been good for the local community, with about 80 people working in that mine, and they work right across the community. The footprint of that mine, the economic impact, has been pretty important to the Barossa when other economic issues are impinging on it.

This bill also seeks to abolish the chief of mines and inspectors and replace them with 'authorised officers'. Those words always send shivers down my spine. Even though the previous member for Stuart is not here, when you talk about an 'authorised officer' I still go into spasm, because these are the people you always have to be very careful of.

However, we are having authorised officers, and I do have some concerns that the minister is able to appoint anyone from the Public Service to that position. I would think an authorised officer would need to possess a thorough understanding of mining practices in order to carry out their inspectoral roles. I understand that the opposition will be seeking to amend this section, probably between the houses; I do not know what the final result of that is.

We also have some concerns regarding section 30A, which gives the minister new powers to alter the contract of an exploration licence, a mining lease, and a retention lease of a miscellaneous purpose lease, once issued. I also understand that this is 'if at any time in the minister's opinion it is necessary to prevent, reduce, minimise or eliminate undue damage to the environment'. I agree with the intent of the amendment—to provide extra protection for the environment—however, I do have some concerns that the minister will be able to change the terms of the licence or lease at any time. I presume that, without any consultation, he can just do it on his or her own whim.

Penalties are substantially increased throughout this amendment bill for various breaches, and mines will now be required to have a mine operation plan (MOP)—which we hear about every day at Penrice—setting out the expected environmental outcomes for the mining operations and what measures the mine wishes to take to reach such outcomes.

In the case of Penrice, as I have said, the Penrice Community Consultative Group, comprising the community, PIRSA, council representatives and mine management, meet regularly and work through these sorts of issues. A lot of the mitigation measures that the mine has undertaken and to plan in the future to reduce their impact on the environment and the community was the product of these meetings, and they were included in the MOP. I can see that by making

MOPs mandatory it will definitely increase the accountability of mining companies to produce the relevant environmental incomes.

I also commend again the mine management team at Penrice. They are a young team—very active—and a progressive company. I also want to commend PIRSA and its officers, where they sat in. Some of these meetings got fairly heated, but in the end, the very good chairman, Charles Irwin, did a top job. Generally, the community is at rest with it at the moment; however, Penrice knows that it must be very careful about what it does, particularly in relation to dust. People would notice that the visual of Penrice mine was not very flash on the crown of the Barossa Valley. It was just—

The Hon. K.O. Foley interjecting:

Mr VENNING: But if you go there now you will see that they have done a lot of work. Piles of rock have been moved. They have put the dirt across, they have trees and grass, and you really have to look hard to see it. They have done a very good job and, I would think, at great expense.

I also support the protection of good farming land from mining. This is always going to be a conflict. As a farmer myself, there is nothing worse than seeing mining companies come in, because you only own the top couple of inches, and if people take out a mining lease on your farm, well, there has to be an area where we have to give some sort of protection to farmers. I also notice the work that the president of SAFA did in relation to this. I certainly support that angle, and I would like to see something in this legislation that clarifies that. I do not know exactly how; I cannot spell it out exactly.

Also, in relation to reconstituting old mines, several old mines might come back onstream. There are several in my electorate; one is the Bird in Hand Mine, which I think is being quite exploratory. Of course the problem is that these mines all contain water and, if they de-water these mines, they would have to drop the local water table. That is always a concern—what to do with all this good quality water and what is the protection for all those farmers, irrigators and vignerons around when the water table is dropped? That is a continuing concern.

Both the member for Kavel and I have had briefings with these companies. There are two mines in my electorate, and the Bird in Hand is but one, and I note that the previous member for Bright is working on behalf of this company and keeps me briefed on what is happening there. I commend the mining industry generally. It is not the dirty industry that it used to be. They are not rapists and pillagers, as they were once branded. I note the continued success of Roxby Downs and Olympic Dam.

An honourable member interjecting:

Mr VENNING: The mirage in the desert. I was in this house when these matters were being discussed and agreed to.

The Hon. K.O. Foley: You have been here too long, Ivan.

Mr VENNING: I hear what the minister says. I will make no comment about that, but I probably could. Generally, we support this bill. It imposes significantly higher regulatory powers in regard to environmental matters. However, we do wish to propose a few amendments, which I understand is in hand.

My final comment is that I want to commend the industry generally right across the state and those people I worked with. I certainly enjoyed the work I did with Mines and Energy, and I pay tribute to many old miners who are still with us—for instance, Mr John, who was the CEO of Mines and Energy under minister Goldsworthy. He is still around and, of course, he has been involved with Cornish mining history, which I am into as well. I will certainly be very interested to see these guys, and I am pleased to see that Mr John is still with us. I again commend the industry. This state would be lost without its mines.

Mr PENGILLY (Finniss) (16:02): I support this bill; there is no question about that. As a matter of interest, I have an exceptionally large mine in my own electorate down at Sellicks Beach, Southern Quarries, which is a joy to behold. It is exceptionally well managed, exceptionally well run, exceptionally well rehabilitated. The company that runs both that and the sand mine at Price has a wonderful relationship with their staff, and it is a credit to the mining industry in South Australia.

I also have extremely large sand mines at Mount Compass, which provide enormous amounts of sand. Companies like Kalari are carting sand 24 hours a day 365 days a year from Mount Compass back to Port Adelaide, as the Treasurer will know. He sees them regularly.

The Hon. K.O. FOLEY: More stuff from my way.

Mr PENGILLY: Yes, and these are critical ways forward for South Australia for the economy. There are numerous other mines right around my electorate, including the former gypsum mine on Kangaroo Island, which closed down in 1986 but which supplied much of the gypsum for the plasterboard industry around Australia through CSR. So, mining is nothing new to me, and I am very much aware that other members and even the member for Bragg have had rubble pits on their properties. I was not so fortunate to have a rubble pit because I do not have rubble.

Where I do think we are going forward with this issue is that we are being much more conscious of rehabilitation. I heard the member for Hammond talk about the Mindarie mine a while ago; my son-in-law worked there as a high-voltage electrician until it went broke. In the past, we actually have not done the right thing in rehabilitating rubble pits, mines or whatever, and I think that we have learned the error of our ways on that particular score and that we are doing much better.

The fact is that this bill has been brought before the house and we are supporting it. I understand there are a few amendments to be discussed, but it is a step forward. The Premier is very fond of lauding all these mines around the place in South Australia. That is the way of the future for us; there is no question about that. We have a long way to go before we get anywhere near Queensland or Western Australia, that is for sure, but it is a step forward.

It would be interesting to see—none of us will be around to see it—where the world is as far as resources go in a couple of hundred of years. I have no doubt in my mind that they will be digging up Antarctica and drilling for oil down there and all sorts of things; it will just have to happen. However, we are responsible for the future.

Currently, we are providing employment in economically and environmentally sustainable mining operations. We have an opportunity to do great things for South Australia and South Australians for the future in the next few generations, and I think there would be a bipartisan agreement on this. I have considerable numbers of fly in/fly out workers who live in my electorate, whether it is on the south coast or the Yankalilla area or on Kangaroo Island, who go away for two, three or four weeks or whatever.

