HOUSE OF ASSEMBLY

Wednesday 16 May 2001

The SPEAKER (Hon. J.K.G. Oswald) took the chair at 2 p.m. and read prayers.

NATIVE BIRDS

Petitions signed by 52 residents of South Australia, requesting that the House urge the government to repeal the proclamation permitting the unlimited destruction by commercial horticulturalists of protected native birds, were presented by the Hons. R.L. Brokenshire and M.R. Buckby.

Petitions received.

KHAN, Dr ALI

A petition signed by 425 residents of South Australia, requesting that the House urge the government to establish an inquiry into the termination of the contract of Dr Ali Khan by the District Council of Renmark Paringa, was presented by Mrs Maywald.

Petition received.

FIREWORKS

A petition signed by 537 residents of South Australia, requesting that the House ban the personal use of fireworks with the exception of authorised public displays, was presented by Mr Wright.

Petition received.

LEGISLATIVE REVIEW COMMITTEE

Mr CONDOUS (Colton): I bring up the 19th report of the committee and move:

That the report be received and read.

Motion carried.

Mr CONDOUS: I bring up the 20th report of the committee and move:

That the report be received.

Motion carried.

QUESTION TIME

HIH INSURANCE

The Hon. M.D. RANN (Leader of the Opposition): In the interests of all South Australian victims of the HIH collapse, will the Premier now join with all other states of Australia—New South Wales, Victoria, Queensland, Western Australia and Tasmania—in a united call for the Howard government to announce a full royal commission into the $4 billion HIH collapse; and can the Premier tell the House what actions the South Australian government is taking to help South Australians affected by the HIH collapse?

The Hon. J.W. OLSEN (Premier): I advise the House that certainly I was, as were the Treasurer and government, opposed to a levy across Australia. I had not noticed the rest of Australia put in place a levy to bail us out of the State Bank debacle 10 years ago and, in effect, South Australia had to go it alone in relation to that. The exposure of HIH, as I am advised, in South Australia is quite limited compared to that on the eastern seaboard. I know that the Treasurer has sought advice as to what extent various South Australian businesses, whether it be the building industry or other industry sectors, might be exposed—

The Hon. M.D. Rann: Professional?

The Hon. J.W. OLSEN: Yes, the professional indemnity—but on early advice to us there is not a significant exposure in South Australia such that we see in other states. It is therefore considered inappropriate for us to be allocating substantial taxpayers' funds in that instance. At this stage, we do not propose to allocate any funds. We will monitor the circumstances, but at this stage all advice to us is that there is not wide exposure; there is not substantial liability; and, therefore, there is no significant impact on individuals or corporations. There will be some, of course, but it is not broad-based as we have seen in the other states of Australia. I reiterate that we are opposed to a national levy; it is not appropriate for us. As to an assessment as to the circumstances leading to the crash, that it is a matter for the federal government to assume, and I understand that it is giving consideration to that.

GAS SURVEY LICENCES

Mrs PENFOLD (Flinders): Can the Minister for Minerals and Energy inform the House how many gas pipeline survey licences have been issued to companies proposing to build pipelines into South Australia; how many more licences are expected; and what this means for South Australia?

The Hon. W.A. MATTHEW (Minister for Minerals and Energy): I thank the member for Flinders for her question because, as my colleagues on this side of the chamber are well aware, the member for Flinders has a very keen interest in the competing and growing gas business in our state. The member for Flinders and other members on this side are well aware that, whilst since 1969 the vast majority of gas that is consumed in South Australia has come from the Cooper Basin, that supply, while still able to serve the needs of the state for many years to come, is not inexhaustible. For that reason, in itself, it has been necessary to look for other gas supplies for the state.

We must add to that the fact that the growing industrial base in South Australia—an industrial base that has been growing at a rapid rate—is also demanding greater gas supplies and competition in the gas market. The climate has been set to attract new gas investors into South Australia.

As a consequence to this end last year the government put out a request for submission to parties interested in supplying gas into South Australia. Members would be aware that in March this year the government, through the Treasurer, announced that a consortium of companies made up of Pelican Point Power Ltd, Origin Energy Retail Ltd and SAMAG Ltd is the state government's preferred proponent. To that end, a facilitation agreement has been signed with that consortium.

First, in respect of that particular consortium, it is now known as SEA Gas Australia Pty Ltd, abbreviated as SEA Gas, and it is a company jointly owned by Australian National Power and Origin Energy. Currently it is conducting field surveys for a pipeline to be constructed from Port Campbell into Adelaide. As a consequence, a preliminary survey licence has recently been issued by my department to SEA Gas, to allow it to undertake these activities. This

proposed pipeline in itself, regardless of other opportunities that are there, has the potential to increase the state's supply capacity by up to 50 per cent and, at this stage, the consortium's target for a supply of gas to Adelaide is the beginning of 2004.

The presence of this pipeline has the potential to increase exploration activity in the South-East, as explorers are gaining a ready market for their gas discoveries. The South-East holds prime opportunities for the economic development of this state. We have no doubt that this in itself has the potential significantly to further stimulate the already rapidly expanding local economy of the South-East. Long-term gas supply to markets in Mount Gambier and a number of important industrial sites in the South-East is clearly a focus of gas providers to this state.

The second proposal that has come forth is through Duke Energy International, which is also keen to build pipeline projects into South Australia. That company is involved in ventures in the Eastern States and is keen to undertake work here. In February this year, Duke advised that it was conducting feasibility studies for an alternative pipeline from Victoria to Adelaide, and is conducting ongoing discussions with the government in relation to this proposal. This company recently completed a pipeline from Victoria to Sydney and is shortly to build a pipeline from Victoria to Tasmania.

A third proposal is from GPU Gas Net, which has been granted a preliminary survey licence by my department. It also plans to source its gas from Victoria. A fourth proposal is from Epic Energy, which has also been issued with a preliminary survey licence and has commenced the work required to seek the necessary licences to construct a pipeline from Darwin to Moomba. It intends to bring gas from the Timor Sea to eastern Australia and South Australia.

In the meantime, a fifth proposal has been announced by the Australian Pipeline Trust, which also intends to source its gas from the Timor Sea. That company estimates that reserves in the area on which they are focusing are some five to 10 times the original capacity reserves that have been drawn on by South Australia from the Cooper Basin.

In summary, we have five pipeline proposals: three sourcing gas from the Otway Basin and two sourcing gas from the Timor Sea; all are competing for success. Clearly, it is unlikely that all five proposals will be successful, but we expect that one or more of them will be. That all adds to the very encouraging outlook for the growing South Australian economy.

HINDMARSH SOCCER STADIUM

Mr WRIGHT (Lee): Given the Deputy Premier's invitation yesterday to ask questions on the Hindmarsh Stadium issue, will the Premier now advise the House what has been the cost to the taxpayer so far of supplying legal counsel, including QCs, to represent people, including the Minister for Tourism and the member for Bragg, before the Auditor-General's inquiry into the Hindmarsh stadium fiasco?

The Hon. J.W. OLSEN (Premier): As the honourable member knows, those matters are still pending. It has not been finalised.

Members interjecting:

The SPEAKER: Order!

Mr Hanna interjecting:

The SPEAKER: Order, the member for Mitchell!

WATER RESOURCES COMPLIANCE

Mr WILLIAMS (MacKillop): My question is directed to the—

Members interjecting:

The SPEAKER: Order! The member for MacKillop has the call.

Mr WILLIAMS: Will the Minister for Water Resources outline to the House what progress has been made in water resources compliance following the setting up of an investigations unit within the Department for Water Resources?

The Hon. M.K. BRINDAL (Minister for Water Resources): I thank the member for MacKillop for his consistent and ongoing interest in the matter of water resources. It has been barely five months since the water investigations unit—which I have sometimes heard referred to as the Water Rats—was set up. The unit is headed by Mr John Winkworth, a former senior policy officer who has considerable experience in investigations in various criminal fields, and includes two investigators. Although this is a lean unit, it does draw upon the resources of the Department for Water Resources and staff in Adelaide, regional centres and also statewide through the resources of local government networks. Although the unit has been in operation for barely four months, it is interesting to note that there has been—the member for Taylor might, in fact, be interested in this answer because it touches on matters that are relevant, at least in part, to her electorate.

Mr Foley interjecting:

The Hon. M.K. BRINDAL: Well, the honourable member might not be. Currently, there have been 16 incident reports, 14 files for investigation and 10 finalised. Several files have been referred either to the Crown Solicitor's Office for assessment to determine whether there is enough evidence for prosecution or to other agencies to follow up, and one case has been referred to a council for civil proceedings. The unit's primary goal—and here I assure members on this side of the House who are interested in the protection of the rights of lawful users—

Mr Conlon interjecting:

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

The Hon. M.K. BRINDAL: The unit's primary goal is not to interfere in any way with the rightful enjoyment of a legally granted resource to legitimate users but, rather, to catch those people who, by abusing the resource, are impinging the rights of those to whom the government has granted legal access.

To give a specific example, the unit recently investigated a water-holder licence in the Northern Adelaide Plains for illegally taking water and tampering with government works. Earlier this month, after conducting legal inquiries, members of the investigation unit, joined by DWR staff, a hydrologist and specialist staff from PIRSA and SA Water attended a Northern Adelaide Plains property and conducted a search and site inspection. The investigators were accompanied by officers of the police Star Force and the Gawler police to ensure safe entry of the government staff while the inspection was carried out.

The investigators spent several hours assembling evidence that strongly indicates alleged illegal irrigation on a large-scale commercial vegetable crop over a prolonged period. The opposition obviously is not interested in our most precious resource. The interesting proposition—

Mr Foley interjecting:

The Hon. M.K. BRINDAL: It might be boring to the member for Hart but it will not be boring to the electors of South Australia who might be interested in the actions of a member opposite whom, out of due deference, I will not name at this time, but who might well consider their position. The member opposite has come to me—

Mr Foley: Which member?

The Hon. M.K. BRINDAL: The member opposite, who will remain nameless at present, has come to me on behalf of two constituents who she believes have been wrongly treated because they have overused their water. I want to describe to the House these two hard done by constituents of the Northern Adelaide Plains. One of these licence holders, whom we will call for convenience Mr A, exceeded his water entitlement in 1997-98 by the value of more than $24 000. Mr A and another licence holder we will call Mrs C are long-standing users of underground water who have used in excess of their water allowance every year for the past three years—

Mr Koutsantonis interjecting:

The Hon. M.K. BRINDAL: Pardon?

Mr Koutsantonis interjecting:

The SPEAKER: Order! Interjections are out of order.

The Hon. M.K. BRINDAL: The member for Peake is quite wrong: I am not naming anyone in parliament. I am pointing out to this parliament that members in this place try to excuse $98 000 worth of stress to the most stressed resource in this state. They try to get their electors out of the illegal use of a precious resource because it suits them when the rest of the state—

Mr Koutsantonis interjecting:

The SPEAKER: Order! The honourable member is out of order. The minister will not respond to interjections.

The Hon. M.K. BRINDAL: The fact is that Mr A has accrued $94 000 in excess penalties for water used during the period 1998-99 to 1999-2000, and that this year alone the penalty charge for the same man could exceed $20 000. In other words, such a person is not using excess water but is using water from the Adelaide Plains in excess of the capacity of the aquifer to bear. It is an abuse of the resource, for which I contend we are undercharging.

Mr Foley: He wouldn't be on his own.

The Hon. M.K. BRINDAL: The member for Hart says he would not be on his own, and that is exactly why we have the investigations unit, because he is not on his own, but he should not be allowed to get away with it. He should not be allowed to get away with it when legitimate users are abiding by the rules and trying to husband the resource. In my opinion, he should not be aided and abetted by members of this House who seek to excuse the illegal actions of their constituents and try to get them out on technicalities. This government—

Members interjecting:

The SPEAKER: Order, the member for Elder!

The Hon. M.K. BRINDAL: This government is serious about the issue of water resources and their proper use, their legal use, within the law. Because we have an investigations unit and because we believe in it, we will not tolerate theft, and we will not tolerate dishonest use of the resource, not for our own sake but for the sake—

An honourable member interjecting:

The Hon. M.K. BRINDAL: Pardon?

The SPEAKER: Order! The minister will not respond to interjections.

The Hon. M.K. BRINDAL: —of the rest of South Australia. There is one rule of law, and the rule of law when it comes to water will be applied to everyone, including electors who choose to abuse it and hide behind their members.

HINDMARSH SOCCER STADIUM

Mr WRIGHT (Lee): Will the Premier assure the House that the government is doing everything in its power to assist the Auditor-General's inquiry into the Hindmarsh stadium and that it is not involved in any action aimed at delaying the report, including any abuse of the principles of natural justice?

The opposition understands that the draft report was finished last year and, since then, it has been distributed to those named in the report to allow them to respond in the interests of natural justice. The opposition also understands that the inquiry has been frustrated by the lack of cooperation and delays in giving evidence and responses by the Minister for Tourism and the member for Bragg. The Auditor-General's inquiry began in November 1999.

The Hon. J.W. OLSEN (Premier): Well, Mr Speaker, isn't this interesting? The Leader of the Opposition passes the bag down to the member for Lee. Let me make a couple of comments.

Members interjecting:

The Hon. J.W. OLSEN: You like taking the bag? Well, as long as you do, because it has been passed to you today.

Mr Conlon: Tell us about open government, John.

The SPEAKER: Order! I warn the member for Elder. Just bear that in mind.

The Hon. J.W. OLSEN: If the member for Lee would like to listen, I will give an answer to his question. The Auditor-General has not sought to have a discussion with me, nor have I sought to have a discussion with him, and that is the way it ought to be. Had I done so, I am sure opposition members would be on their feet making accusations across the chamber. I have no doubt that, if the Auditor-General had any matters he wanted to raise, he would pick up the phone to me. He has not done so. That dispatches your innuendo and theory.

As for the member for Elder's comments and those of the Leader of the Opposition in relation to open government, I advise the House that we are putting in place changes to the FOI legislation, and I look forward to their support. In the meantime, I will be more than happy in due course when the meter stops ticking, or whenever this matter is finalised, to release the figures for which the member for Lee asked. I have no trouble with that, and I will couple with it the fees for John Cornwall and Barbara Wiese in the same circumstances.

ALICE SPRINGS TO DARWIN RAILWAY

The Hon. G.M. GUNN (Stuart): Have you got a guilty conscience, Patrick?

Members interjecting:

The SPEAKER: Order! The member for Stuart.

The Hon. G.M. GUNN: Or perhaps it is the new American adviser the leader has.

The SPEAKER: Order! I have called the member for Stuart.

The Hon. G.M. GUNN: Perhaps it is your American adviser. Will the Premier inform the House about the appointment of a former Deputy Prime Minister, the Hon. Tim Fischer, as a special envoy for the Adelaide to Darwin railway, and can the Premier explain Mr Fischer's special role

in this important project, which I understand has bipartisan support?

The SPEAKER: Order! The honourable member is commenting.