One gentleman who lives near me on Kangaroo Island works on the north-west gas shelf, and he has been out there for many years. He was telling me only the other day when I was talking to him on the plane that they fly out on a helicopter from, I think, Broome, which is a two-hour trip on a helicopter. They are padded up to the nth degree with lifejackets and whatever else. They make a large amount of money.

Recently, there was a documentary on television about the effect on some of the Western Australian towns where some of these fly in/fly out workers come and the fact that they do not actually contribute anything whatsoever to the towns.

The Hon. K.O. Foley interjecting:

Mr PENGILLY: No, it was some months ago that I saw it. It is good for my electorate and others to have people gainfully employed in the mines. It is wonderful that they are earning a lot of money and bringing it back to our communities, but that applies more particularly in Western Australia.

I am excited about the future. None of my family works in that industry at the moment, but there is no doubt that all of us probably have family members or relatives who are involved in mining. I think it is a wonderful way forward. I support the bill, and I look forward to its swift passage. Heaven knows what will happen when it gets to that other place.

An honourable member: It's come from the other place.

Mr PENGILLY: Oh has it; I beg your pardon, I'm going real well, aren't I? I look forward to the speedy passage of the bill in this place and having it signed off in the other place.

Mr MARSHALL (Norwood) (16:08): I rise to speak on the Mining (Miscellaneous) Amendment Bill, which the government has brought to this place.

The Hon. K.O. Foley interjecting:

Mr MARSHALL: The Treasurer raises a good point, when he says, 'What mines do we have in Norwood?'

The ACTING SPEAKER (Mr Piccolo): Order! The member for Norwood will not address interruptions, thank you.

Mr MARSHALL: No, we don't have any mines in Norwood, but we do have a lot of people who are very concerned about and very supportive of the mining industry, and we also have many people in Norwood who are very concerned about the environment. So, I thought I would rise to speak to this important bill the government has bought before the house.

By way of preparation for this bill, I visited the Arkaroola Wilderness Sanctuary with our leader, Isobel Redmond, and six of my other parliamentary colleagues. Arkaroola is a very significant international site geographically, biologically and botanically. Situated 600 kilometres north of Adelaide, the Arkaroola Wilderness Sanctuary covers 610 square kilometres in the Northern Flinders Ranges. The area includes a veritable smorgasbord of terrain, from mountains to water holes, granite peaks and gorges, and it is host to over 160 different species of birds. It is also one of the few remaining habitats of the yellow-footed rock wallaby.

Arkaroola has a well-established ecotourism sector for bushwalkers and four-wheel drives, with the area now touted as South Australia's best ecotourism destination, following its third successive SA Tourism Award in 2007. Arkaroola pastoral leases coexist with exploration leases. Therefore, on the visit we made to Arkaroola we met with the owners of the wilderness sanctuary, the Sprigg family, and also representatives from Marathon Resources. My personal belief is that Arkaroola is an incredibly precious environmental site. I believe that there are very few circumstances in which it would be possible for it to be mined. Having said that, I believe we have an obligation to honour the exploration licences currently in place.

When this bill was first suggested, I was personally very concerned about it, as I suspected that the government would use this opportunity to water down the existing class A zone protections contained within the 2003 development plan for the Flinders Ranges. I will read a few short extracts from that development plan. It states:

> Conservation of the environment and landscape is the paramount aim and consideration in the Environmental Class A Zone.

Objective 2, headed 'The protection of the landscape from damage by mining operations and exploring for new resources', states:

> Mining operations should not take place in the Environmental Class A Zone unless the deposits are of such paramount importance and their exploration is in the highest national or state interest that all other environmental, heritage or conservation considerations may be overridden.

Also in that plan, objective 17, 'The conservation of the quality of the environment within the Flinders Ranges', states:

> The greater portion of the Flinders Ranges has high scenic value and there are specific localities which are particularly outstanding. It is important that the natural character of these areas be conserved as part of Australia's heritage and all development and activities—whether tourist, recreational, mining or pastoral—should be subordinated to this aim.

Last October the government released the 'Seeking a Balance' document. I believe that this document was canvassing support from the wider community for the watering down of the class A environmental protections in place within the development plan for the Arkaroola wilderness sanctuary. In fact, this was released in October. There was going to be a period of consultation, with the government reporting back earlier this year. There has been no such reporting—that I have been aware of, anyway—from the government. I hope the government realises that the community is not interested, in any way, shape or form, in reducing environmental protections for this most special environment in South Australia.

I believe that this was a deliberate exploration of what community sentiment was, and I think that they heard a resounding: 'No, we do not want to see these environmental protections watered down.' I am very pleased that the government does not seem to be pursuing that whatsoever.

In fact, this bill before us at the moment in some ways strengthens some of the environmental protections, and we are very happy to support those—in particular, increased fines

for environmental breaches and bringing them up to a penalty which is more appropriate. I am pleased that Mount Gee and Arkaroola will survive for all future generations to visit and enjoy, and am happy to support this bill.

Mr WHETSTONE (Chaffey) (16:14): I rise to support the mining amendment bill and also wish to declare my interest, as other regional members have today, that I, too, have a rubble pit on both my properties.

The Hon. K.O. Foley interjecting:

Mr WHETSTONE: I would like to express to the minister that I have one particularly large rubble pit which is on one of the family properties at World's End in the Mid North, and that supplied the Department of Transport with 25,000 tonnes of road base for the Morgan to Burra road. Also, on one of my properties I have a sand mine, which has been extensively used over years for rehabilitation of land through erosion.

The ACTING SPEAKER (Mr Piccolo): You are a country baron, aren't you! Sorry—I'm only acting.

Mr WHETSTONE: Thank you for that, Mr Acting Speaker. Also, I have an interest with an exploration lease on that property looking at the rebirth of the Utica mine, which was established in 1850 at Worlds End in the Mid North. I just get that on the table so that the minister is aware of any other interests that I have.

In a previous life I was involved in almost mining in the Cooper Basin, up near Moomba. I had a lot to do with the establishment of the processing plant up there, which entailed a lot of land clearing.

Mr Pengilly: We reckon you dug up Karlene and you buried her.

Mr WHETSTONE: That's horrible. Anyway, up in the Cooper Basin there, I guess that initially it was exploration for condensate and raw gas. To be able to explore those resources, a huge amount of land works were undertaken to be able to get to those sites through drought and flood, because much of that country up there is very flat. Of course, as some members might not understand, there are no culverts and no gutters—when the rain falls, it stays.

At Moomba, the oil and gas really does not come under the Mining Act, it comes under the Petroleum Act, but I thought that taking into account the excavation and the lands works that had to be undertaken to keep that industry up and above the flood waters was significant. Also, today, the geothermal energy being mined in the Cooper Basin at the moment for clean power is just another example of environmental responsibility.

I move on to where I am today in Chaffey. We do not have any mineral mines as such, but we do mine water. Obviously, water is a very precious commodity, as most members in this house would be aware, through the shortage of water in our river systems, as well as the depleting resource of underground water. In Chaffey we essentially mine water. We harvest the water for food production, much the same as the mining or harvesting of minerals in many of the other sectors for input into its relevant sectors.

In Chaffey we do have a by-product of harvesting water, that is, harvesting salt. Harvesting salt, unfortunately, is one of the down sides to irrigation in that we do create a salt table. We do create high loads of salt on groundwater—on the sandy, irrigable lands that we have. That is extracted through the salt interception schemes, which have been very successful over the last 15 years. That is keeping the land arable but, most importantly, it is keeping the salt away from food production areas.

We also have several small gypsum mines in Chaffey. Obviously, some members would understand that gypsum is a product that is very well regarded for soil health, particularly in the gardens, and, again, within food production. We have a relatively small mining sector but it is a very important mining sector.

Although water extraction is now being restricted to a percentage of what people can extract, it almost flies in the face, because any of the large mining companies could be asked whether they could survive extracting only 67 per cent of the minerals. At the moment, of course, we all hear that irrigators are restricted to 67 per cent. Again, it is much the same with Olympic Dam: would it survive if it could extract only two-thirds of the uranium out of the base that it mines?

The Hon. K.O. Foley: It has 65 per cent of the world's known deposit.

Mr WHETSTONE: Absolutely, but how cost-effective would it be if they could only extract two-thirds of that uranium? Today they are extracting 100 per cent of that uranium. The member for Norwood has commented on his visit to Arkaroola. I, too, visited Arkaroola with a group of my colleagues to evaluate the mining of such a beautiful place in South Australia. In fact, it is one of the great parts of the world.

I will keep it very short regarding Arkaroola. Really, the bottom line is that it is protected under an Environmental Class A Zone and it must be protected at all costs. Unless something is put up in the nation's best interests that Arkaroola should be mined, I think it is only fair that that priceless piece of the country be left as it is. In saying that, my last call is that, no matter what type of mining, no matter where the mining is, let us protect the environment.

Ms CHAPMAN (Bragg) (16:21): The former lead speaker on this matter is attending another commitment—

An honourable member interjecting:

Ms CHAPMAN: I was simply going to say that I support the bill with or without amendment and sit down, but now I am tempted to get really stuck into it. I am agreeing with the amendments that have been foreshadowed, and do so on behalf of the opposition. I will not be traversing this, other than to say one thing; that is, we can do the structure (which we are happy to support the government on), but the government of the day, whoever it is, has to understand whether or not it is serious about mining in this state, whether that is under oceans or underground, and make sure that, when they are dealing with the Prime Minister on the proposed mining tax, that we get a fair deal in this state; otherwise, we can tinker around the edges with structure, but it is not going to be worth anything to this state if we are going to be raped and pillaged from the federal end. That is all I wish to say about it. We do not have any other speakers on this side, so I invite the Treasurer to close the debate.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (16:22): I appreciate the comments from the member for Bragg. Can I say that, during the first iteration of the mining tax, we were lobbied very heavily, and appropriately so, by the most senior levels of BHP, including Marius Kloppers. The Premier and I had a number of discussions: both with Martin Ferguson; the Premier with the Prime Minister; and also both the Premier and I with the federal Treasurer. They were left in no doubt as to our view on a resource rent tax.

That said, I do not think a resource rent tax in itself is a bad thing. I think it is a more appropriate way to extract a rent for our resources in this nation, given we do have a somewhat antiquated system under the current royalties. Although, as somebody did point out to me last night, they are probably less volatile than what they would be under a resource rent tax because the profitability of the mining companies will vary depending on the cycle of the mining boom, whereas the royalties are based on production and you would have a more consistent stream. Given that the former chair of BHP, Don Argus, is overseeing this process, I would be very surprised if we see a repeat of the problems that surrounded the previous attempt at a resource rent tax.

Clearly, mining in this state is one of the exciting, if not the most exciting, industrial and economic developments we have seen. It has been with us for many, many a decade, but clearly, as commodity prices have increased, as a large part of the western world has been explored, South Australia is now coming into it its own. Robert Champion de Crespigny—a great mining magnate in his own right, a senior adviser to this government for many years—made the point that South Australia was arguably one of the most prospective regions globally, and the reason that we are late in the race or late in the peace, to a large extent, is the fact that our minerals sit below extremely deep levels of soil, rock, earth, whatever. In the case of the BHP mine, it is some 300 metres below the surface before you can get the ore that you need.

I do not know if anybody watched television on Sunday night but there was a very good piece on Channel 7, I think, about Andrew (Twiggy) Forrest which I found quite enjoyable to watch. The Forrest family have held that property in the Kimberleys through generations—for 120 or 130 years—and when Twiggy (I think I am right in saying or perhaps his parents) took responsibility at some point within the last 20 or 30 years, that pastoral lease was all but broke. Then I guess somebody said, 'That thing shimmering in the distance might be something worth having a look at.' Of course, on the Forrest family property there were incredible volumes of mineral—iron ore. Iron

ore is a much easier mineral to extract in the west, as we can see with the Yeelirrie uranium mine in the west, where BHP say to me in jest that they can almost scoop it up with a tablespoon because it is all but sitting on the surface.

South Australia has had some significant impediments to mining. In fact, it was under Frank Blevins, back in the latter years of the Labor government, when we did put in place a program to start to pick up some of the front-end costs of the initial aerial surveying work. It was maintained and continued under the Liberal Government. When we came into office, through the advice of the Economic Development Board, we asked people of the likes of Hugh Morgan, Robert de Crespigny, Leon Davis, Ian Gould and Derek Carter, to give us advice on what we should be doing as a government to really accelerate mining activity in this state.

Of course, they came up with the PACE scheme, the accelerated program. I do not know if it was you, Mr Heithersay, or your predecessor, but I remember in a budget bilateral many years ago, not long after coming into government, I was going to take the axe to part of this aerial survey work. David Bligh, was it? It looked like a good saving option for me but he pleaded with me not to do it and I did not do it. It has been a wise investment of taxpayers' money because we have been able to pick up the early data and we have seen, in recent years, as much as $330 million, I think, at the peak of exploration activity in this state. It has dropped back now, of course, because of the GFC.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: Well, we have not stood in the way of anyone digging anything up. We have never stood in the way. In fact, we have been criticised for allowing them to dig it up too often. I do not think this government could be classified as anything other than an extremely pro-mining government. I see today—and I do not know if these reports are correct—that Prominent OZ Minerals is spending up to $50 million and is now looking for further copper and other mineral deposits around Coober Pedy. They are areas in which they have licences to explore.

These are incredibly large amounts of money. As much as I can reveal to the house my discussions with BHP, as we know, they have already identified about 35 per cent of the world's known deposits of uranium. My guess is that the longevity of that mine will be very long and that it will be with us for many decades to come. I expect that there are some significant other potential possibilities for BHP around where they are currently mining.