The Hon. J.W. OLSEN (Premier): I am delighted to respond to the honourable member's question. Someone who is highly regarded and respected in Australia in political and business circles has been prepared to champion the cause of the Adelaide to Darwin railway. I would have thought that even a cynic like the member for Hart would acknowledge that Tim Fischer's credentials as a former Minister for Trade—internationally, particularly in the Asia-Pacific region—and as a former Deputy Prime Minister, are such that he has earned respect. Unlike the opposition, which whinges and carps without policy, we would like to take the next step forward.

The next step forward from building this rail link is to ensure that we are able to profile it and get maximum business opportunities running over the rail link between Adelaide and Darwin. There are still cynics on the eastern seaboard of Australia. It is important for us to argue the case constantly, market the position and identify the opportunities, and seek those opportunities in this state's long-term best interests. That is what the—

An honourable member interjecting:

The Hon. J.W. OLSEN: Gee, isn't it amazing what a late night does to some people? This is a—

An honourable member interjecting:

The Hon. J.W. OLSEN: You weren't here. This is a chance to bulk up the opportunities. We should not sit back and wait for it to happen. This is a chance to move the next step forward and create the opportunities. One of the first initiatives of the former Deputy Prime Minister as a special envoy for this rail link will be a visit to Singapore and Hong Kong in July, where he will be raising awareness of this. It is a matter of goods that will go over the line to the markets and, correspondingly, goods that can come into South Australia over this rail link. We will not sit by and do other than in a proactive sense build on the opportunity that has now been secured for the building of this Adelaide to Darwin rail link.

It will take some three years to construct the railway line, and in that time we want to ensure that shippers and others who are forward planning the transport of goods and services take into account this additional transport mode and option. It is an alternative to the ports and air freight, and that is important. It is important for a range of goods and services going into the international marketplace on globally competitive transport costs. That is what the Adelaide to Darwin railway will achieve for us.

Tim Fischer's principal responsibility will be to promote the efficiency of rail. He is a person who has stood by us and championed the funding of this against some of the bureaucrats in Canberra, particularly in Treasury and Finance, who did not want to have a cent of federal money going into this project. Tim Fischer did not flinch in support for this project all the way through in federal cabinet. In addition, he will alert business and government across Australia about the potential of the railway. I have indicated today that an intermodal road-rail—

An honourable member: Hub?

The Hon. J.W. OLSEN: No, not a hub—an intermodal road-rail project will be put in place at Dry Creek. I have also indicated today that we will be calling for tenders in September for the road-rail bridge and expressway running into the port which is the linking of the port with the intermodal road-rail project. In addition, we are raising the awareness of key decision makers.

Members interjecting:

The Hon. J.W. OLSEN: The opposition might laugh, but what we have is a piece of nation-building transport infrastructure that will underpin the future of this state. That is what it will do, and laugh at it you may, but I hope that the exporters and small and medium businesses out there understand your cynicism and mirth towards what can be achieved with the Adelaide to Darwin railway. The mirth of the opposition was only underscored by its anxiety about profiling the Adelaide to Darwin railway over the weekend—and thank you for doing that, because we got an extra run on the news services on Monday night. In relation to that, there have been some 2 500 hits on the web site since the weekend, and I understand that there have been something like 350 telephone calls.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I warn the Leader of the Opposition.

The Hon. J.W. OLSEN: To date, within three days, Partners in Rail have mailed out something like 500 packages involving registrations of interest or nominations to people who want to search for work during the construction phase of the Adelaide to Darwin railway. That underscores the importance of communications to demonstrate the opportunities and, if you have 2 500 hits on the web page, 350 telephone calls and 500 information packages being sent out to people who want to be employed, as well as people who want to tender for projects, it seems to me that the marketing—the communication—is important in the state's interests—this state and the individuals in this state.

HINDMARSH SOCCER STADIUM

Mr WRIGHT (Lee): My question is directed to the Premier. Has an agreement been signed or is an agreement being considered for signature between the government and the South Australian Soccer Federation that could see South Australian taxpayers paying the Adelaide Force Soccer Club's unpaid hiring fees for Hindmarsh stadium and paying all outstanding accounts owing to contractors and suppliers to the stadium; and how much will this deal cost taxpayers?

The opposition has been given a copy of a draft agreement between the soccer federation and the government's Office of Venue Management which makes South Australian taxpayers liable for unpaid bills associated with Hindmarsh stadium and which states that the Adelaide Force has failed to pay any of the hiring fees for the $30 million-plus Hindmarsh stadium. Given the government's new openness, I am sure the Premier will today release all correspondence and documentation surrounding such an agreement.

The SPEAKER: Order! The member for Lee will resume his seat. The Deputy Premier.

The Hon. R.G. KERIN (Deputy Premier): I think the member for Lee is very sensitive about this issue, because it has stirred him into action at last.

An honourable member interjecting:

The Hon. R.G. KERIN: Welcome back. The question asked by the member for Lee does not make a lot of sense. I am not sure what he is talking about. We are holding money owing to Adelaide Force until we obtain a resolution of this issue. A condition precedent on the agreement with the Force and the federation was the securing of what we needed with

council which has not been forthcoming. Until that time we are holding money which is payable to the Force on that condition precedent being met. That has always been the understanding, namely, that those fees will be taken out of that money being held. Therefore, what the member for Lee says does not make sense.

RESOURCE ROYALTIES

Mr MEIER (Goyder): Can the Minister for Minerals and Energy inform the House of the latest resource royalty figures and the benefits that flow to the people of South Australia from these resource royalty payments?

The Hon. W.A. MATTHEW (Minister for Minerals and Energy): I thank the member for his question. It is well known in this House that the member for Goyder is a champion of the minerals and resources industries in his electorate. He has been a strong supporter in particular of a very encouraging quarry operation within his electorate that is producing fine granite for the international market. At this time that quarry is cutting fine granites that will find their way into the United States, Europe—

An honourable member interjecting:

The Hon. W.A. MATTHEW: As the member for Hartley indicates—and Italy, where there is a demand for that type of quality product. The resources sector has again made a significant contribution to the state in the year 2000, but on this occasion it has made its most significant contribution in royalty payments.

In the year 2000 the sector delivered record royalty payments to the government. Bearing in mind that royalty payments are a dividend that comes from petroleum companies in their mining of petroleum and from mining companies in their extraction of ore, the royalty receipts for 2000 were $94.4 million—a jump of more than 57 per cent on the receipts of $59.8 million in the previous calendar year. The previous highest royalty take on record was in 1990-91, when receipts were just $79.5 million. We are greatly encouraged by the expansion and contribution of the sector to the state not only in terms of the jobs it provides and the product it extracts but also in terms of the dividend that it returns to the taxpayer to enable those monies to be used on providing services in our state. I expect the minerals quantum as a proportion of royalty receipts to continue to increase in coming years as the full impact of new mine expansions and mine developments are factored in.

The petroleum sector notably provided 64 per cent of the total resources royalty for 2000 and minerals therefore 36 per cent. Indeed, all commodity groups with one exception, that being coal, showed a significant jump in royalty return. The only reason coal was an exception is that there has been a change in the way that the royalties are calculated for that industry, and that resulted in a slight reduction in the royalty figure.

In total, petroleum royalty was up 45 per cent from $41.2 million in 1999 to $60.3 million in the year 2000. A significant part of that contribution obviously comes from the Cooper Basin. We have seen significant contributions come from that area. In the area of the member opposite, serving Millicent near Katnook is the Otway Basin, which has been returning good dividends for Origin Energy as they now have gas turbines in place generating electricity from the Ladbroke Grove station. Obviously the extraction of that gas has also resulted in a royalty payment to government.

In the minerals sector, importantly the bulk of the royalty payments reflect the recent expansion of the Olympic Dam mining operation. How often this parliament needs to be reminded of what is happening and continues to happen at Olympic Dam. It is amazing to read back on the old *Hansard* records of the parliament to see the Labor Party refer to it as the mirage in the desert. The mirage in the desert is now delivering significant dividends for the South Australian taxpayer not only in terms of royalty receipts but also clearly in terms of jobs, opportunity and the mirage that has formed itself into the Roxby Downs township—a thriving hub of activity in the area.

As my colleague the Minister for Tourism is only too well aware, the township also provides a fabulous tourism posting for people to get supplies and accommodation. The area has become a tourist precinct in its own right. If members of this chamber have not had the privilege of looking over the Olympic Dam mine, I encourage them to take that opportunity.

So, the Olympic Dam production royalty was $27.8 million for the year 2000, and that is a significant leap over the $12.9 million in 1999—not a bad mirage in the desert by any means. I am particularly pleased with these outstanding results, and I look forward with enthusiasm to reporting to the House further increases in productivity from our minerals and petroleum sectors.

ADELAIDE FORCE SOCCER CLUB

Mr WRIGHT (Lee): My question is directed to the Deputy Premier. Why is the government selling the Rams Park complex at Oakden to the Adelaide Force Soccer Club for the heavily discounted price of $570 000, when offers of approximately $1 million from other organisations have been put to the government?

Mr Bob D'Ottavi, the Adelaide Force President, said earlier this month that they have a deal to purchase the Rams Park complex for just $570 000. The opposition has a copy of a valuation summary for the Lichfield House part of the Rams Park complex dated 28 July 1999 which listed the then market value as $1 080 000, and a copy of a letter from the Multiple Sclerosis Society to the Auditor-General, dated 2 May 2001, asking him to investigate why the government would not sell part of the complex, even though they were offering a higher price than Adelaide Force was offering. The letter also says that another soccer club had been interested in purchasing the adjacent soccer fields, and that together the offers meant the government would have recouped in excess of $1 million for the complex.

The Hon. R.G. KERIN (Deputy Premier): The member for Lee has made about five classic mistakes in what he has said.

Members interjecting:

The Hon. R.G. KERIN: He absolutely has. First up, it is not that we are selling it to them. There is an option for the Force. Secondly, when he talks about heavily discounted, he should refer to the latest valuation instead of one taken in 1999, when they realised the problems they had with the roof in relation to asbestos. Also at that time there was a fully equipped gym, which is no longer there; that was all ripped out. The Valuer-General's price calculated late last year was $570 000. They were offered the property at the Valuer-General's price, which is very different from what the honourable member said.

The Hon. M.D. Rann interjecting:

The Hon. R.G. KERIN: We will get to that. I am not aware of any offer for $1 million for the property. Yes, there was one that was for over $600 000.

Members interjecting:

The Hon. R.G. KERIN: I have never been told about the half. The half has come from somewhere all of a sudden. As to selling it for anything other than sporting purposes, we would then have a very good sporting facility out there which has no clubhouse. The condition that has been put on its sale is that it remains as a sporting club attached to the grounds out there. The upkeep of those grounds is the responsibility of the lessee, and that is estimated at approximately $80 000 to $100 000 a year. That gets those grounds looked after.

If we were to sell it to the Multiple Sclerosis Society—a great organisation—we might have received $70 000 or $80 000 more for the building, yes, but you then need to upkeep the grounds out there, which is worth about $80 000 a year, and also if you have the grounds, you then need to go and build a new clubroom, because you cannot have that standard of ground without change rooms and facilities. So, what the member for Lee says is wrong on about four counts.

SCHOOLS, NUTRITION

Mr SCALZI (Hartley): Can the Minister for Human Services outline to the House how the government is promoting healthy cooking and eating in South Australian schools?

The Hon. DEAN BROWN (Minister for Human Services): Today we have had the launch of a program called Creating a Stir which—

Members interjecting:

The Hon. DEAN BROWN: A very good stir at that, too. In fact, this program has been targeted out to 20 schools around the state. The member for Torrens was present at the launch, and it was great to see the primary school students from Gilles Plains Primary School, dressed up as chefs with aprons and hats, together with students from Regency Park College, where the children have been taught how to cook, particularly with fruit and vegetables.

The whole of this program goes back to the fact that less than half our children are eating enough fruit and only about a third are eating enough vegetables. In this modern day, when there is plenty of takeaway food and the incentive to go down to Hungry Jack's or somewhere else, there is a real danger that children will eat the wrong foods and certainly will not eat enough fruit and vegetables. So, we have this program being run principally through the Child Health Development Foundation of the Women's and Children's Hospital, and it has some fantastic groups in there backing it up.

Those backing the program are the Adelaide Produce Market Ltd, which is providing the fruit and vegetables; the Regency College, which is providing the chefs—in fact, we had the International College of Hotel Management chefs out there as part of this program; the Home Economics Institute of Australia; and ETSA Utilities, which has put together this superb mobile kitchen which will be taken around to the schools as part of the program.

It was interesting to see a five-year-old lad, Alex, who was cooking vegetable fritters. Alex said, 'I cooked them for Mother's Day and my brothers and sisters ate them all. They loved them.' He then said, 'It's surprising they're still alive and still talking to me!' Here were these chefs all lined up, cooking banana cakes and various things like that and, most importantly, getting directly involved. I must acknowledge the great support we had this morning from Graham Cornes, who was there talking about how hard it was to get his children to eat fruit and vegetables. He would put together a package of good food that they had to eat before they were allowed to go to Hungry Jack's or McDonald's; in fact, they could not go to a takeaway until they had eaten the good stuff.

Members interjecting:

The Hon. DEAN BROWN: Well, I did not wish to reflect on Port Power at this stage. I appreciate the support of those various organisations and people like Graham Cornes and many others who are now helping put into schools this Creating a Stir program, but, most importantly, encouraging our children to make sure that they eat enough fruit and vegetables because they badly need them.

ADELAIDE FORCE SOCCER CLUB

Mr WRIGHT (Lee): My question is directed to the Deputy Premier. Has the Adelaide Force Soccer Club been meeting all the lease payments to the government for its base at Rams Park at Oakden, reported to be $47 000 per annum? Does the lease amount include any or all of the standard outgoings such as water and power, reported to total $170 000 per year; or are these costs being met by the taxpayer? The opposition has been given a copy of a memo sent in 1999 from the Adelaide Rams to the Multiple Sclerosis Society which shows that the annual outgoings for occupying the Oakden complex as being an estimated $170 000 in 1999.

The Hon. R.G. KERIN (Deputy Premier): There are a couple of matters involved here. I think we had this confusion last time, namely, that the offer of the $570 000 does not include the ground: it is for Lichfield House only. So, if that is what was meant by half, it is Lichfield House that the $570 000 is for; the grounds are not for sale. That may clear up that matter. The lease—

An honourable member interjecting:

The SPEAKER: Order! The leader can ask his question later.

The Hon. R.G. KERIN: We are not selling the grounds. The lease—

Ms Hurley interjecting:

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

The Hon. R.G. KERIN: The lease is for the normal outgoings. Concerning the price for the lease, once again, there is an offset against money we are holding, so that is the same as payment because that is up there. I suppose what concerns me about this matter is that I know that the member for Lee has a disdain for soccer: we have seen that with what has happened at Hindmarsh. The attacks on the soccer community over the last six months and the disdain shown for the soccer community, not only the federation and the Force but also down through the ranks, demonstrates that this is now just politics. Push aside the interests of the sporting community—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. R.G. KERIN: The member for Lee holds himself up as a goal shooter for sport in this state. I do not know why he singles out soccer for his attacks.

An honourable member interjecting:

The Hon. R.G. KERIN: He hates the Jockey Club, too? Soccer needn't feel lonely, then. I put to the member for Lee that the game that has been played has targeted soccer right down to the grass roots level and put it at risk, and it is about time that we resolved the issue.

An honourable member interjecting:

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

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I warn the leader for the second time.

Mr Foley interjecting:

The SPEAKER: Order! I warn the member for Hart for the first time.

INFORMATION ECONOMY

Mr HAMILTON-SMITH (Waite): Would the Minister for Government Enterprises agree with me that, to transform our economy, South Australia will need to fully embrace the new economy and information technology, and can he advise—

Mr Foley interjecting:

The SPEAKER: Order! I caution the honourable member in relation to the phraseology of his question.

Mr HAMILTON-SMITH: I am asking the minister whether he agrees with me, sir.

An honourable member interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: Will the minister advise the House of the success—

Mr FOLEY: On a point of order, consistent with your ruling for the member for Lee when he introduced comment, this starts with comment. Apply the same principle to that side as you do to this.

The SPEAKER: Order! The honourable member will resume his seat. The questioner has already been asked to rephrase his question in order to avoid comment.

Mr HAMILTON-SMITH: Will the minister advise the House of the success of Talking Point, which is a part of the IE 2002: Delivering the Future strategy?

Mr CLARKE: On a point of order, Erskine May at page 296 states:

> The purpose of a question is to obtain information or press for action. It should not be framed primarily so as to convey information or so as to suggest its own answer.

I suggest that the honourable member's question is framed exactly along those lines and should be ruled out of order.

The SPEAKER: Order! The chair is of the view that, as it was rephrased, the question is in order. The Minister for Government Enterprises.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): The honourable member's question goes to the heart of the information economy and, in thanking him, I acknowledge the member's abiding interest in the future of South Australia's economy, in particular. The information economy is a really important area in which the government engages with the citizens of this state, as it should do. The information economy is something that is already touching all South Australians' lives.

It provides an enormous opportunity for us to bring citizens together and, we believe, to overcome a number of the concerns that people express about the so-called digital divide as collectively South Australians achieve in the global economy. Obviously, that is what this side of the House has done in releasing the strategy IE 2002: Delivering the Future.

One of the 21 initiatives is called the Everything Online Initiative, and Talking Point is a very important part of that strategy. Whilst it has been operating since September 1999, we are always interested in looking at improvements.

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: That will happen. The Talking Point team, which includes people in my office and in the department, are now putting the finishing touches to a substantially improved Talking Point as part of the IE 2002 strategy. Talking Point fits very nicely with the Premier's strategy announced yesterday for an increasingly open and transparent government. Since its inception, Talking Point has hosted 54 discussion forums, including those currently available such as, amongst others, forums on saving the Murray and on volunteers, to prove how widely spread they are. We have put the review of the Dried Fruit Act up for comment and I particularly acknowledge the support of the Minister for Environment in having the environmental reporting online. Those 54 hosted discussion forums have resulted in 54 137 site visits. Obviously, South Australians are interested in seeing what other South Australians are saying and what conclusions are being drawn as part of a way forward in interrelating with the community.

As a result of Talking Point, of which the government is justifiably proud, we have been recognised by the National Office for Information Economy as an example of 'better government practice in the citizen engagement category' and, obviously, that is what the democratic process is all about. Why are we proud of this? We are the only Australian government to be so recognised, and I think that the contributors to Talking Point deserve great credit as much as the government because without the contributors we would not have had the 54 137 site visits.

What is interesting is that other governments around Australia are expressing interest in what we are doing here. They have asked for assistance in emulating our success. When I talk of our success I do quote Talking Point frequently as an example of just how often South Australians demean what we do in South Australia. I was lucky enough to be engaged internationally, about a year or so ago, in bringing more jobs back to South Australia and I noted that an e-democracy forum was being held in Boston and I applied to see whether I could attend.

Interestingly, between my leaving South Australia and applying to attend the forum by email and arriving in Boston three days later the organisers of the conference had seen what we were doing on Talking Point and I had been elevated from an interested observer to presenting a keynote speech on how we present issues to the democratic process which other people do not do. Interestingly—

Members interjecting:

The SPEAKER: Order!

The Hon. M.H. ARMITAGE: I could not agree more—the conference was held with many contributors from Harvard University, and I found it fascinating—

An honourable member interjecting:

The Hon. M.H. ARMITAGE: And South Australia—that a number of the contributors were saying, 'Wouldn't it be great to do this. We think that if we study this for six months we could present some papers on one aspect of it.' Then the law school said, 'We think that we should look at ways of getting around this problem.' And so there were a whole—

An honourable member interjecting:

The Hon. M.H. ARMITAGE: Indeed, they were thrilled that someone was doing it and, when I stood up and said, 'That is very interesting, but little old South Australia on the other side of the globe has been doing this successfully' they were quite surprised—

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: I would accept it—that we were doing it so successfully. I reiterate that it is exactly an example of what happens in South Australia, widely spread. We are at the cutting edge of many areas but, because of an unfortunate cultural cringe, or whatever, we tend to hide our lights under bushels. We will not do that with Talking Point because, as I said, it is an example of better government practice with citizen engagement, and we are the only government in Australia to be so recognised.

HINDMARSH SOCCER STADIUM

Mr WRIGHT (Lee): My question is directed to the Minister for Recreation, Sport and Racing. Given the Deputy Premier's open invitation yesterday for questions to be asked regarding the Hindmarsh stadium, will the minister advise the House what was the average paying attendance at the fortnightly National Soccer League games at the $30 million taxpayer funded, 15 000 seat Hindmarsh stadium in the 2000-01 season?

Members interjecting:

The SPEAKER: Order! The Deputy Premier.

The Hon. R.G. KERIN (Deputy Premier): I have had responsibility—

Mr Foley: How embarrassing.

The SPEAKER: Order, the member for Hart!

Mr Foley: I am sorry, sir. I just thought it was embarrassing.

The SPEAKER: Order! The member for Hart will be cautious.

The Hon. R.G. KERIN: I am taking the question because I have been responsible for Hindmarsh stadium since about October last year, so this is a question to me.

Mr Wright: You took it off him.

The SPEAKER: Order!

The Hon. R.G. KERIN: I will get the numbers for you. I have no doubt it is to have a shot at the Force.

Mr Atkinson interjecting:

The SPEAKER: Order! I warn the member for Spence.

Members interjecting:

The Hon. R.G. KERIN: That is right, and the sooner the better.

Members interjecting:

The SPEAKER: Order! I caution the member for Spence because he has already been warned once.

The Hon. R.G. KERIN: It is a reasonably simple question from the member, and I will get out my calculator and work it out.

BEACH VOLLEYBALL

Mr CONDOUS (Colton): Will the Minister for Recreation, Sport and Racing update the House on the latest government initiative to maximise South Australian participation in the popular sport of beach volleyball?

Members interjecting:

The Hon. I.F. EVANS (Minister for Recreation, Sport and Racing): I do not know why the member for Hart laughs. If members look at the trend in relation to beach volleyball—

Mr CLARKE: Mr Speaker—

Members interjecting:

The SPEAKER: Order! Let me speak to members regarding procedural matters. There is no point in a member just standing and vacantly looking at the chair. He must stand and call a point of order; then the chair is willing to recognise a member who stands in his place and calls a point of order. There is no point in a member standing and looking towards the chair. Is there a point of order?

Mr CLARKE: Thank you, Mr Speaker. I will bellow in future, although on past occasions you have thrown me out for it. My point of order concerns an article contained in a parliamentary update issued by the CPA (issue No. 118), when the Speaker of the Scottish parliament prevented a minister from making a statement in parliament because its contents had already appeared in the media. The Right Honourable Sir David Steel ruled on 18 January that finance minister Mr Angus Mackay could answer questions from members but not read his statement, as he said its contents were in the morning's newspapers. The Speaker said, 'We do not expect to read in the newspapers what will be said in parliament.'

The SPEAKER: Order! The member has made his point. He will resume his seat.

Mr CLARKE: 'We expect to read what has been said.'

The SPEAKER: Order! If the honourable member does not resume his seat, I will name him. The chair is fully aware of the document from which the member is reading. It applies to the Scottish parliament and the interpretation of that Speaker. If one day I choose to put that interpretation on this House, so be it. I have not done so at this stage. The Minister for Recreation, Sport and Racing.

The Hon. I.F. EVANS: Thank you, Mr Speaker. I do not know why the member for Hart laughs at an announcement about beach volleyball. He would be aware that South Australia hosts the national beach volleyball program as part of the Office of Recreation and Sport through the South Australian Sports Institute. He should be aware that South Australians and Australians as a general population are becoming less fit and less active, and that means a greater impact on the health budget in the long term. If he spoke to the member for Lee, the honourable member would also be aware that there is a big move in society from structured sport to less structured sport and to less competitive sport.

We have tried to pick up on what is a growing pastime, a growing recreation, to provide an outlet for city-based South Australians to use the beach volleyball courts on the corner of Frome and Pirie Streets, which we will be building, so that they have an opportunity to be more active and become more physically fit, which is a good motive for people who work in the city. The member for Hart may not be aware—and I apologise for interrupting his yawn—that, using the schools as an example, since the Olympics in Sydney, beach volleyball teams in schools have doubled in number from 600 to 1 200 teams. It is one of the fastest growing pastimes not only within the community but also within our schools. With a city-based venue, four courts will be available. You will be able to have the beach volleyball equivalent of the Corporate Cup.

We think there is a good opportunity to get people out there and become more active before work, during lunch and after work. We see it as a positive announcement, and we are pleased to support the development of volleyball as a sport.

We know that some good South Australians have taken out medals at various international competitions, and we see this as a way of growing that as a sport and as a pastime. We also see it as a way of developing exercise regimes for gymnasiums such as EFM and others which we think will use that facility early in the mornings. We expect between 50 000 and 100 000 people to go through the facility on an annual basis, and we can only see that as a positive thing for the state.

An honourable member interjecting:

The SPEAKER: Order, the member for Elder.

MEMBER'S COMMENTS

The Hon. G.A. INGERSON (Bragg): I seek leave to make a personal explanation.

Leave granted.

The Hon. G.A. INGERSON: In relation to a comment made by the member for Lee today, I would not like the media or anyone else to be possibly misled about the Auditor-General's report, so I would like to make the following comment.

I was required—as I understand all other witnesses were required—to sign a statutory declaration that I would not make public any matters relating to his draft report which was sent to me for comment some months ago. I would like to report to the House that I believe that we replied through my lawyers to the Auditor-General's draft report some six to eight week ago. Later this afternoon when I have the exact detail, I will report that date to the House.

GRIEVANCE DEBATE

Ms WHITE (Taylor): I wish to raise an issue that is of some concern to me. It relates to the manner in which constituents of mine have been treated by a particular government department. Like many other members, I send to the Minister for Education, on behalf of my constituents, queries on a range of issues. One of the common things all of us would write to the minister about is the individual circumstances of people and their eligibility for School Card. I do that on a regular basis, and I believe other members do, too.

It is not my purpose here to comment on whether the minister ends up approving those applications subsequent to those requests. However, I want to report on one incident that happened this week and the impact it had on one of my constituents. Earlier this year, I wrote to the minister about a constituent who attends one of the local primary schools in my electorate. This constituent had an income which put her in that category of just missing out on eligibility for School Card.

However, there were circumstances that I thought should be, and were, brought to the attention of the minister. Subsequently, the minister wrote back to me in a letter dated 23 April this year, and said that, given the information and further discussions with my constituent, he had approved her application for School Card. The relevant section of the minister's letter states:

> The information gathered from [my constituent] has enabled him to approve her application for School Card for the 2001 school year.

Today my office received a very angry telephone call from the responsible officer within the Department of Education, Training and Employment on the grounds that my office had given out incorrect information when communicating to my constituent that her application had been approved. In fact, I rang my constituent to tell her the good news and indicated to her that the school would be advised that her application had been approved—because that is what the minister advised me in his letter.

Subsequently, my constituent, I understand, received a letter from the department stating that her application had not been approved. I received an angry telephone call from the responsible officer today saying that the wrong information had been given out. Staff at my office in my absence referred her to the minister's office to sort out the mess. What happened is that my constituent, who was very upset on receiving that letter, approached the officer to ask for an explanation. That conversation ended in tears. She was told that the wrong information had been given out. Staff at my office were told that we had given out the wrong information. This was because this particular officer, even though it is a month since the minister gave approval, did not have that approval on his desk so therefore believed that the application was not approved, and he ticked my office off.

This is appalling. First, something has gone wrong in the communication—a month later someone can get information that contradicts an approval by the minister. Secondly, this situation has caused further distress to my constituent—who is already financially stressed—to the point where the minister overturned the department's decision. It may be the only case of this happening in the thousands of applications that are dealt with—I do not know—but it is not good enough. Public servants are there to serve teachers, parents and students, and my constituent was not well served in this case.

Time expired

Mr VENNING (Schubert): I would like to address the inquiry into the Soil Boards and Animal and Plant Control Boards conducted by the Statutory Authorities Review Committee and its recent report tabled on 11 April 2001 in the other place. I am pleased that this report makes recommendations similar to those for which I have been campaigning for the past 15 years—in fact, decades, long before I came to this place.

I was chairman of an animal and plant board and I could see first hand how the whole landcare process could be improved. I have always advocated that these two individual boards should amalgamate and operate as one unit to allow for the rationalisation of processes because there was always a duplication of services by these two boards. I gave evidence at the inquiry and I told the committee of my experience as a member and as chairman of the Pest Plants Board and Vertebrate Pests Board. I quote the evidence as follows:

> I was a member of these boards for 10 years, both the Pest Plants Board and the Vertebrate Pests Board. I was chairman of those boards for six years. We did amalgamate those two boards and operate them side by side with the same administration. The bureaucrats in Adelaide would not let us do it so we did it at the local level. In 1986 or 1987 we amalgamated those boards and formed the Animal and Plant Control Board, which I chaired.
>
> The next step should have been to include the soil boards. I always believed that was commonsense because there was duplication of the service. The officers could have managed plant problems in the winter period, soil problems in the summer period and animal problems in both seasons. That would have saved two officers, two

cars and two administrations. I always thought it was a waste and that it was confusing.