I remember the principals behind Centrax coming to see me (when I think I might have been in opposition) and talking about Eyre Peninsula and iron ore. I did not think that Eyre Peninsula could ever be a commercial option for iron ore but commodity prices rise and, of course, it does bring us into conflict with communities. Port Lincoln is a classic example of the clash between mining expansion and the way of life of its citizens. The Port Lincoln community have been, to some extent, up in arms about the transportation of iron ore across the wharf at Port Lincoln. Some noted greenies in the area have been out protesting loudly, but hopefully we will see a port built away from Port Lincoln. These things are bringing clashes to the fore as we exploit the incredible mineral wealth that we have.

I know the member for Bragg is a fan of the Fraser Institute of Canada, which had us No. 3, I think, on the top 40. We have slipped down a little bit, I think, since the resource rent tax debate.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: Are they? They rate us very highly. I am very hopeful that the Anangu Pitjantjatjara lands will see mining exploration and development occur over time. The mineral potential in the APY lands, I am told, is extraordinary—quite significant. I think there is no better way to improve the quality of life, the services and job opportunities for the residents of the Anangu Pitjantjatjara lands than to give them real, serious jobs in well-run and well-developed mines, clearly sensitive to the spiritual beliefs of the Anangu and Pitjantjatjara people. Let us see how that develops. I know our agency is doing a lot of work to sensitively progress these opportunities.

As we see shale oil and shale gas become a commodity of value, there are new opportunities expanding in the Moomba gas fields, so it is a pretty exciting picture. We even have oil exploration off the coast and gas exploration underway. As the member for Schubert mentioned, a lot of these old mines that had died a death some years ago are now possibly becoming viable

once again. I could go on because, as I am clearly demonstrating to the house, I am somewhat of a scholar when it comes to our state's mining industry.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: That's true, but I am a ripper on mining. An oil rig in the east Parklands would go all right, wouldn't it?

Mr Kenyon interjecting:

The Hon. K.O. FOLEY: Any parkland! We say that in jest, of course. At this point, I thank all members for listening to my expert contribution.

Bill read a second time.

In committee.

Clause 1.

Ms CHAPMAN: The opposition supports the amendments as tabled. If that is noted as read, I will not repeat it on each amendment.

Clause passed.

Clauses 2 to 6 passed.

Clause 7.

The Hon. K.O. FOLEY: I move:

Page 7—

Lines 37 to 39—Delete subparagraph (i)

Line 40—Delete 'the adverse' and substitute 'any adverse'

Not wanting to 'show off', as the member for Bragg clearly doesn't, we do not want to perhaps overdo our intimate knowledge of all things mining with the house. We will get on with the job.

Amendments carried; clause as amended passed.

Clauses 8 to 44 passed.

Clause 45.

The Hon. K.O. FOLEY: I move:

Page 29—

Line 29—After 'this section' insert 'if the court considers it to be just and appropriate in the circumstances of the particular case'

Line 33—After 'compensation' insert 'after taking into account (to such extent as the court considers appropriate) any compensation or other amounts that have been paid to the owner under the other provisions of this act'

Page 30, after line 2—Insert:

(3) This section does not apply in relation to an exploration licence.

Amendments carried; clause as amended passed.

Remaining clauses (46 to 77), schedules 1 and 2, and title passed.

Bill reported with amendment.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (16:40): I move:

That this bill be now read a third time.

I might pick up where I left off. As the third reading is about how the bill comes out of committee, there is quite significant scope for me to further inform the house on matters. I have a feeling that there would be a contest between the member for Bragg and the member for Bright with the death stare. At this point, Madam Chair, I will take those two stares into account and move that the bill be read a third time.

Bill read a third time and passed.

CHAMBER DRESS CODE

The SPEAKER (16:05): Members, earlier today I asked a member of the gallery to remove their headgear, a woman dressed as Ms Muriel Matters. I was later asked by the member for Fisher whether my request would apply to the wearing of turbans or burqas and, I think, headgear worn by women from Muslim and other countries. We then had a point of order from the member for Bragg and I am not quite sure where we ended up with that, but I will be seeking clarification from her afterwards, anyway.

My response is that the practice of requiring members and visitors to remove their headdress or remain uncovered is an ancient parliamentary practice which was adopted to allow the Speaker and other members to be assured that those who were present were, in fact, members and visitors and were not people with malicious intent. It is a practice that was once part of the standing orders of this house and is now continued more as a recognition of our parliamentary heritage and respect for the institution than for any real procedural purpose.

Clearly, in this day and age, the house acknowledges the rights of every citizen and every visitor to this house with respect to their religious and cultural practices, and I would be very reluctant to impinge on this. I do apologise on behalf of the house to anybody who was offended or upset by today's proceedings.

SUMMARY OFFENCES (WEAPONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 September 2010.)

Ms CHAPMAN (Bragg) (16:43): This bill was introduced by the Attorney-General, after the matter had achieved quite a significant history and subsequent to an extensive review that was undertaken post certain events (which I will refer to). The review precipitated a discussion paper, published by the department of the former attorney-general, which was circulated to consider knife laws and proposed amendments to the Summary Offences Act 1953.

There was an extensive consultation that started, I think, about this time last year, and what we have before us today is the culmination of that review and consideration by the government as to what should be done to streamline/strengthen/enhance protection for South Australians who are victims of an attack, particularly by the use of a knife but also with other offensive weapons.

I think it is important, for the purposes of discussing the extensive amendments which will be placed before the house which have been foreshadowed by the Attorney, myself and the member for Fisher, that I outline the current position. As members would be aware, under our Summary Offences Act 1953, there is a three-tiered approach to weapons offences.

Essentially, under section 15(1), it is an offence to carry an offensive weapon without lawful excuse. There are extra penalties that apply to carrying an offensive weapon or a dangerous article in the vicinity of a licensed premises at night—again, unless you have lawful excuse. So, within that strata, it is a two-tiered penalty system. It is an onus on the accused person to prove that there is a lawful excuse. Self-defence is not a lawful excuse, and a knife is already, under our current laws, an offensive weapon.

Secondly, we have offences in respect of dangerous articles. This sets out, also in section 15(1)(b) and 15(1)(ba), provisions that make it an offence to manufacture, sell, distribute, supply, deal with, possess or use a dangerous article without a lawful excuse. Within those provisions, there is also an extra range of penalties, similar to the offensive weapons regime, if one does any of those things within the vicinity of a licensed premises at night. In that category, the only knife that is a declared dangerous article is a bayonet. That is probably unlikely to be used significantly but, in any event, it is an important part of the regime.

Then we have prohibitive weapon offences, where it is again an offence to manufacture, sell, distribute, supply, deal with, possess or use a prohibited weapon. In this instance, where there is a prohibited weapon (and these are what I suppose you would call a very, very serious category), there are within that 13 categories of knives that are classified as prohibited weapons; these include a dagger, knife, flick-knife, butterfly knife, ballistic knife and throwing knife.