There was evidence given that disagreed with my stance on the matter, and that is fine because everyone is entitled to their own opinion. I am very pleased that the report tabled in the other place has made recommendations along similar lines to those I have long supported. The report is quite comprehensive, covering some 150 pages, and I certainly recommend it for members' reading. I draw attention to page 142 of the report where a total of 16 recommendations are made, the first two of which state:

1. That soil conservation boards and animal plant control boards should be amalgamated over a five-year period. Each amalgamated board should include all existing board members with the membership of the amalgamated board to be rationalised over a two-year period. This would require legislative change—

all good stuff—

2. That the amalgamated boards should be known as land management boards.

I certainly have no problem with that. That is what I called for long before we had the landcare boards. I do not want to say, 'I told you so,' and I do not want to gloat, but finally after years of effort I am now seeing some light at the end of the tunnel on this issue. If an issue is strong and credible enough and you are patient, you will win at the end of the day, even if it takes decades.

I strongly support the report and commend the minister for positive action to be taken in light of the findings and recommendations. I also publicly acknowledge the support Mr Arthur Tideman, who was chairman of the commission at the time. Unlike the other bureaucrats, he could see the merits of the argument. There are still opponents to this amalgamation, but far fewer now than 20 years ago. It was a commonsense move, especially now that we have trouble getting the numbers to sit on these three boards—soil boards, animal and plant boards and now also Landcare boards. Funding was always a problem as the two original boards were funded differently. If the three levels of government were locked into the current arrangement it would work well. Local government is the important level involved as it is closest to the action and it should always have representatives on these boards. Certainly it is timely that the committee has come up with these recommendations, and I hope that this is not the last we see of this issue.

Mr WRIGHT (Lee): On behalf of the opposition I will make a few comments about the Adelaide Cup carnival, the premier racing carnival held in South Australia, an extremely important event for racing in South Australia and also on the Australian racing calendar. We are a very important part of the Australian racing calendar with the Adelaide Cup carnival, held over four days (some might say that it is even longer but primarily held over four days). The first day at Morphettville was a sensational day. I was delighted that the member for Elder (the local member for the area in which Morphettville racecourse is located), the member for Price and I were all there representing the Labor Party. We really enjoyed ourselves and the quality of the racing was outstanding.

When we have races of the quality of the Schweppes Australian Oaks, Honda Stakes, Alcohol Go Easy Stakes and the Widden Park Stud Handicap, and when you can go to a race day of that quality and see the quality of horse and jockey and the product being produced, we realise that we really are privileged. I have no doubt that the Speaker would be attending, if not on that day, certainly on some days of the Adelaide Cup carnival. I look forward to also attending this coming Saturday and again on the premier day of the Adelaide Cup carnival.

We should marvel at the quality of the races being held in South Australia during our four-day Adelaide Cup carnival. We had events last Saturday like the Malaysia Airlines South Australian Derby, the Marsh Classic, Yallambee Classic, Carlton Draft Stakes and Smoke Free Stakes—all very high quality racing.

This coming Saturday we have the Vinery Australian Oaks, the Sires Produce Stakes, the Stuart Crystal Stakes—all classic events. I might just say that I am delighted to be attending a luncheon this coming Saturday at the invitation of Vinery. Of course, next Monday we have our premier event, the Adelaide Cup, but we also have some other fantastic racing, such as the Jansz, the Liz Davenport Classic, the Pope Packaging Trophy and the Baker Young Trophy.

Over those four days of racing, as you, sir, would well know, as a former minister of racing, we have some high quality events. Those events in the main to which I just referred are either group one, group two, group three or listed races. We are talking about the highest quality of racing that is available on the Australian calendar. It is important that we as South Australians support our Adelaide Cup carnival. It is a very important occasion for all South Australians.

It is important that we make the connection. I know that the member for Gordon, like me, is very passionate about grassroots racing. We have talked about that on a number of occasions in this chamber, with other members as well, and anyone can be involved in racing in some way. It is such a great activity. Ownership and betting turnover are critical factors. Spectators at the course are essential. All these packaged up make a great product and a great sport. I appeal to all South Australians to make that extra effort to try to get there this Saturday and/or Monday. Let us try to give full support to this great Adelaide Cup carnival that is being held.

I acknowledge the SAJC and the racing industry. It is freely known that I have had differences with the SAJC about racing policy, but this is about supporting the racing industry. We will get a good crowd on Monday, but let us make sure that we get a good crowd on Saturday. Let us make sure also that on the two days remaining we have solid crowds and strong support for our industry. We must support it and get behind it.

Just going back to grassroots racing, if all those involved in racing, particularly owners, are involved at the grassroots level, which is essential, they should look to events such as this. It goes without saying that all owners have some sort of ambition to reach the highest pinnacle, and is it not something good to strive for?

Mrs PENFOLD (Flinders): Today I praise an achievement in my electorate that has been on the agenda for about half a century. I refer to the provision of an arts complex in Port Lincoln to serve the people living on Eyre Peninsula. Well-known author Colin Thiele was a teacher at Port Lincoln High School in the late 1940s and 1950s. While his prowess as a writer is well documented, his support for other areas of the arts may not be so well known.

Colin Thiele was a member of the very active Port Lincoln Players who regularly performed in the Port Lincoln Civic Hall. Patrons of that time began the drive for a purpose-built theatre. It was a project that no-one expected to take 50 years to come to fruition. Various propositions have been con-

sidered and debated over the years. Port Lincoln watched enviously as Whyalla, Port Pirie, Mount Gambier and then Renmark received theatres. Port Lincoln was promised the next regional theatre, but it did not happen. People on southern Eyre Peninsula nevertheless continued to work and plan for a cause that often seemed hopeless, so that the residents of the area could see the types of shows that people in the rest of the state took for granted.

One among the many who deserve mention is Dr Jenny Chillingworth of the Port Lincoln Arts Council and SA Country Arts Trust. Jenny's unwavering support over several decades encouraged Arts Council members to persevere. I also make special mention of Marilyn Mayne, Arts Council member and friend, who kept trying when the project seemed a hopeless dream.

In the 1990s, moves to redevelop the Port Lincoln Soldiers Memorial Civic Hall as an arts facility to include a theatre resulted in the formation of a committee headed by Bob Kretschmer. Councillor Julie Low of Lower Eyre Peninsula District Council took over from him, and she was followed as chair by Councillor Jill Parker of Port Lincoln City Council. Jo McLeay has been Jill's 'partner' in the later stages of the redevelopment.

The Port Lincoln Arts Council and Port Lincoln City Council approved a property exchange with Arteyrea Gallery precinct being handed over to council in return for gallery space, facilities for craft, and practical teaching space for arts being provided in the redevelopment. A plan for the redevelopment of the civic hall was costed at $1.8 million, leading to intensified efforts to raise the funds required. Then came a Liberal federal government that was willing to put funds into regional and rural Australia through the Federation, Cultural and Heritage Projects program. Barry Wakelin, the federal member for Grey, and I were delighted when our funding application brought Port Lincoln City Council $1 million to be matched dollar for dollar by the redevelopment of the civic hall as a theatre and arts centre. The state Minister for the Arts, the Hon. Diana Laidlaw budgeted $500 000 towards the project. Port Lincoln City Council and Lower Eyre and Tumby Bay district councils added to the coffers.

However, the cost had escalated to more than $2 million by this time, bringing about a financial shortfall. Strong community support was needed to prevent the project floundering and hopes being dashed once again. Donations of $5000 and $10 000 each came from local people. Naming rights to sections of the complex added to the funds and diehard enthusiasts bought a seat. It is a long list that has enabled the building to open almost debt free. The culmination of the project came a few days ago when the Port Lincoln Soldiers Memorial Civic Hall reopened as an arts facility, combining a theatre seating more than 500 people, two galleries, a media/meeting room and associated infrastructure.

Full houses in the newly named Nautilus Theatre enjoyed a program on Friday and Saturday nights sponsored by the Tuna Boat Owners Association. Local content came from singer-songwriter Kristen Lawler and pianist Richard McDonald. An opening fanfare composed by Richard was performed by the members of the Port Lincoln High School brass ensemble: Brodie Edmonds, Scott McConnell, Bradley Lawson, Sara Hueppauff, Sam McConnell, Chris Hester, Dylan Clarke and Anna Dearman.

The stage in the new complex has been officially named the Arts Council Stage in recognition of the financial and physical support given by members. A curtain design project, sponsored by Country Arts SA, employed local community artist Vicki Bosisto to research images and ideas which best represented the region and fabric artist Sue Catt-Green, assisted by Geraldine Krieg, to paint the design. Vicki Bosisto also coordinated a project, City Sites, where young people from all over Eyre Peninsula designed and executed silk banners for the entrance foyer in just five days. City Sites was sponsored by Country Arts SA and Carclew Youth Arts Centre. Liz Gordon-Tassie designed the civic hall logo, again inspired by the sea, and has donated the copyright of the design to the civic hall management board.

Mr SNELLING (Playford): I wish briefly to divert from what I was originally going to speak about this afternoon, due to some events in question time. I refer to the appalling spectacle of the Minister for Water Resources using private correspondence sent to him by a member of this House to attack the opposition and that member, albeit without naming her but making it pretty clear which member it was. We all expect some rough and tumble, but there are unwritten conventions that enable a certain level of trust and aid good governance in this state and I would have thought that the minister, who prides himself on being a conservative, would show some respect for these conventions. The spectacle of a minister of the Crown in this state showing such blatant disregard for common courtesy, using private correspondence from a member of this House for a cheap political shot, makes him a disgrace to the high office he holds. I would have thought that a better and more experienced minister, for example the Minister for Human Services, would never have descended so low. Perhaps the Minister for Human Services might offer the Minister for Water Resources some tuition in courtesy and showing respect for private correspondence.

I will now turn to what I originally wished to address the House about this afternoon. I rise to inform the House of the appalling failure of this government in the area of policing. One Sunday several weeks ago, one of my constituents was shopping in Rundle Mall and he noticed a man exchanging sachets of white powder for money to youths who had congregated there. It might have been lime sherbet, but I doubt it. He also seemed to be intimidating a pair who had obviously failed to make some sort of payment.

This was not in some dark alley late at night: this was Sunday afternoon in full view of many other shoppers. Naturally, my constituent phoned the police to make a report. He rang the Hindley Street police station and was told by the constable who took the call that they were fully aware of what was going on but, because of a lack of resources, it was impossible for them to apprehend and successfully prosecute the particular offender—and they knew who he was after my constituent gave them a description.

What an indictment on this government that drug traffickers are now brazen enough to ply their trade in the city's busiest precinct without fear of the law. The Minister for Police loves to get up in this place and hector the opposition about alcohol and drugs and our policy on these matters. He loves to show his colleagues on the other side how hairy-chested he is, yet, at the same time, drug traffickers are selling their wares to the youth of our state with impunity because of the cuts this government has made to police numbers and resources.

Is the minister serious about being tough on drugs or does the drug menace simply provide him with a handy way to hector the opposition and bring about his own pathetic advancement? Perhaps the minister would care to consider

this: then he might go out and talk to the police who patrol Rundle Mall about what they need to stop these peddlers of death plying their wares in the busiest shopping precinct in this state. My constituent will be writing to the Minister for Police, and I look forward to reading the minister's response.

Mr MEIER (Goyder): This weekend, all roads lead to Yorke Peninsula, to the Kernewek Lowender, the Cornish festival. In fact, the festival is already under way during the week, whilst I speak. It is the largest Cornish festival in the world, and I am sure that all South Australians are delighted that it takes place right here in South Australia. Certainly, as member for Goyder I am delighted that it occurs in my electorate.

I want to pay tribute to everyone who has been involved with the organisation of this year's Cornish festival. It occurs every two years, and the president this year is Mr Paul Thomas, who is also the Mayor of the District Council of the Copper Coast. To Mr Thomas and the many people who support him, sincere thanks for all your work. We hope that the weather will be kind to us this weekend, because something of the order of 100 000 people may well be in attendance in the Copper Triangle area, and it makes for a little extra work if it is raining at the time.

Two years ago it was excellent weather, and we hope it will be similar this time. The lead-up events have been great. I was present at the Minister for the Arts' arts prize on Sunday, and there was a magnificent exhibition at the Ascot Theatre complex. Again, thanks to everyone who organised that. There are myriad events on during the week which I am unable to attend, as you, Mr Deputy Speaker, would appreciate, because I am committed here at parliament.

What most people will see at the Cornish festival commences on Saturday morning. The program is organised around the three towns of Kadina, Wallaroo and Moonta: Kadina on Saturday, Wallaroo on Sunday and Moonta on Monday. In fact, we start at 9.30 on Saturday with the Kadina/Moonta/Wallaroo band playing in Victoria Square, and there will be quite a few events to keep people occupied, such as the maypole. I would encourage anyone who has not seen a good demonstration of the maypole to be in Kadina this Saturday morning.

Once again, I will be seeking to do the furry dance, which commences at 11 a.m. down the streets of Kadina. I know that quite a few other dignitaries will also be joining in. I am delighted that His Excellency the Governor, Sir Eric Neal, and Lady Neal will once again be in attendance. The festival will be officially opened by the Hon. Phillip Ruddock, and I am delighted that the Premier also intends to be there for a period on Saturday, as does the member for Giles. I learnt only recently that she is Cornish on both sides of the family, so we will certainly welcome the member for Giles to the Cornish festival.

Time does not permit me to go through all the activities that occur. At Kadina there will be a great village green fair for the remainder of the Saturday. On the Sunday at Wallaroo things start off with the cavalcade of cars. There are over 700 entries at this stage, and I am delighted that my colleague the member for Schubert (Mr Ivan Venning) will be bringing along his 1912 Hupmobile again. We travelled in it two years ago, dressed up with our top hats, etc., and we trust that it will go very well mechanically throughout the parade from Wallaroo to Moonta to Kadina on the Sunday.

There is a whole host of events basically centred around the Wallaroo jetty and surrounds, including bands, choirs and Cornish music. In fact, I pay tribute to all the people who have come out from Cornwall on this occasion, and there are many of them. On the Monday it is at Moonta with the Fair Kernewek. The Cornish fair at Moonta again starts off in the morning with the parade through the streets. Usually, the streets are packed with people watching the various floats and other activities that go through the whole day, with a multitude of events occurring.

It will be a great weekend. It is a tribute that South Australia hosts the largest Cornish festival in the world, and once again I thank all the organisers and look forward to joining them this coming weekend.

MEMBER'S COMMENTS

The Hon. G.A. INGERSON (Bragg): I seek leave to make a personal explanation.

Leave granted.

The Hon. G.A. INGERSON: At the end of question time today I advised the House, referring to the Auditor-General's draft report, that I would get more details on the chronology as I did not have it at that time. I have now been supplied with the information. My lawyers, on my behalf, replied to the chronology report on 26 March—eight weeks ago and not six weeks ago as I suggested—and we are currently waiting on the final draft from the Auditor-General to comment on. Until we receive that draft, clearly we cannot proceed. Any inference that we are holding up the report is quite incorrect.

Mr MEIER: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

SELECT COMMITTEE ON DETE FUNDED SCHOOLS

The Hon. J. HALL (Minister for Tourism): I move:

That the select committee have leave to sit during the sitting of the House today.

Motion carried.