In this instance, there is absolutely no defence of lawful excuse. The only circumstance in which a person is allowed to undertake any of these activities (that is, the manufacture, sale, etc. of a prohibited weapon) is when the person themselves is exempt. So, it largely centres around the

occupation of the person who is carrying the weapon, as distinct from the nature of the weapon itself. Members would be aware that there was a fatal knife attack in Grenfell Street probably close to three years ago, and the response of the government was to undertake public consultation on laws relating to knives. As I have indicated, that was followed by the publication of a discussion paper and distribution of the draft bill.

It is fair to say that there were very significant aspects of that discussion paper that met with objection in the community. I think it is also fair to say that, whilst the government has come in with a much more watered down bill, it has taken a few sidesteps to have some novel approaches to how we deal with some of this in the face of some of the government's more draconian approaches, if I can describe them that way, on the management of knives in these circumstances to probably enable some realistic success in the passage of the bill in this parliament.

I do not know what the government's motives were for watering it down but, clearly, the government was told very clearly out in the broader community that some of the proposed aspects of their reform would simply not be acceptable. A number of reasoned arguments were put successfully to ensure that the government did not progress them. Quite possibly, the new Attorney-General's approach to dealing with these matters may have had some influence as well. I do not know about that and I do not suggest it as being the case, only that it may have.

In any event, someone in the government saw the wisdom of not trying to press the ridiculous and we have ended up with this bill, introduced on 15 September, which, watered down though it may be, is certainly one which the opposition is prepared to support in general principle. However, we will seek some amendments because, in the course of introducing some novel approaches, we think there are circumstances where the application of some of the proposals is too broad and therefore would be unreasonable to monitor, supervise, prosecute or comply with.

There are three or four main areas of these proposed amendments to the Summary Offences Act. Can I say this, though: whilst this bill largely relates to ways the government sees are the most effective in stopping people, particularly young people, killing each other with knives, it does not in any way address the root cause of what has happened. The event that occurred in Grenfell Street involved young men under the age of 18 years in a public place. There had been the acquisition by one of them of a knife in a neighbouring retail outlet and that had been used to stab one of the other young boys. There is no need to go into all the detail of it, except that, tragically, one of these young boys died.

I make the point that, although there is a regime being introduced in this bill to deal with knives and, clearly, knives are able to kill people relatively easily, there are also a lot of other things that can do it. Rather than looking at what is important to reduce the level of dispute or conflict between the boys in the first place and avoiding that confrontation, this bill is just dealing with knives, a direction that does not resolve the fact that on the same occasion the same boy could have gone into the same shop and bought a variety of other pieces of equipment which, ultimately, also could have been a lethal weapon. It could be a ball point pen stabbed in the neck, a screwdriver, a pair of pliers, a hammer or an axe. The list goes on. The truth is that there are a lot of things that we have even in our ordinary homes in addition to knives that could be used as a weapon, and effectively, in killing another person.

I will use one comparison. When the government decided it would deal with attacks by dogs, a regime of legislation was introduced into this parliament. It happened after a savage attack on a young girl in the east Parklands by a dog. We had a regime introduced to muzzle and put leads on dogs to ensure that, in a public place, dogs were limited to walking and even peeing on a tree, but they were put under enormous restriction so this would not happen again. The reality is that 85 per cent of dog attacks against a person, I think it was at the time, were identified as occurring in someone's home. It is one thing to deal with knives but, unless we deal with the other weapons and we deal with the underlying cause, I regret to say that we are not going to deal with this issue. Boys will still kill each other unless we deal with those other aspects.

The Hon. I.F. Evans: And girls.

Ms CHAPMAN: The member for Davenport says, 'And girls', and that is absolutely right. It is true that many of these offences are committed by boys, but certainly there are females. I was referring to the specific incident in Grenfell Street which involved all boys, on my recollection of what happened. In the event, let us get to what the government has proposed in this legislation.

One is to make it an offence to sell a knife to a minor, that is, someone under the age of 16 years, as defined in this proposal. The bill creates a new offence if you do that, and the

maximum penalty will be a $20,000 fine or two years imprisonment. A defence mechanism is to be included. The bill provides that, if the seller can establish that they require the buyer to produce evidence of age, or, upon evidence being produced, can reasonably assume that the buyer was above the age of 16 years, that will be a defence to a conviction of selling a knife to a minor.

The bill does not allow for classes of persons to be exempted, as indicated in the Attorney-General's second reading explanation; the government considers that that would create more red tape for retailers. It is, however, intended that specific types of knives can be exempted. Essentially, the way I see that is that, if a 14 year old boy or girl goes into Harris Scarfe to buy a bread knife and is unable to establish that they are over the age of 16 years but the retailer still sells the knife to them, the retailer will be prosecuted and they will be liable for that offence. If, however, the bread knife is a plastic takeaway knife (which is in an exempt category of knife), the retailer will not face prosecution.

It is the opposition's view that these provisions are equally unworkable without there being a broad set of exemptions. The logical one, as is often quoted, is not to put anyone through this process if they are a member of a scout club going in to buy the usual equipment.

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

Ms CHAPMAN: The second broad thrust of this legislation is to make it an offence to market a knife, to advertise that this is a knife that could be used in combat and/or is likely to stimulate or encourage violent behaviour. Again, there is a $20,000 fine if you do that or two years' imprisonment.

There will be power to make exemptions in the regulations, we are told by the government. The government suggests that supplies to the Australian Defence Force, for example, would need to be exempt. We have a different sort of regime here. Here people or groups can be exempt, but if the knife is one that you can hurt somebody with in any kind of combat or violent behaviour—and I looked back at the definitions of this—it is not the type of knife that is relevant, it is who might market it.

Again I simply make the point that this is a very narrow approach. All mature audience mainstream films containing violence have weapons used in them to kill, maim, harm or in the course of committing offences and frequently comment is made of the description of not only a weapon—knives, guns and things as well—but what they can do to people, and then in grisly detail what they do to people is splashed all over the screens for under 16 year olds to see every day.

They have access to it not only through films but through computer games, where usually the operator of the game has to kill someone with some kind of weapon—obviously indirectly via a button in the operation of the game. I just say to the government that simply to pick out knives and say that, except for some certain groups who are allowed to do this, you are not allowed to say that this knife can kill you or is able to be used in any combat situation, is artificial to be honest and not addressing the issue.

We move onto the possession of knives. This makes another level of possession under section 21E which will restrict the possession of knives in schools and public places. Quite frankly, if they are in possession of a knife without lawful excuse, then that ought to be the position, in my view, but nevertheless we are going to have a higher regime of penalties applying to this offence if it is around a school or a public place, and we are going to have higher levels again for subsequent offences. In that instance, I do not oppose that—I have always supported regimes of increase on subsequent offences or aggravated circumstances in an offence—but we are just creating another level.

We are creating another group of circumstances which have to be proved to be able to qualify. I thought the objective of this legislation was to keep it simple. It is one thing to introduce an offence not to sell a knife but it is another thing to introduce another level of categories which for prosecution purposes I think is going to be close to a nightmare and which does not resolve the principal issue.

In any event, we press on. Under this particular approach, this is supposed to give the police an alternative charge to a person with a knife; that is, an offensive weapon that is not a prohibited weapon in their possession but does not have a knife on or about their person or under their immediate control, so cannot be charged with carrying an offensive weapon. I think this is the

old argument of not having a knife on your person but having it in your locker at school. The notion of possession here, as far as the opposition is concerned, is too wide and we are going to make some attempt to tidy this up by moving some foreshadowed amendments.

Again, if we make this a complicated process in obtaining a successful prosecution in circumstances where clearly someone should be brought to heel, then the government reform and our endorsing it will not do justice to what is intended. In this instance, though, I place on the record that the defence of lawful excuse will be available, as there will be instances where it is appropriate for a person to be in possession of a knife in a public place or a school.

For example, an electrician who has a knife to cut the plastic coverings that go around the copper things (whatever they are called) that go into electric light plugs when they are working at a school. They may have a knife in their possession but need to as a qualified tradesperson. Again, we are putting many people to a lot of inconvenience who would otherwise not be captured by this. The breadth of such an approach is of concern to the opposition.

Then we have the weapons prohibition orders and I suppose this is the more novel approach to what is being considered. In the interests of time, I will not go through all of the aspects of this which are outlined in the bill. Essentially, there will be provision for weapons prohibition orders and they will be somewhat like the current firearms prohibition order legislation which enables the police to ban someone who has a known propensity for violence from possessing or accessing prohibited weapons. In this instance the Commissioner of Police is the person who will issue these prohibition orders.

There is a certain provision for how that is to come into effect but, essentially, you have to be guilty of an offence of violence already or been declared liable to supervision under Part 8A of the Criminal Law Consolidation Act by a court dealing with a charge of an offence of violence, and you have to be in possession of a prohibited weapon; and, in the event of that occurring it is likely to result in undue danger to life or property; and, thirdly, there is a public interest provision to prohibit that person from being in possession of a weapon. With those thresholds, the commissioner can issue an order.

Unlike firearms these orders will lapse after five years. A person subject to a weapons prohibition order—and I think this is where the situation becomes far more extensive—can be stopped and searched on site and any vehicle, vessel or aircraft they are in charge of can be stopped and searched. However, unlike the firearm prohibition orders, premises can only be searched if the officer suspects, on reasonable grounds, that they are occupied by or under the care, control and management of a person who has previously contravened a weapons prohibition order or who the officer suspects, on reasonable grounds, of contravening a weapons prohibition order.

Under section 21H, a person to whom a weapons prohibition order applies must not do certain things, including manufacturing, selling and distributing, etc. They also must not be present at a place where prohibited weapons are manufactured or sold, etc. So, they cannot be in the presence of a place where there is one or where they are made or be in the company of a person who has a prohibited weapon, or reside at premises in which there is a prohibited weapon and, finally, they must inform every other person over 18 years of age living or proposing to live at the same premises that there is an order against them and must ask every other such person whether or not they have or propose to have a prohibited weapon on the premises.

Frankly, these last two provisions are unworkable, counterproductive and absolutely absurd. The duty to notify residents is likely to be onerous, particularly in blocks of flats and apartments. It is simply not credible that a resident would frankly and openly advise a person subject to a weapons prohibition order that they have a prohibited weapon. Why would you tell somebody who is the subject of a WPO that you have a prohibited weapon? If you were a single girl living in an apartment in that circumstance would you want to disclose that? Do you think that if you are a tenant in a building and you are the subject of a WPO order that you are going to knock on the door of everyone else in that apartment block and say to them, 'Look, excuse me, my name is Mr So-and-So and I'm just letting you know that I am subject to a weapons prohibition order. Have you got a spare cup of sugar?' or ask them, 'Would you like to come to dinner?' It is just simply absurd.

The bill makes it an offence to supply a prohibited weapon to a person to whom a weapons prohibition order applies, or to permit such a person to gain possession of a prohibited weapon. Even in this situation, to supply someone in those circumstances does require that you know in the

first place that they are subject to a WPO. The person who has a prohibited weapon on or about their possession or under their immediate control must not be in the company of a person to whom a weapons prohibition order applies.

We have this whole dynamic where someone in a community, who is the subject of a WPO, has this legal relationship with all these other people around them—and they have to him—and they have to establish that they even knew that he had the WPO. The whole thing is absolutely absurd. I can see where the government is coming from. It is saying, 'Look, what we're really doing here is saying that, if you are a pretty dodgy person, if you have a bit of history, we want to be able to quarantine you from getting access to firearms'—as they do with firearms—'but, in this instance, we are going to extend it to knives, and we are going to have a different set of rules for that.' The government is not only not going to let someone have the right to be in possession of these things, or go anywhere near them or be in the same premises where they are made or manufactured or sold or anything else—you cannot go into a shop or a factory, and so on—but it is putting this huge onus on the people around them, who may not know the full circumstances.

The opposition is looking for ways to support the government to do whatever it takes to help us prevent the reoccurrence of the events of Grenfell Street. However, we just cannot see our way clear, Mr Attorney, to see this as workable or acceptable. So, again, we will be looking to provide some amendments. There is a right of appeal to the Administrative and Disciplinary Division of the District Court by a person who is aggrieved by a decision of the commissioner in relation to these WPOs. I have seen, I think, a foreshadowed amendment of the government to deal with an aspect of the application of that appeal process, which I will not traverse, but I can indicate that we will be consenting to that amendment.

Now we come to the search powers aspect of the bill. As members are aware, the police have certain powers to search vehicles and premises in a number of circumstances. There are thresholds which they usually have to apply in order to do that. They are not allowed to simply grab people off the street just in any circumstance and start questioning, arresting, strip searching, etc.—there are a whole lot of rules that go with it.

This bill, though, is going to extend the powers of the police in three areas. The current search powers require that a police officer form a reasonable suspicion that a person has possession of a weapon before a search can be conducted. For example, if somebody has come out of a store and is suspected of having a weapon in their possession, the police officer can approach them—provided they can later satisfy that there is a reasonable suspicion; for example, they have had a tip-off or they have observed someone put the weapon in their pocket—search them, arrest them and so on. That is pretty simple, and it is fair.

These new search powers are different. The bill provides that a search may be conducted 'as reasonably required for the purpose of ensuring compliance with a weapons prohibition order issued by the commissioner'. People, premises and vehicles can be searched for prohibited weapons, and any weapons found seized, pursuant to section 21J. So now, once a WPO order has been issued, if the police know who the recipient of that order is and that they are bound by it, and if that person is walking along the street, they can say, 'We are required to search you just to check that there is compliance with the order.' It is not that they have been associating with some other dodgy company, that they have just come out of a store that sells weapons, or anything else, but that they can simply stop them at any time, anywhere because they are the subject of an order.