PUBLIC WORKS COMMITTEE: WATER FILTRATION—CENTRAL NORTHERN ADELAIDE HILLS

Mr LEWIS (Hammond): I move:

That the 151st report of the committee, on the provision of filtered water to the Central Northern Adelaide Hills, be noted.

It is proposed to provide filtered water to Gumeracha, Birdwood, Cudlee Creek and Kersbrook at an estimated cost of $5.6 million. The works will comprise 15 kilometres of pipelines, a water disinfection dosing plant, a surface water storage tank, flow meters and telemetry monitoring equipment. It is part of the Country Water Quality Improvement Program Stage 2, which incorporates pork barrelling for the Premier and his near neighbour, the member Schubert. It incorporates extension of filtered water to communities of the Northern Adelaide Hills and Paringa; the lining and covering of five major storages serving areas of the Mid North, Yorke Peninsula and Eyre Peninsula; and minor projects, including tank modifications and additional disinfection facilities and upgrades.

About 98 per cent of SA Water customers receive clean water. Most of the rest are the 8 000 people in some 24 communities who are reliant on unfiltered Murray water, and they include the Northern Adelaide Hills communities. The

water supplied to these communities is pumped directly from the Murray River via the Mannum-Adelaide pipeline. It is continuously disinfected by chlorination at Mannum and its quality regularly monitored. Nevertheless, it is unfiltered and of poor aesthetic quality. It is highly coloured and turbid and sometimes has a strong chlorine smell. It has caused customer dissatisfaction, and microbiological quality is difficult to maintain.

The committee understands that the Australian Drinking Water Guidelines require that the level of E. coli and faecal coliforms should be absent in 95 per cent and 98 per cent respectively of samples taken at the customers' taps. In the area covered by the proposal, coliforms are absent in only 40 per cent of the samples in water supply tanks serving the distribution systems and faecal coliforms in 86 per cent to 91 per cent, both of which are too low.

The committee understands that the microbiological quality of the water of the Northern Adelaide Hills is generally the worst of all in the unfiltered Murray River supplies, although that I contest. The committee further understands that the design capacity of the works has been assessed to meet an expected increase in residential and rural water supply demands of 50 per cent over the period for which projected demand has been calculated to the year 2020.

The key aims of the proposal are to improve the microbiological performance of the water distribution systems in Gumeracha, Birdwood, Cudlee Creek and Kersbrook, which are at risk of failing to meet applicable levels of service. They are also aimed to ensure that effective control against cryptosporidium and giardia is obtained. The other three issues are to address customer dissatisfaction caused by the taste, odour and high turbidity of the water said to be present much of the time (and I can believe that: the people of Swan Reach and other places like that constantly remind me of it); and to redress the current perceived inequity resulting from the provision of high quality filtered water to other nearby communities.

Again, on behalf of the residents of Swan Reach I make the point that that is very true and, whilst I do not begrudge the people who are the beneficiaries of this project their benefits, I do begrudge the niggardliness of the government and the incompetence of the people advising it who are determined to project information that is deliberately massaged into a form that makes such projects providing equity elsewhere and equality of access to such supplies look unattractive financially.

Finally, it is intended to meet future potential increased water supply demands, particularly in respect of changing water use in the area of the project. Of course, tourism and residential development potential in the Central Northern Adelaide Hills will be enhanced by the availability of clean, palatable water—as it would be in Swan Reach and Nildottie, if only they were also given a fair go rather than being put on the list, with the remark being made that they cannot be economically supplied and then, as I said, the basic data manipulated to the extent to make them look inefficient even though, on close questioning, the people who are providing that advice and preparing that data admit that they have not done their job thoroughly—and Michael Salkeld, I guess, is predominant amongst them.

The committee also understands that there are four minor off-takes (including supplies to Palmer and Tungkillo) and approximately 150 individual water services connected to the Mannum-Adelaide pipeline which are outside the scope of the program for extending filtered water into the Northern Adelaide Hills. I pity the people of Palmer and Tungkillo and commiserate with the member for Schubert and them as to the consequences that they will continue to suffer.

Supply of disinfected water in the pipeline will be maintained until alternative arrangements, satisfactory to the customers affected, are implemented. This will create the opportunity to cease continuous chlorination and fluoridation of water in the Mannum-Adelaide pipeline and avoid chemical costs of approximately $600 000 per annum. Cessation of chemical dosing in the Mannum pipeline will also obviate a $14 000 annual licence fee to the EPA for the current practice of discharging chlorinated water into the Torrens River. I do not know why the EPA would want that. That water, God knows, must be healthier than the water in its unchlorinated state.

The total program financial analysis gives a net present value cost—that means that it is negative—of $2.6 million, with a benefit cost ratio of less than one—it is .72. The total program economic analysis gives a net present value cost of $700 000 and it gets, therefore, pretty close to being one to one at a benefit cost ratio of 0.92.

Notwithstanding my remarks about other places and what I consider to be the comparative disadvantage from which they continue to suffer, nonetheless the committee wishes the people of the Northern Adelaide Hills good luck, better prospects and a more sound future such that, pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee recommends the proposed public work.

Before I sit down, let me repeat that I think that what SA Water is doing and what it has continued to do throughout the time that I have been in this parliament and the way in which it provides inaccurate, if not false, information—ballpark figures that are plumped up or otherwise shaved down to suit its own goals, interests and otherwise what many people in my opinion could be forgiven for saying was making misleading statements about both policy and practice—are annoying to me. If I ever get the chance to do anything more about it than I am currently able to do, those people and the manner in which they have treated the folk whom I represent will be dealt with in ways that I think appropriate.

Not only do they do that to the people who live along the river in my electorate and elsewhere but they also do it to the people who live in the Mallee. The policy advocacy that they provide to the government in the form of advice about what they can and cannot do simply ignores the fact that all we have to do in the Mallee is pump the water from below the surface of the ground (and it is not all that deep) into header tanks and thereafter virtually reticulate it around the towns in fairly short runs. The cost of that water could not possibly be more than 8¢, unless, of course, they are wasting money in doing things inefficiently.

I mean 8¢ a kilolitre, yet all the consumers in those Mallee towns have to pay about $1 a kilolitre or thereabouts, the same as people living in the metropolitan area, the same as people whose water supply is subsidised where it is reticulated to them on Yorke Peninsula (let me say to the member for Goyder), and the same as people who live in Port Pirie, Port Augusta, Whyalla, Woomera and as far as away as Aboriginal communities in Yalata, which would cost squillions of dollars, buckets of money, per kilolitre to deliver, but they get that subsidised at $1 per kilolitre, or thereabouts. We pay the same for the water in our towns in the Mallee, even though it does not have to be pumped at all, other than from the ground to the header tank in each of the towns.

I think that is wrong and it is equally bad management practice on the part of SA Water to flatly refuse to detach the consumption and the costs of providing for that consumption in the towns of the Mallee from the towns of Coonalpyn and so on that are dependent upon Murray water. They say that that is in their regional bookkeeping accounts, but I think that they are just so-and-so lazy sods, and they ought to be told that. The sooner they realise that they are doing things not in the public interest, the better.

If my remarks cause the Minister for Water Resources or the Minister for Information Economy to come in here and attempt to chastise me and commence a debate on the matter, so much the better. I welcome it; I will have them on any day, because I am fed up with the consequences of being treated with indifference, and the communities I represent being treated with indifference, as if it did not matter. If the Liberal Party thinks it will get many votes for the upper house at the next election from the polling booths around the electorate of Hammond, it has another think coming. The Liberal Party is clearly writing fiction when it sketches out the scenario that it has any prospect of winning the seat in the House of Assembly that is called Hammond.

The reasons are quite simply in the same kinds of processes that I have just referred to in other matters that are not germane to the provision of water in the circumstances that I have related to the House on this occasion relevant to the water filtration plans for the Central Northern Adelaide Hills.

Ms THOMPSON (Reynell): The project for the provision of filtered water to the Central Northern Adelaide Hills is very important to the residents of those areas, who, as the member for Hammond said, deserve filtered water, as do all South Australians. The inquiries that were made by the committee on this project related mainly to how decisions are made as to which of the communities currently without filtered water will get the benefit of the next dollar or million dollars that is available.

The issue became somewhat complex because the committee had taken a decision to try to expedite matters that fell under a $10 million limit. During last year, as members would know, the committee had a considerable workload and was often dealing with two references in a week. We found that this put a considerable onus, not only on committee members but on committee staff and also often on project proponents. For that reason, we decided to try to expedite matters by looking at projects that fell between $4 million and $10 million on the basis of the papers only, rather than calling witnesses to a hearing.

The result of that experiment with respect to the provision of filtered water to the Central Northern Adelaide Hills project was not very successful. We found that, instead of being able to take up matters with witnesses before us, to obtain opinion there and then, and to engage in some form of discourse with them, we had to engage in fairly lengthy correspondence. My main purpose in speaking to this project is to offer an apology to the proponents that our processes did not really work for them. We were not able to express some of the concerns held by various members of the committee directly to the project proponents, and they may not always have been able to see exactly what the information was that we were seeking.

I certainly tender my apologies to the project proponents for the fact that this matter took much longer than would usually be the case because we were trying an experiment. Whether or not we will repeat it is something that the committee will have to decide. With those very brief remarks, I indicate my support for the report.

Motion carried.

PUBLIC WORKS COMMITTEE: BARCOO OUTLET

Mr LEWIS (Hammond): I move:

That the 152nd report of the committee, on the Barcoo Outlet-Status Report, be noted.

When considering the Barcoo Outlet project, the Public Works Committee was told that it would return the Patawalonga Lake to a condition suitable for primary contact recreation on a reliable basis without permanently cutting the beach or adversely affecting the marine environment. The committee was also told that there would be no change to the flood protection status of the existing systems. The committee was also told that the Patawalonga is part of the problem of water quality in the basin and in the marine environment. Its function as a detention basin allows pollutants to flow to the sea in a more environmentally damaging form than if they were discharged directly in their original state and in aerobic conditions.

The committee's 107th report recommended the project after accepting the proponent's evidence that it is needed to minimise the part that the Patawalonga Lake plays in damaging the marine environment. However, the committee urged that priority should be given to addressing problems occurring upstream of the Patawalonga Lake. It also stressed that the most critical argument to be satisfied in determining whether the proposal was justified was whether it was the most appropriate means to reduce the level of pollutants entering the sea in stormwater.

Evidence taken by the committee since its final report, and which has been tabled, indicates that the emphasis on returning the Patawalonga Lake to a condition suitable for primary contact recreation on a reliable basis may be to the detriment of other objectives, in particular, the objective to ensure that there is no adverse effect upon the marine environment. The committee is concerned that the proposing agency's evidence has not addressed the relative merits of these objectives or the tension between them.

The minister has assured the committee that a major design objective is to ensure that flood protection afforded by the present barrage gates system is not compromised. The committee was told by the City of West Torrens that the system may not be able to discharge sufficient stormwater in all conditions and this may cause backup in suburbs connected to the feeder drainage system.

From the evidence presented to us, we are unable to determine the degree, if any, to which the Barcoo Outlet increases this risk. The council continues to express its concerns, but these concerns have been dismissed in correspondence received from the Department of Administrative and Information Services. The committee is told that the outlet must have a south to north operation in order to clean up the Patawalonga and introduce stormwater directly to the sea. However, the committee has noted that a later review argues that a north-south flushing arrangement is superior. The committee is concerned that a review of the models and assumptions that underpin the project raises serious doubts about the model used to determine water quality in the Patawalonga after the outlet becomes operational, particularly as primary contact is the stated key objective.

The Patawalonga Catchment Water Management Board and the Department of Administration and Information Services each accepts that stormwater diversion is needed to improve pollution levels in the gulf and reduce them to the desired level in the Patawalonga Basin. However, there are conflicting views in the fourth amendment to the environmental impact statement and a report prepared by Manly Hydraulics Laboratory. In its attempt to assess the criticisms of the Barcoo Outlet and the role of the Patawalonga in dealing with pollution as well, the committee has found there is a lack of essential data, in particular, a lack of an accurate indicator of the Patawalonga's effectiveness as a detention basin. I suspect that such a lack is not an incompetent oversight but probably a deliberate mischief.

Given the lack of data, the committee is concerned that the project allows the effluent from the Heathfield waste water treatment plant to be directly discharged into the marine environment, because that is what is happening, as you would know, Mr Deputy Speaker. It is pumped straight out of Heathfield into the creek and runs down the creek and into the sea. We do not even allow that to happen now at Murray Bridge. I know we did when you were there, sir, but we have at least taken that effluent water out of the river. The committee has received evidence indicating that the plant's upgrade at Heathfield would provide one of the most significant reductions in loads and concentrations of undesirable substances entering the Patawalonga Basin. The committee is also aware that the catchment board's presiding member has linked the plant's effluent to the destruction of seagrasses in Gulf St Vincent. The fourth amendment states:

> In the absence of actual data on the percentage of the total load discharged to the marine environment via the Patawalonga mouth. . . the lake was acting as an effective detention basin.

The fourth amendment observes (there are four points) that:

- no monitoring data relating to nutrient or other pollutant levels within the Patawalonga Lake, either before or after dredging, was presented;
- data on the efficiency of the sediment traps to remove fine fractions and the predicted percentage of total clay/silt interception has not been verified;
- data is needed to determine the level of nutrient reduction required for the protection of the Sturt Creek and the gulf as part of the proposed Heathfield plant's EIP; and
- a total catchment inventory, including volumes and quality, has not been undertaken.

The degree to which dredging has reduced or eliminated the need to be concerned about remobilising pollutants has not been indicated, stated or provided. In addition, it is not known how polluting the Patawalonga has been prior to and following the dredging of 1996-97. In the absence of such evidence and in the absence of data relevant to it, it is not possible to determine the changes to the marine environment and the beaches which may arise from introducing the Barcoo Outlet as a constructed public work.

The committee has received conflicting evidence about the validity of the modelling relied upon by the project. One critical report says that the model's assumptions oversimplify the true situation, which is extremely complex and very poorly understood. The lack of local data on the water and sediment quality and its variation over the year make the task of calibrating the model virtually impossible. Another report also questions the modelling and asserts that it does not relate to the mean sea levels that are typical of storm events in Adelaide and along the foreshore at that point.

Given the criticisms of this kind, the committee is concerned about the consultants' inability to agree about the integrity of the modelling relied upon by the Barcoo Outlet. The lack of agreement and the disputed assumptions about the effectiveness of the Patawalonga Basin as a detention basin cause us to question whether the proposing agency has been correct to focus upon the rapidity of dilution and dispersion as the measure or the criteria against which to measure the effectiveness of the outlet. Against this background of inadequacy, dispute and straightout obfuscation, the committee nonetheless commends its report to the House and recommends that parliament note it.

Ms THOMPSON (Reynell): In addressing this report, I would like to remind the House that the cost of the Barcoo Outlet is $21 million. So, when the community is spending $21 million, we have to ask very carefully why we are doing so. When the committee looked at this project originally, it unusually was not able to agree, and a minority report was submitted by the member for Elizabeth and myself. Just after we had submitted our report in December 1999, we received the fourth amendment to the environmental impact statement which contained some 34 recommendations coming out of Planning SA, indicating issues that it believed needed attention in relation the Barcoo Outlet project. As members will recall, the Barcoo Outlet diverts stormwater coming down the Patawalonga river system out to the sea before it enters into the Patawalonga Basin. It is thus discharging polluted stormwater directly into the Gulf St Vincent, which is already very much a polluted waterway. Therefore, we must ask: what are the benefits of sending this polluted water to the gulf? We would expect that if we are spending $21 million and polluting the Gulf St Vincent, there would be considerable benefits for that money.

When the committee looked at all the reports and heard all the evidence, we found that the information was in fact quite conflicting. We were told by some experts that the Patawalonga Basin provided a positive action in that it allowed some settling of the sediments that come down the Patawalonga system before they are discharged to the sea. We also knew, of course, about the horrible black plume that would cause great distress to residents in the Glenelg and West Beach areas, as well as to others in our community, and we were all fearful of the sort of damage that the black plume was doing to our environment.

We did not like having a black plume, either. It did not seem that we were managing things very well when we had the black plume. During our discussions we were not able to find the extent to which the black plume has been eliminated by the dredging. However, there was certainly much to indicate that, by careful dredging of the Patawalonga Basin on a regular basis, we could minimise, if not eliminate, the black plume.

The benefits of the diversion system were to allow primary contact in the Patawalonga Basin. So we need to look at the extent to which this primary contact is improved. The Willing report was prepared for the Patawalonga Catchment Water Management Board, and it looked at this issue of the number of days on which primary contact was not possible, given the current state of the Patawalonga. It found that, without any form of flushing, the average number of days in one year on which the Patawalonga Basin would be unsuitable for primary contact is 147 days, and 13 days per year over the summer.

With basic flushing from the Patawalonga gates up and around and out again, we could reduce to 116 days in a year and 10 days in summer the number of days that the Patawalonga is not suitable for primary contact. With the diverted basin, we can reduce this almost completely. However, if the full Patawalonga Catchment Water Management Plan were implemented, we could with some flushing also reduce to 102 days in a year and nine days over summer the number of days that the Patawalonga was not suitable for primary recreational contact.

I know it is important to the community of South Australia to have clean waterways and that the Patawalonga has been an embarrassment to us all, but I also know that action was taken some time ago to rectify some of the worst of this problem. I really have to ask myself whether $21 million of expenditure is warranted in order to allow the Patawalonga to be suitable for swimming on nine days a year. I am not sure how many people swim in the Patawalonga. I do not think there has ever been a lot.

I know that there has been enjoyment of the milk carton regatta in the past, and I have seen the Minister for Government Enterprises come into this place and speak ebulliently about how much our lives will all be enhanced by the reinstatement of the milk carton regatta after the Barcoo Outlet program has been completed. But again, I have to ask myself: do the taxpayers of this state want us to spend $21 million on an uncertain project so that we can have a milk carton regatta?

Let me quickly again outline some of the issues associated with the Barcoo Outlet project. The first major impact to my mind is the extent to which it increases the pollution in the gulf. The same Willing report, which indicated that we can reduce the problem down to nine days fairly easily, also indicated that the immediate diversion of the catchment runoff to an alternative outlet would increase the average number of days in summer that the concentration of faecal coliforms in discharges to the gulf would exceed 150 cfu per 100 milligrams by up to five additional days, depending on the diversion scheme implemented. In other words, we get nine days extra primary contact in the Patawalonga, but it is quite likely that we lose five days of primary contact recreational activity around the Barcoo Outlet.

We have had evidence that this is not true, that the Barcoo Outlet would discharge sufficiently far out to sea that it will not have an impact on primary contact in that area. Again we are faced with one expert saying one thing and another expert saying another thing. We have had considerable concern expressed to us by both the City of Charles Sturt and the City of West Torrens. The City of West Torrens in particular is worried about flooding impact in their area caused by the constriction of the Barcoo Outlet on the discharge of water. The project proponents say it is not the Barcoo Outlet but the airport drain that will cause the problem. Again we had one set of experts coming along to us from the City of West Torrens saying, 'No, absolutely not: it's the Barcoo Outlet that's going to cause the problem.' Some more bits of paper from the Department of Administrative and Information Services say, 'No it's not true: the City of West Torrens is just being alarmist.' I do not have right in front of me the words used in relation to the City of West Torrens, but they were not very flattering.

We also had evidence that said that if we undertook all the activities necessary upstream on the Patawalonga we would not need to do anything in the Patawalonga Basin at all, that by allowing the basin to act as a sediment pond and allowing some flushing from time to time we would be able to control the problem simply by doing the environmentally desirable upstream work. So, we have an expenditure of $21 million in circumstances where the environmental evidence is not clear, in an area where we have had a great problem in the past but in an area in which we are likely to be adding to other problems, and the whole key to this is the Holdfast Shores development and the impact of the smell from the Patawalonga on that development.

Time expired.

Mr HILL (Kaurna): I will not speak for long but want to make a couple of observations on this matter. I commend the member for Reynell for her excellent exposition of the issues and her analysis of the problems. I did not hear all of what the chairman said, so I cannot comment on his statement but I heard the member for Reynell. I have spoken on this matter on a number of times in this House and in the public arena. The member for Reynell made plain that the expenditure of $20 million on the clean-up of the Patawalonga without really knowing whether or not it would be effective means that the public purse is taking a great risk in that regard. She mentioned the fact that the Heathfield sewerage treatment works is continuing to pollute the river system, which pollution will now go out to sea.

That should have been addressed first, and most sensible members of this House would believe that that should have been done. It will have to be done in any event. It would have been sensible to have done that first and to construct wetlands along the river system before embarking on the expenditure of $20 million to shift the problem further out to sea, because that expenditure on fixing up Heathfield and constructing wetlands may have been sufficient to fix up many of the problems associated with the Patawalonga. There is no doubt that the Patawalonga is a mess and it needed to be cleaned up. Nobody is arguing against that, but whether this is the best and most efficient way of spending money is very much in doubt.

I have visited the construction site at Barcoo on two occasions: once with the local resident action group, which gave me one perspective, and once with the Patawalonga Catchment Board Chairman and General Manager. I appreciate the information and that both groups gave me their understanding of the project. I have a better understanding as a result of both visits. The issue still remains as to whether it was the most effective way of spending the money. The other concern I have is that the Barcoo Outlet, which is only 200 metres from the rocks at West Beach, does not take the stormwater very far—200 metres out from the rock face—and in storm events or when there is a bit of weather there is a strong expectation that the effluent will come back and land on the beaches and affect the quality of the beaches and the lives of other people. It is shifting the problem from one place to another. To spend $20 million to do that does not seem to me to be sensible government.

The DEPUTY SPEAKER: The advice I have is that if the member for Fisher is called on now and does not rise—

Mr LEWIS: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Mr HAMILTON-SMITH secured the adjournment of the debate.

STATUTES AMENDMENT (GAMBLING REGULATION No. 1) BILL

In committee.

(Continued from 15 May. Page 1536.)

Clause 21 as amended passed.

New clause 21A.

Mr LEWIS: I move:

After clause 21—Insert new clause as follows:

Amendment of section 52—Prohibition of lending or extension of credit

21A. Section 52 of the principal act is amended by—

(a) by striking out from paragraph (a) 'the gaming area on';

(b) by striking out paragraph (b) and substituting the following paragraphs:

(b) who allows a person to use a credit card or charge card for the purpose of paying for playing the gaming machines on the licensed premises or in circumstances where the holder, manager or employee could reasonably be expected to know that the use of the card is for that purpose; or

(c) who otherwise extends or offers to extend credit to any person for the purpose of enabling the person to play the gaming machines on the licensed premises or in circumstances where the holder, manager or employee could reasonably be expected to know that the credit is to be used for that purpose,.

This amendment amends section 52 and puts in a prohibition of lending or extension of credit for gambling and is designed simply to strengthen the credit provisions. I have taken legal advice on the current act, and it is inadequate in that it is possible for unprincipled representatives of licensees or the licensees themselves to get around it. I do not think that loophole ought to be allowed to continue to exist.

For that reason, I and the other people with whom I have been speaking have drafted these amendments and included them here for the committee to consider. Surely, no member would want people to be gambling on credit or on loans, which amounts to the same thing. Therefore, I urge the committee to amend the principal act in this manner.

The Hon. J. HALL: I understand that the Premier gave an undertaking last night during the debate that this amendment could be raised again and that the government has given an undertaking for this to be looked at in another place.

Mr LEWIS: We did not debate it last night. This clause has not been debated; that is just cobblers. Last night we finished on clause 19.

The Hon. J. HALL: I am advised that there was a similar amendment as it related to new clause 15A which caused the Premier to give the undertaking during the debate last night.

Mr Lewis: The Premier did say that about 15A, but we are not talking about 15A.

Mr CLARKE: If I recall, this was not on the schedule of amendments originally tabled by the member for Hammond a couple of weeks ago; is that correct?

Mr LEWIS: That is correct.

Mr CLARKE: If that is the case, whilst I have a lot of sympathy for that matter, I take it that it is also covered by what the member for Hart, who led for the opposition last night, said is a matter that the party room has not yet deliberated on but will need to do so between now and when this matter is finally disposed of in the Legislative Council. I have much sympathy with the member for Hammond in terms of the principles involved, but at this stage, I will need to wait until the party room decides whether it is a conscience vote or a matter that binds all caucus members.

Mr LEWIS: I am disappointed. This is a simple and straightforward provision that will strengthen the existing law and put beyond any doubt that the parliament does not want people to be able to borrow money from the employees or the licence holder of the licensed premises or to get the money out of their credit card, which is in deficit, and gamble with it. That is what the current law says. However, it is ambiguous about the points that are properly addressed in new clause 21A(b), making plain to everybody that they simply must not lend people money to gamble with, whether they are working for licensed premises or are the licensees of the premises themselves.

That is just crook. You are giving a person money so that they can lose it and incur a debt to you and increase your profits. No member in this place can tell me that that is what they really believe to be in the best interests of the public of South Australia. Why they have to go off in a huddle in the ruddy party room to work out whether they agree with that idea or not is beside the point, and it is just not necessary. This is straightforward: I would not have brought it in here if it were not already well considered as needing strengthening. There are ambiguities, and they are addressed; why not just adopt it?

Ms KEY: I need to make the same comments that I made last night. Although there is some sympathy on the part of Labor with regard to this provision, as the member for Ross Smith has quite rightly identified, we need to consult amongst our caucus about a number of these issues. While there might be some sympathy for what the member for Hammond is putting forward, we will not be supporting this amendment at this stage, until we have been to our caucus and decided whether or not to support it.

Mr CLARKE: In relation to paragraph (b), the amendment relates to where the manager or employee could reasonably be expected to know that the use of the card is for that purpose, that is, for the playing of gaming machines by obtaining credit—by the use of credit cards or charge cards. Can the member for Hammond explain to me how the manager or the employee at a gaming premises can reasonably be expected to know whether the person who is extracting the money is going to use it to pay for meals or drinks, to use it on gaming machines, or for any other purpose, for that matter?

How is an employee or the manager of the premises able to come to a reasonable view that that is what a person is wanting to use their credit card for, and whether the bulk of the money sought will be used in gaming or to pay for meals or other goods or services, with a surplus, perhaps, left over to be used for playing gaming machines? I am trying to work out how these people are expected to abide by the law and what penalties apply.

Mr LEWIS: Prima facie is that, first, the person has been in the gaming room and has been observed to come from the gaming room; and, secondly, they front up to the cashier's counter with a plastic bucket and ask for it to be filled with $1 coins. Why would you want 100 $1 coins to buy a drink or 100 $1 coins to buy a meal? It is pretty obvious that the person concerned is seeking that money to put in the slot machines. It is exactly the defence that can be used at the present time by the employee or the licensee of the premises to say, 'Well, we did not know what they were going to use it for.' Come on!

Mr CLARKE: I want to pursue that point further. The member for Hammond has given a fairly clear example of where the manager or employee could reasonably infer that

$100 worth of $1 coins may be used for gambling purposes rather than for payment for food or beverages, but not everything is as crystal clear. What about $25 or $30 which is comprised of $10 in coins and a $20 note? The difficulty, it seems to me, is not a person's intent but placing an ordinary employee or the manager of these premises in constant danger of being in breach of the laws, presumably with a sanction attached—and I am not sure what sanctions the honourable member proposes in this amendment—

Mr Lewis interjecting:

Mr CLARKE: Okay, and if that is the case people could be interpreting the law quite differently with absolutely the purest of motives or intent while they move from one hotel or one gaming room to another, even within the same group. I think that the honourable member understands what I am driving at. I believe that people are entitled, if they are told that they must observe the law on certain issues, to have a reasonably clear knowledge as to the law so that they can be reasonably sure that they will not be in breach of it inadvertently.

Mr LEWIS: I guess that what we are trying to do and what we have in the present act is a provision which draws a line in the sand somewhere. I am seeking to make that line a little further back and make it very plain that parliament intended that people should not be gambling, and that licensed premises owners should not be allowing them to gamble, on credit, especially in circumstances where that credit is provided by an employee of the person who is the licensee of those premises. That is paragraph (c).

But if it causes some agony and angst, well, let us see it fail and deal with it before it gets into another place, instead of having this charade of argument about the provision that I am proposing not having adequate merit. I do not want people to have to rely on sophistry to get around what they wish to do to satisfy the needs of the organisations to which they belong in here, even though their primary constitutional responsibility is to the people who elect them and not to the organisations from which they have sought and obtained endorsement.

New clause negatived.

Clause 22.

Mr LEWIS: I move:

Page 10, line 28—After 'banknote' insert:
or token

I am moving that the licensee must not provide any gaming machine on the premises that is capable of being operated by the insertion of a banknote in the machine or some other place, and I am adding to that and saying that you cannot use a token, either, to ensure that licence holders cannot sell chips instead of coin; and that the gaming machine manufacturing industry cannot switch over to chips that are worth $10, $50 or $100 and allow people to buy a stack of chips—that is what a token is, a chip—and use them in the slots instead of coins.

I believe that is what the parliament originally intended, anyway, when it said that coins had to be used. Now we are making sure that banknotes cannot be used, and a way around the banknote problem, if that is what the licence holder really wants (and if that is what the machine manufacturers think they can do to get away with it), is to rule out tokens also.

The Hon. J.W. OLSEN: This amendment and a range of measures that follow are consequential. Effectively, we debated almost every one of these amendments last night. If the honourable member wants to debate each one of them again it will be a repetitious exercise, rather than treating them as consequential amendments having been debated in full. Effectively, the committee has given a view in relation to those amendments, a number of which we have discussed. I have given an indication to the member for Hammond that some amendments will be given active consideration by the government. We have not had the opportunity to debate some previously and therefore I simply indicate to the committee that, if it is intended to go through each amendment rather than treat them as consequential on the debate thus far, our position has not changed from last night.