The second situation is where the police are using metal detectors on any person who is in, or is apparently attempting to enter or leave a licensed premises or a public place holding an event declared by the Commissioner by notice in the *Gazette* (section 72A). Police officers are not authorised to carry out a metal detector search of a person in his or her place of residence, or in a hotel room, lodging room, or any other place in which he or she is temporarily residing.

I think it is clear from public comment made by the Attorney-General (it may have been the Premier) that what is intended here is to make sure that knives do not come into hotels or places where an event may be held—that is, a concert of some kind—where young people are coming together, to make sure that there is a metal detector search. I think it has also been made very clear that there is no intention—because this was a concern for members of the opposition—for it to be something where a police officer will rush into someone's home with a portable metal detector and ask them to comply with the search.

The third area concerns special powers to prevent or control incidents of public disorder, where a police officer of or above the rank of superintendent has reasonable grounds to believe

that an incident involving a serious offence may take place in an area. Once an authorisation is made, the police officer can, in those circumstances again, stop and search a person and any property in the possession of such a person if the person is in or is apparently attempting to enter or leave the target area. In these circumstances, it is proposed that these authorisations apply for up to 24 hours, or at least no more than 24 hours.

Again, in this instance I think it is fair that the opposition say that the government is trying to arm the police with the necessary powers to enforce some of this new regime, but we think they have gone too far, and it is too broad. We do want to rein that in so that it is more effective for the police and can be complied with by the law-abiding community and, finally, catch the very small percentage in the community who are doing the wrong thing and not incur an unreasonable expense both in time and money, etc., to all the other law-abiding citizens.

Finally, I indicate that there are exemptions for prohibited weapons. The bill proposes to repeal a range of general exemptions for a prohibited weapon, which are currently set out in section 15(2)(a) of our principal act. Our understanding is that it is the government's intention to include these in a revised regulation to deal with it.

Obviously, as I have said before in this house, we are not usually too happy to have things transferred from act to regulation. We will seek to amend the bill to clarify that the regulations can deal with exemptions of classes of persons and insert the general exemptions in the regulation, or make the commencement of the bill contingent on the revised regulations to ensure that there is no hiatus for people relying on those exemptions. Essentially, show us the revised regulations and hold up the bill until we have got them or, alternatively, make some provision for exemption of classes of persons in the meantime.

We do have—as we would expect, and I think it is important—a process of scrutiny by an annual report to the parliament through the minister on the use of metal detectors and the use of special powers to prevent serious violence. We would like there to be a little bit more detail in that and if the Attorney-General has had an opportunity to read our amendments, he will see that we are looking for a little bit extra in the annual report.

We would hope that the government will support that. On our assessment—and we may be wrong—the further information sought is something that should be easily accessible to the Attorney to insert in the report or at least to the commissioner to insert in the report as he or she reports to the Attorney.

The bill also provides for a power to vary or revoke individual exemptions, i.e., if a person becomes unfit to possess a prohibited weapon. That is reviewable by the District Court. Also this bill provides for general weapons amnesties to be conducted in relation to dangerous articles and prohibited and offensive weapons. There is no question that the opposition fully supports those.

In essence, the areas of reform that we are seeking in the amendments and that we would hope the government would consider favourably are, firstly, to limit the applications of weapons prohibition orders to people whose offence of violence involved a weapon, rather than simply an offence of violence; secondly, to increase the scope of the commissioner's annual report to parliament through the minister to include the use of weapons prohibition orders; thirdly, if considered necessary, to ensure that the area prescribed for area authorisations is not too broad (and we are happy to look at what the government might outline in that regard); and finally, to oppose the removal of the exemptions for prohibited weapons from the act.

With that, I do indicate that there are some other aspects that we may not consider it necessary to follow because I notice there are also amendments foreshadowed by the member for Fisher. We will be looking for some information on the range of knives that is exempted from prohibition of sale to a minor to ensure that that is not unnecessarily onerous. We are also looking for some assurance that restrictions on people subject to weapons prohibition orders and co-residents of their premises are workable and constructive and also to consider the relevance of criminal intelligence to weapons prohibition orders. It may well be that these are aspects we take further in another place.

I have outlined quite extensively the practical application, for example, in a block of flats, and if the Attorney is able to outline how that would all still work in practice and we are comfortable with that, then perhaps that can pass without any further consideration.

The Hon. J.R. RAU (Enfield—Attorney-General, Minister for Justice, Minister for Tourism) (17:24): I thank the member for Bragg for her contribution in relation to this matter. I just

wanted to say a couple of general things about it. First of all, the comparison between the regime operating for knives and firearms is useful up to a point but not useful beyond that point. Obviously unless we are living in one of the rural areas of Australia and we have problems with rabbits or foxes, the average household has no need for a firearm or to use a firearm in the ordinary course of their daily business.

One could not say that about knives, so immediately, whereas it might be reasonable to say that, in the built-up areas of Australia, a firearm is not a required, necessary or usual household item—unless one is Charlton Heston, of course—it is not possible to say that in respect of knives. That necessarily creates something of a dilemma because here we have these useful domestic items that may be badly misused and cause serious harm.

The honourable member referred to the importance of dealing with the question of conflict. To the extent that her remarks ranged across the philosophical domain of people not getting on, I obviously agree with her, but my colleague the Minister for Families and Communities and others probably have more work to do in that area than I do. Certainly, the Summaries Offences Act is not intended to be a piece of legislation that assists us with dispute management.

The member for Bragg also raised the point that other household items, such as screwdrivers and ballpoint pens and so on, might be used to do serious harm. That is, of course, true. But, if you are looking at a continuum that has at one end of it a pistol and at the other end of it a piece of paper, I think you would say the pistol was pretty dangerous wherever you have it, the piece of paper is pretty harmless wherever you have it, a knife is tending towards the dangerous side of that spectrum, and I would suggest, if I can be so bold, that a ballpoint pen is tending towards the less dangerous end of that spectrum.

I have seen films where people, such as James Bond, have been able to use a ballpoint pen to harm an assailant with quite serious effect. In fact, if I recall correctly, in the film *Silence of the Lambs*, Anthony Hopkins was able to remove just a small bit of one of those retractable pens and stick it in his teeth. Then, about an hour and a half later in the film, as I recall, he was able to unpick a lock on his handcuffs by regurgitating this small piece of the pen, unpicking the lock and then pulling his arms out when Sergeant Boyle was not looking—I won't go further than that because that is when the film descends into the macabre. But we have to accept that Hannibal Lecter is an unusual person and, after all, a creature of fiction. So, I am not quite as worried as the member for Bragg about ballpoint pens.

Whilst we are on the subject of films, the member for Bragg raised the question about what kinds of knives might be exempted. I can do no better than to quote Paul Hogan from *Crocodile Dundee*, where he said to the chap with the knife, 'No, this is a knife'—and he produced a rather large knife.