Mr LEWIS: The Liberal Party and the Labor Party deserve the pain to sit here until midnight and go through it all so that they will understand just what pain is being caused to the public by their collective indifference to the problems which the current law has in it and those same problems not being addressed by the bill that is before the committee. It is a small price to pay compared to what some people are paying, but I will not put them through it. I know what the consequences of my attempting to do so would be. They would call out their media spin doctors and hounds and besmirch my name through the media for the next 48 hours.

The CHAIRMAN: Order! Can we get back to the clause, please.

Mr LEWIS: I am, and I am talking about the motives the Premier gave that you, Mr Chairman, allowed him to give. I do not mind that you give me direction, I just wish that it was equally fair.

The CHAIRMAN: Order!

Mr LEWIS: I am pointing out that I will not wear the circumstances as they relate to a consequential amendment and compel the committee to consider the points as standing orders would otherwise allow me. I point out to honourable members that they probably deserve the pain, and it is small by comparison with the pain that will be suffered by those who are dependent upon the people who become problem gamblers and lose all their family's money. In this case, unless we close this loophole, it will happen because the industry will bring in machines that have slots so that tokens can be used, and the tokens will be worth $50 or $100, or whatever they want them to be. At present, the law and this bill do not preclude the use of tokens. That is a way around the problem that has been identified, namely, that we should not allow the use of banknotes. Tokens are no more or less than banknotes.

Ms KEY: I seek your guidance, sir, regarding which of the amendments moved by the member for Hammond are consequential. Having sat through the debate last night, and having gone through the amendments, I believe that we have dealt with most of these issues. Although it disappoints the member that the Labor Party has not discussed these issues in detail, the point remains that we will do that, but we are not able to do so at this time. Is it possible to sort out whether these are consequential and to ask the member for Hammond to respect that point of view?

The CHAIRMAN: The chair is not in a position to say or to direct which are consequential. The chair would certainly agree that the principle in many of the measures that are now before the committee has been dealt with. However, the member for Hammond has the right to move those amendments. We are dealing with an amendment to clause 22, page 10, line 28—after banknote insert 'or token'.

Mr LEWIS: New section 53A(1) states:

The holder of a gaming machine licence must not provide any gaming machine on the licensed premises that is capable of being operated by the insertion of a banknote in the machine or. . . device.

I want to add after 'banknote' the words 'or token'. The clause provides that a $20, $50 or $100 banknote cannot be put into a machine to get $100 credit clocked up, but the machine can have a slot that will take tokens that are prepared by the poker machine manufacturers so that people can take their $100 bills across to the counter, buy the tokens and walk up to the machine and put in a $100 token. I do not think that is a good practice.

If we do not think it is good idea to feed $100 bills into poker machines or electronic gaming devices, then surely we do not think it is a good idea to put in tokens. It is another way of speeding up the rate at which people lose money, and we want to slow that down. We want people to enjoy the fun of gambling their money, to give those who get entertainment from it the opportunity to continue getting entertainment from doing it—if that is what turns them on, let them do that—but to avoid the consequences for problem gamblers who have these weird ideas that they can get on a run of luck and make a profit out of it.

The fact is that we know they cannot and we want to stop them from sending themselves broke and, having done so, not only starve their kids and their spouse and lose their home, car and everything else, but then be tempted to commit crimes. That is most of the reason why we are sitting here debating all this stuff, surely. Let us solve that problem by adding 'or token' after 'banknote'.

Ms KEY: The member for Hammond has explained the issue of the token a couple of times now, and people are clear on the point that he is making through this amendment. I know that he is unhappy about this, but is it his view that, after we deal with this clause, the measures contained in clauses 22 to 31 (pages 13 to 16) are consequential amendments and amendments that we discussed last night?

Mr LEWIS: In the context of the discussion that we had about the use of these machines in the casino, which were dealt with in earlier clauses, they are similar, and I tried to explain that last night. It was not just the casino that I was having a shot at: I kept saying 'in general', because I knew that was the way the debate would be taken, and kindly though he be, and I thank him for it, the Chairman allowed that breadth of debate. As I said five minutes ago, I will not give members the pain and hard time that they really deserve because they have opposed it once. They really deserve that, because that is what they are visiting on the people who will suffer as a consequence of not making the changes that I am talking about. I will not do so; I will just let that ride.

I would like to think that I could focus the mind of the member for Hanson and other members in the chamber who bother to participate in this social debate on a matter that I consider of great moment, because we are beginning to dot the i's and cross the t's to which I drew attention when these infernal machines were first licensed in South Australia and everybody told me I was nitpicking. Well, I told you so, but maybe I should not say that. I want the honourable member to focus her mind now on the similarities, indeed, the identical nature, of using banknotes and tokens and to agree to ban the use of tokens, as well as banning the use of banknotes, feeding them straight into the machine.

Ms KEY: The point that both the member for Ross Smith and I made earlier is that, although we understand the importance of the amendments that the member for Hammond has put forward and in some instances there is personal support for those points, the problem for Labor members is that we have not dealt with these issues in caucus. It is not with disrespect that we are not agreeing to these amendments: it is just that, as we always do, we have not made a collective decision about these amendments. That does not mean that they do not have merit; it does not mean that they are not supported. It just means that we are not in a position to support them at this stage, and it may be that this debate has more support in the other place.

The second point is that my understanding from what the member for Hammond has said is that after we deal with clause 22 to include 'token' after 'banknote', we will then move to clause 31, page 14, lines 23 and 24?

Mr LEWIS: No, I am not allowed to debate that provision under standing orders, but with the indulgence of the chair the method of payment of gaming machine winnings from licensed premises, other than the casino, is the same as the one we passed last night. I will want to test that when we get to it.

Amendment negatived.

The CHAIRMAN: Does the chair understand from the debate that has just occurred that the member for Hammond is now prepared to move to clause 31?

Mr LEWIS: No. I move:

Page 10, lines 31 and 32—Leave out all words on these lines and insert:

(a) provide any gaming machine on the licensed premises that is fitted with a device or mechanism designed to allow—
  (i) the playing of a number of successive games by an automatic process; or
  (ii) the playing of more than one game (ie line) simultaneously; or
  (iii) betting at a rate of more than 10 cents per play; or
  (iv) the playing of music; or
(b) provide any gaming machine in the casino unless it is fitted with a device or mechanism designed to ensure—
  (i) that the machine automatically shuts down for at least five continuous minutes at the end of every hour; and
  (ii) that whenever credits are displayed on the machine the monetary value of those credits is also clearly displayed.
  (iii) that for each game (ie line) played, whether the player has won or lost that game (ie line) is clearly displayed.

I know that this provision does not apply to the casino.

Amendment negatived.

Mr LEWIS: I move:

Page 10, after line 36—Insert proposed new section 53B as follows:

Method of payment of gaming machine winnings

53B. The holder of a gaming machine licence—
(a) must not pay any winnings in an amount exceeding $500 won on a gaming machine on the licensed premises except by way of cheque; and
(b) must not cash any such cheque.

This is the provision which members will recall I moved last night, and which was supported, to require the licence holder to pay out winnings where they exceed $500 in a cheque that cannot be cashed on the premises to stop people who have a win from being able to cash that up and go on with it.

The Hon. J.W. OLSEN: This measure was successful last night and appropriately the consequential amendment, with the will of the committee, ought to be successful again today. On the basis of the determination of the committee, I will not oppose this measure before us in an endeavour, as I have said previously, to reflect these consequential amendments. The committee has expressed a view: I support the view.

Amendment carried.

Mr LEWIS: I move:

Page 10, after new section 53B:

Smoking prohibited in gaming areas

53C. (1) The holder of a gaming licence must ensure that smoking of tobacco products does not occur in a gaming area on the licensed premises.

Maximum penalty: $5 000.

(2) A person must not smoke in a gaming area.

Maximum penalty: $2 000.

Expiation fee: $300.

(3) In this section—

'smoking' means smoking, holding or otherwise having control over an ignited tobacco product;

'tobacco product' has the same meaning as in the Tobacco Products Regulation Act 1997.

Food and drink not to be served to person playing gaming machines

53D. The holder of a gaming licence must not cause, suffer or permit food or drink to be offered or served to a person while the person is at a gaming machine on the licensed premises.

Maximum penalty: $5 000.

Lighting levels in gaming areas

53E. The holder of a gaming machine licence must ensure that the nature and level of lighting in each gaming area on the licensed premises is of the standard required for interior office lighting under the Occupational Health, Safety and Welfare Act 1986.

Maximum penalty: $5 000.

Prohibition of inducements to bet on gaming machines

53F. The holder of a gaming machine licence must not offer or provide a person with any of the following as an inducement to bet, or to continue to bet, on a gaming machine on the licensed premises:

(a) free cash, or free vouchers or gambling chips that can be used for the purposes of making bets on a gaming machine or that can be exchanged for cash;
(b) free points or credits on any machine;
(c) membership (whether on payment of a fee or not) of a jackpot or other gambling club;
(d) free, or discounted, food or drink;
(e) free entry in any lottery;
(f) gifts or rewards of any other kind.

Maximum penalty: $35 000 or imprisonment for 2 years.

Proposed section 53C applies to premises other than the casino, as do proposed sections 53D, 53E and 53F. I remind honourable members that they are all practices which induce people to sit at the ruddy machines and continue gambling without a break. They can be fed, given drink, and even brought change so they can go on with it, if these amendments are not carried. In addition to that, people who are working there are working in an environment which does not comply with the occupational health, safety and welfare standards with respect to lighting.

Honourable members know from the information that I have provided them about the evidence that already exists on intensity of lighting. The duller the light and the more golden the tone of the colours, the more seductive it will be and the greater the inducement to people who are predisposed to become problem gamblers to do so. I also drew attention, as is the case in proposed new section 53F, to the incentives that can now be offered—inducements, incentives, call them what you like. They include free cash, vouchers, shopper dockets and stuff like that. They give extra incentive to people to come along and simply slot their money through the machines and provide the licensee with profit when the licensee knows—and so does every honourable member in this place know—that it is not being done for entertainment. It is being done for the profit of the licence holder. It is against the interests of the people who are then tempted by these inducements referred to in these provisions in proposed new sections 53C, D, E and F to become problem gamblers. If we mean it, members should remember to go away, examine the scientific evidence, forget about what John Lewis tells them and forget about what all these slick willies and tricky boys will try to con them into believing. I say to honourable members, forget about that.

The CHAIRMAN: Order! Would the member in the gallery with the mobile phone please leave—or is he using a parliamentary phone? I apologise for that interruption.

Mr LEWIS: For a moment I thought I was a yak. I must have had hair over my eyes and I looked down to see whether my fly was open! Anyway, it was not me who was disorderly. I have tried to get the committee to understand why we should not allow licensed premises to continue to provide gambling in circumstances which induce the development of problem gambling. We should not allow them to introduce new incentives to develop problem gambling. If it is fun to put money in the machine, let it stop at that and not have history revisit us with the kinds of things that otherwise will. Posterity will judge us badly if we do not address these problems. Once again, I went through the matter last night. I doubt that many of the members understood what I was talking about. The majority of them were half asleep, anyway. I will not delay the committee and divide, even though members who oppose it deserve such treatment in my judgment.

Amendments negatived; clause as amended passed.

New clause 22A.

Mr LEWIS: I move:

After clause 22, insert new clause as follows:

Insertion of s. 59A

22A. The following section is inserted after section 59 of the principal act:

Commissioner's power to bar

59A. (1) The commissioner may, by written order, bar a person (the excluded person) from the gaming area of specified licensed premises for a period specified in the order or for an unlimited period.

(2) The commissioner may make an order under this section—
(a) on the application of the person against whom the order is to be made; or
(b) on the application of a dependent or other person who appears to have a legitimate interest in the welfare of the person against whom the order is to be made; or
(c) on review of an order made by the licensee barring the person against whom the order is to be made from a gaming area; or
(d) on the commissioner's own initiative.

(3) The order must—
(a) state the grounds on which the order is made; and
(b) set out the rights of the excluded person to have the order reviewed; and
(c) must be given to the person against whom it is made personally or by sending it by post addressed to the person at the last known postal address.

(4) An order may be made under this section on any reasonable ground and, in particular, on the ground that the excluded person is placing his or her own welfare, or the welfare of dependents, at risk through gambling.

(5) An excluded person who contravenes an order under this section is guilty of an offence.

Maximum penalty: $2 500.

(6) The holder of a gaming machine licence, an approved gaming machine manager or an approved gaming machine employee who suffers or permits a person to enter or remain in a gaming area from which the person has been barred under this section is guilty of an offence.

Maximum penalty: $10 000.

(7) The commissioner may at any time revoke an order under this section.

(8) The commissioner must retain copies of all orders made under this section.

This is the provision which allows the commissioner to bar people, that is, exclude people from gaming areas, and they

can do that on the basis of an application from the person themselves or an application from a person who is dependent on the gambler. The commissioner can also do it on their own initiative. That tidies up, then, the sloppy situation that exists at present where those engaging in sophistry say that there is an industry code of practice. I have to say to anyone who advances that line of argument that it is drivel. It does not work. The industry code of practice is just a straight out cop-out. Of course, there are people of goodwill in the industry who adopt the code of practice and keep it, but there is no penalty for anyone who ignores it and walks away, deciding to do what they choose.

The law needs to be tidied up—indeed, not so much tidied up as, in this instance, made to provide for the means by which a spouse or dependent children can have representations made on their behalf to have a problem gambler banned from gambling premises of the type for which they have a predilection for gross expenditure well above that needed for abreaction and entertainment purposes. All of us have argued that we need these things only for entertainment purposes. All of us need to accept that, if it goes beyond that, there ought to be a means by which we can protect people from themselves, and more particularly and more especially, protect the innocent victims who will suffer in consequence. Hence, the reason for the proposition.

New clause negatived.

Mr LEWIS: I move:

Insert new clause as follows:
Amendment of s. 65—Removal of gaming tokens
23B. Section 65 of the principal act is amended—
(a) by striking out 'cash or gaming tokens' and substituting 'coins';
(b) by inserting 'inside' after 'from'.

Here I am proposing to amend the principal act to ensure that you have to use coins in gambling machines rather than just calling it cash or gaming tokens. It relates to section 65 of the principal act. That section states:

A person, other than a person acting in the course of his or her duties, must not remove any cash or gaming tokens from a gaming machine.

We have to say that people must not steal from these machines by taking coins from them. We have elsewhere stated that coins should be used to operate them. Section 65 implies the very thing that is undesirable, namely, that you can use gaming tokens in poker machines or electronic gaming devices. By implication you are allowed to use them because it is included in there. In my judgment we need to restrict it to coins. 'Cash' implies that there can be another form of money, namely, banknotes. We do not think it is a good idea to have banknotes—elsewhere we have already said that. It is not my amendment but an amendment we have already passed. That is the reason for our wanting this amendment. To make it more explicit that it is a theft going on, we have said 'from inside the gaming machine'. If the payout was in the form of coins and it was taken from the gaming machine tray, that should not constitute an offence with a penalty of $5 000 or three months. We are saying then that the amended section 65 will read:

A person, other than a person acting in the course of his or her duties, must not remove any coins from inside a gaming machine.