I think that, to some extent, one has to allow common sense to apply here. A very small penknife is obviously a completely different thing from a large hunting knife and will obviously be treated differently. So, I am not all that worried about that. The fact is that knives, for reasons that entirely escape me, appear to be something of a status symbol or a trendy item amongst some sections of our community, particularly young men. It appears that, at the moment, young men of particular backgrounds or who hang around particular groups seem to think it is cool to be out and about sporting a knife. As far as I know, none of them thinks it is cool to be out and about sporting a pen or an egg flip or a whisk or a potato peeler—

Ms Thompson: A meat thermometer?

The Hon. J.R. RAU: Or a meat thermometer.

Mr Pederick: A turkey baster?

The Hon. J.R. RAU: A turkey baster. I'm working my way around the kitchen, Mr Acting Speaker. A plate could be included in that, a wooden spoon, a frying pan, or a tea towel, etc. I could go on, but I am starting to exhaust my memory of what is in the kitchen.

Anyway, the point is that there are many items that can be abused if you wish to do so. Again, I do not want to descend too much into the world of the cinema, but I think even tea towels on some occasions have been used to great effect by ne'er-do-wells against perfectly innocent people—by coming up behind them, sticking the tea towel around their neck and pulling it very tight. So, if one wants to get really serious about this, even tea towels would be on the list.

We thought about that. I thought about it, and those who advised me thought about it and they said, 'No, tea towels, by and large, are not dangerous,' and we put pens in the same category and, perhaps controversially, screwdrivers as well. That is why we have narrowed it down to knives. I hope that makes people feel better. It is knives because they are inherently dangerous, whereas tea towels, egg flippers and those little rings that you do poached eggs in are not necessarily inherently dangerous.

The member for Bragg said something about computer games and how terrible it is that people shoot themselves on them. I agree with her. Unfortunately, it is not within my gift to be able to get rid of those terrible things. If I had my way, all young people would be playing Space Invaders, Pac-Man, or Asteroids, which was a special favourite of mine. It was only in black and white, but it did have that sort of motion—

The Hon. K.O. Foley: Space Invaders—I was there when it was invented, the first machine.

The Hon. J.R. RAU: Well, there you are. I agree with the honourable member but, again, this government neither has the power constitutionally, nor do I think I can persuade my colleague the Deputy Premier and some of the others, even if we did; and, besides that, it has nothing to do with the Summary Offences Act, so I think we can move on.

There was the question about aggravated offences. I understand the point the honourable member is making and, generally speaking, I agree with her. I think aggravated offences often have a complicating effect on prosecutions, and it may be that on occasions the DPP would be happier if there were not aggravated offences. However, in this case, because we are trying to make a particular point about the terrible business of people hanging around in pubs with knives, we think it is one of those exceptional circumstances in which an aggravated offence is warranted. I agree with the honourable member that that should not be the norm—we should not go around willy-nilly putting aggravated offences into the statute book all the time. I agree entirely. However, in this case I think it is warranted.

As to the amendments we have foreshadowed, I can indicate to the honourable member that, in fact, both of them came as a result of consultation that we undertook with the courts. His Honour the Senior Judge of the District Court recommended the amendments that we have included as government amendments, and I would hope that the honourable member and those in opposition would assist His Honour and the District Court by simply accommodating their requests in relation to those amendments. They are nothing that has been suggested by the government, as such, but obviously I like to consult with people about what we are doing; this came back and we think it is an intelligent—

Ms CHAPMAN: That is new—not for you, but for your predecessor.

The Hon. J.R. RAU: Well, we try. So that is where we are going with that. The honourable member raised a number of matters in terms of the amendments that the opposition might be putting up, and I will deal quickly with those so that the opposition has some idea what the government's view about them might be.

First, in relation to the suggestion that the member for Bragg has made about reporting, can I say that I think it is a very constructive suggestion and, with respect, would like to adopt it. I think that improves the bill. With respect to the second matter, which is really a philosophical matter, the member for Bragg says some things should not be in the regulations, they should be in the act. It is a philosophical matter, or a point of view.

I am advised that parliamentary counsel's preference is to do it this way because it will mean that, if a member of the public or someone who is not a lawyer were to pick it up, the legislation would be easier to comprehend with these in the regs, not in the act. I understand that the countervailing point is: will they look at the regs? Will they ever find out where they are? I understand the point.

At this point all I can say is that, in between here and somewhere else, I will have a think about it, but my view at the moment is that, if that is what parliamentary counsel has as its standard thing, I should probably try to be a good boy and comply with its general rules, because I think that I disagree with parliamentary counsel occasionally and I do not want to burn up all my credits on this.

The last matter the honourable member raised was the offence of violence point. The only thing I can say about that is that I suspect that we do have a difference of opinion about this. I

would like to try to persuade the member for Bragg to reconsider her point of view. The offence of violence suggestion that has been made by the honourable member, I think, draws it too narrowly, because you can have a person who is a known ratbag who has on them a weapon. The fact that they have not used the weapon does not make it any less menacing that they are carrying it.

There is always the sort of implied threat that they may use it. Whilst I understand the concern the honourable member has, I am yet to be persuaded, despite her very powerful arguments on behalf of that proposition. I am not quite there with her yet. I still believe that the present drafting, which I acknowledge is broader than the opposition's proposal (and given the circumstances and the type of person we are dealing with here with these orders), is warranted. That is the way I think that we will approach it for the time being.

The honourable member foreshadowed that there may be other things that pop up between here and the other place, and, of course, I cannot comment on those presently. However, the overall thrust of the legislation, as I think the member for Bragg has acknowledged, is to try to make it easier for the police to deal with people who are out and about with knives; to make it harder for younger people, in particular, to buy knives; and, with respect to those particular individuals who we already know to be violent or dangerous people, to give the police the opportunity of controlling their behaviour—or at least attempting to—in the same sort of way as we attempt to control the behaviour of people whom we know to be dangerous people around firearms.

I think that the thrust of the legislation is sound. I am grateful that the opposition agrees in principle with what we are trying to do (that is helpful), and it means that the parliament is sending a clear message because both sides are basically on the same page about the principle. It seems to me from what has been said today that it is really a point of drafting; that is, is it in the regs or is it in the act?

Also, there is this question about whether we can persuade the member for Bragg and her colleagues that the circumstances we are addressing are so serious as to warrant the broader definition, and I am still of the view that these are serious enough to warrant that. With those few words, or perhaps too many words, I think that I can finish up. I can indicate to all members here that, if they prefer that the committee stage be adjourned off to have a think—

Ms Chapman interjecting:

The Hon. J.R. RAU: The member for Fisher has told me that he will be withdrawing his foreshadowed amendment.

The ACTING SPEAKER (Mr Pengilly): The member for Fisher has advised the table that he has withdrawn his amendment.

The Hon. J.R. RAU: Thank you for that indulgence, Mr Acting Speaker.

Bill read a second time.

In committee.

Clause 1.

Progress reported; committee to sit again.

At 17:42 the house adjourned until Tuesday 9 November 2010 at 11:00.