That is straightforward enough: in other words, do not steal. The amendment clears up the ambiguity. We do not want it to say 'cash'; we say that the should say 'coins'.

New clause negatived.

Clause 23.

Mr LEWIS: I move:

Page 11, after line 6—Insert proposed subsection as follows:
(1a) The Authority must seek and consider written submissions from the public when reviewing a code of practice under subsection (1).

There is no requirement that that be undertaken in the law as proposed, and that is the reason for my moving to ensure that it is a requirement and that the public is given an opportunity to make written submissions when the authority is reviewing a code of practice under subsection (1).

The Hon. I.F. EVANS: I point out to the honourable member that the government wishes to consider this between the houses, as we have done with a number of other issues. We will oppose the amendment now but give the honourable member a commitment that we will look at this provision while the bill moves between the houses.

Amendment negatived; clause passed.

New clause 23A.

Mr LEWIS: I move:

After clause 23—Insert new clause as follows:
Amendment of s.86—Evidentiary provision
23A. Section 86 of the principal Act is amended—
(a) by striking out from subsection (1)(h) 'an approved gaming token or';
(b) by striking out paragraph (i) of subsection (1).

This new clause inserts provisions relevant to the evidence that needs to be dealt with under section 86 of the Gaming Machines Act, which contains the evidentiary provisions found on page 49 of that act. Paragraph (h) in the principal act reads:

In proceedings for an offence against this Act or in disciplinary proceedings against a licensee, an allegation in the complaint that an item referred to in the complaint was or was not on a specified date an approved gaming token or an approved game—

We sought to take out 'an approved gaming token'. We also sought to strike out paragraph (i)—that a person named in the complaint is not or was not on a specified date an approved manufacturer of gaming tokens. I guess these amendments then are consequential on the earlier amendments I have sought to move which removed permission for the use of tokens. Since the committee has chosen to allow the use of tokens, it has opened the floodgates. As that has been allowed to occur, we can expect machines to come in that will have them, so there is no point in my attempting to change the provisions in part of the act about collecting evidence. I therefore will not proceed with the amendments in question but believe that they will be canvassed again in another place.

New clause negatived.

Clause 24.

Mr LEWIS: I move:

Page 11, line 37—Leave out '87.5' and insert '95'.

Last night we sought to have the payout rate increased from 87.5 to 95 per cent so that people would get more rings for their dings, more rolls for their dollar, but we were not successful. I do not know why members turned that down as there is no good reason: gambling habits are now well established clearly through research, indicating that people go in with an intention of spending $20 or $30 dollars and they spend it and, if they have some winnings of small quantities, they simply run them back through the machine. Therefore, a payout of 95 per cent as opposed to 87.5 per cent does not alter the profit of the licensed owner of the gambling machine at all. They get the ruddy lot. It increases the amounts of revenue Kevvy will get when he becomes Treasurer, so he ought to have supported it, and so ought the

government. However, it was lost and if it is lost on the voices here I guess that is the way it is.

I am terribly disappointed that members think that this is all too much for them at present and they ought not to have to sit through it. I remind them of the pain that it is going to cause to that considerable number of people predisposed to become problem gamblers—addicts—and the pain that it will cause to the dependants of those people. This ought to be borne in mind when honourable members are saying, 'Gee, this is all too hard and we do not agree with you,' and when they tend to be scornful of my efforts to try to alleviate that suffering.

Amendment negatived.

Mr LEWIS: I move:

Page 12, after line 22—Insert proposed paragraph as follows:

that the licensee—

(a) must adopt a code of practice on preventing the playing of gaming machines by a person who is intoxicated; and

(b) must ensure that operations under the licence conform with the code of practice approved under this paragraph; and

Amendment negatived; clause passed.

Clauses 25 to 30 passed.

Clause 31.

Mr LEWIS: I move:

Page 14, lines 23 and 24—Leave out proposed paragraph (b).

This provision is a contradiction in terms. It is like saying that you can have a safe injecting room for heroin users; it is just about as stupid. The proposition put in paragraph (b) of new subsection (2a) is to insert the following after section 11(2) of the principal act:

In performing its functions and exercising its powers under this act or a prescribed act the authority must have regard to the following objects.

One of those objects is the maintenance of a sustainable and responsible gambling industry in the state. I do not think—

An honourable member interjecting:

Mr LEWIS: Yes, if you want to cure the chilblains on your ears, wear thick woollen socks or, if you want to avoid getting AIDS while you are in the shooting gallery, roll on a condom. It is ridiculous. It does not add up that the object ought to be the maintenance of a gambling industry in the state, saying that it is sustainable. That is my view.

Amendment negatived; clause passed.

Clauses 32 to 34 passed.

Clause 35.

Mr LEWIS: I move:

Page 15, after line 16—Insert proposed paragraph as follows:

(c) in relation to making bets with the holder of the major betting operations licence—

(i) one or more specified premises that are offices or branches of the holder of that licence; or

(ii) making bets at a specified agency of the holder of that licence; or

(iii) making bets by telephone or other electronic means not requiring attendance at an office, branch or agency of the holder of that licence.

This amendment relates to the voluntary barring of excessive gamblers. In my judgment, it does not go far enough, because it provides that the authority may bar a person by order or the written request of a person who is the excluded person from the Casino or gaming area or areas of one or more specified premises that are subject to the gaming machine licence. I propose in relation to making bets with the holder of the major betting operations licence, one or more specified premises that are offices or branches of the holder of that licence; or making bets at a specified agency of the holder of that licence; or making bets by telephone.

This is to do with fairness across the board, and it was raised by another member last night in the course of the debate. I think that the member for Lee was saying that it is not just about addressing the problems with gaming machines in the Casino or in hotels and clubs but also in other gambling premises. Whilst I believe that the problems in premises in which gambling on other activities is undertaken are less likely to lead to the same large number of people becoming problem gamblers, nonetheless, to be completely fair and even-handed about it and to enable those folk who are predisposed to becoming and who become problem gamblers to be taken out of the loop, we propose to add these provisions that will take them out of the loop. I commend the amendment to the committee.

The Hon. I.F. EVANS: Again I indicate that the government will be opposing this amendment, but only on the basis that we want to consider it between the houses. We may want to consider the issue in relation to the TAB.

Ms KEY: Labor's position is one of support for making sure that all the codes are covered by the gaming bill but, as we said earlier, it is important that this be taken up before it goes to the other place.

Amendment negatived.

Mr LEWIS: The provisions are lost. These are important provisions but I accept the assurance of the member for Hanson that they will be taken seriously and treated responsibly in the other place, and I wish them swift passage back here.

Mr Clarke: Then you can say 'I told you so.'

Mr LEWIS: No, we are fixing it up before we put it out there. What I am saying about the 'told you so' is what happened 20 years back and along the way. Nine or 10 years ago, when we brought in poker machines, I said at the time that we should have given them to the churches, charitable organisations and community clubs that raised money for their communities, and not to clubs at all, if we were going to bring the things in. Then the problems that have been created by their introduction would have been addressed by the profits they generated.

The charitable organisations exist for that purpose: Vinnies, Anglicare and so on; although I must say I cannot imagine Anglicare or Vinnies taking out many poker machine licences. In any case, I did not have my tongue in my cheek: I am happy to see the consequential amendments that would have been needed to deal with the inclusion in clause 35, which are there addressed all the way down the line to the end of clause 35. I will leave them to be dealt with in another place at another time.

Clause passed.

Clause 36 passed.

Clause 37.

Mr LEWIS: I move:

Page 16, after line 2—Insert proposed sections as follows:

Matters to be referred to authority

18A. (1) If an association formed to promote or protect the interests of a section of the gambling or liquor industry, or employees in the gambling or liquor industry, receives a complaint that appears to allege a breach of a prescribed act or a condition of a licence under such an act, the association must refer the complaint to the authority and provide the authority with all information in its possession relating to the complaint or alleged breach.

Maximum penalty: $10 000.

(2) Information provided to the authority under this section will be regarded as confidential information for the purposes of this act.

This puts in the requirement that if an association that is there to protect the interests of a section of the gambling industry or people who work in it or the liquor industry gets a complaint that seems to be saying that there has been a breach of an act or a condition of a licence that is established under the act, that association must refer the complaint to the authority and provide the authority with all the information in its possession relating to the complaint or the alleged breach.

If it does not do it, we should sting it a maximum penalty of $10 000. As it stands, it is not necessary for the organisation or association that can be formed under the provisions of the principal act at the present time—it can get complaints but does not have to do anything with them. It does not have to pass them on to the authority. It can cover it up or sweep it under the rug, and I do not think that is appropriate. I think that it should be compelled to disclose them to the authority so that the authority is aware that these complaints have been made. That is the only way we will have a fair, clean, open and transparent society.

Without wanting to incur the wrath of the chair, I refer members to the fact that they have voted to retain what they consider to be a provision that maintains a sustainable and responsible gambling industry in the state. If it means anything, that ought to mean that this is a must.

Ms KEY: I want to place on record that I think the point that the member for Hammond makes is very important. I discussed the matter with the member for Ross Smith, and this is an issue on which we would like to consult with the relevant organisations, which could include the licensed clubs, the AHA and also the Miscellaneous Workers Union, and we probably need to look at what we mean by the matters that are referred.

Where there are other jurisdictions for dealing with disputes or problems, certainly in an industrial case, Labor would be looking at that being dealt with in the usual way. I want to assure the member for Hammond that I think that the principle of what he is raising here is important but that we would need to consult other parties on that clause.

The Hon. I.F. EVANS: Ditto from the government. Again we will oppose it, but only on the basis that we want to consult, as the Labor Party has outlined.

Amendment negatived; clause passed.

Clauses 38 and 39 passed.

The ACTING CHAIRMAN (Hon. G.M. Gunn): Before I call the member for Hammond to move his amendments relating to the Lottery and Gaming Act, members will recall that the House agreed that it be an instruction to the committee that it have power to consider new clauses relating to the Electoral Act. That was necessary because the objects of the bill, as revealed by its original clauses and confirmed in its short title, were directed at regulation of gambling and were not concerned with independence of the political process from the gambling industry.

Consequently, the long title of the bill as introduced made no reference to the Electoral Act. The long title at present makes no reference to amending the Lottery and Gaming Act either, and if the amendments to be proposed by the member for Hammond are agreed to it will be necessary for the long title to be amended to include the amendments within the title. It could therefore be argued that these amendments also require an instruction to enable the committee to consider them. However, I am of the view that they fall within the objects of the bill as they are consistent, in effect, with the amendments to the other acts included in the bill, albeit in seeking to regulate another aspect of gambling.

On balance, therefore, I am satisfied that the amendments can be considered by the committee without instruction from the House. I am sure that the honourable member understood exactly what I was talking about. I ask the honourable member whether he now wishes to move new clause 39A.

New Part.

Mr LEWIS: I do, and I thank the person, whoever it was, who wrote that. I did not catch it.

Mr Clarke: But you are okay?

Mr LEWIS: Yes. He obviously had the wisdom of Solomon, Mr Acting Chairman.

The ACTING CHAIRMAN: The honourable member will not have any wisdom if he keeps this up.

Mr LEWIS: And that is reflected, clearly, by the way in which you, Mr Acting Chairman, have so eloquently disabused the committee of any problem. I move:

Page 16, after clause 39—Insert new Part as follows:

PART 6A

AMENDMENT OF LOTTERY AND GAMING ACT 1936

Insertion of s.14BA and 14BB

39A. The following sections are inserted after section 14B of the principal act:

Condition of licence that children not participate in lottery

14BA.(1) It is a condition of a licence granted under the regulations for the conduct of a lottery (other than a trade-promotion lottery) that the licensee must not cause, suffer or permit a child to participate in the lottery.

(2) In this section—

'child' means a child under the age of 18 years.

Trade promotion lotteries

14BB.(1) Entry in a trade-promotion lottery must be free and must not be dependent on the purchase of any goods or services.

(2) Subsection (1) does not prevent entry in a lottery by telephone or post, however—

(a) the cost of entering a lottery by telephone must not exceed the cost of the telephone call which must not exceed an amount that, after deduction of the GST payable in respect of it, is 50¢; and

(b) the cost of entering a lottery by post must not exceed the normal cost of postage.

(3) If entry in a trade-promotion lottery is dependent on use of an entry form, coupon, wrapper, label, ticket or other document—

(a) a copy of the entry form, coupon, wrapper, label, ticket or other document must be available to the public free of charge; and

(b) entry may be by a facsimile of the entry form, coupon, wrapper, label, ticket or other document.

(4) In this section—

'GST' means the tax payable under the GST law;

'GST law' means—

(a) A New Tax System (Goods and Services Tax) Act 1999 of the commonwealth; and

(b) the related legislation of the commonwealth dealing with the imposition of a tax on the supply of goods, services and other things.

In order to save members some pain and time, I simply point out that the age of 18 years is consistent with legislation elsewhere and all these other provisions are, if you like, the provisions which the Hon. Don Dunstan, when Premier, sought to include in gambling legislation and, indeed, were included. The bits and pieces among them are certainly sensible in that respect. We ought not to ignore the lessons of history. That is probably one thing that the Hon. Don Dunstan did that everyone would agree he got right. On that basis, I simply commend the amendment to the committee.

The ACTING CHAIRMAN: Before putting the amendment, I point out that we are dealing with new clause 39A. There was a mistake. It appears on the amendment sheet as clause 39B, but it is 39A.

New part negatived.

Mr LEWIS: I could not understand what it was that the committee was just considering.

The ACTING CHAIRMAN: We were considering the insertion of a new clause 39A, which was numbered incorrectly as 39B. I indicated, for the benefit of members, that we are dealing with new clause 39A, not 39B. The committee disagreed with it, so that we can now proceed to the next amendment.

Mr LEWIS: Have we said that 'child' means something else other than 18?

The ACTING CHAIRMAN: The committee has just negatived the insertion of new clause 39A moved by the honourable member. The committee now has before it clause 40.

Clauses 40 to 46 passed.

Clause 47.

Mr LEWIS: I do not know—I cannot hear what you are saying, Mr Acting Chairman. I am beginning to think that I have been conned.

The ACTING CHAIRMAN: Order!

Mr LEWIS: I cannot hear what is going on and I want to understand where we are up to.

The ACTING CHAIRMAN: Order! The honourable member will resume his seat.

Mr LEWIS: Good, I am.

The ACTING CHAIRMAN: If the honourable member keeps this up he will not be here for the rest of the—

Mr Lewis interjecting:

The ACTING CHAIRMAN: Order! The chair has been going very slowly and endeavouring to cooperate with the honourable member. We have been putting the clauses purely as they appear in the bill. The committee currently has before it clause 47. I am aware that the honourable member has amendments and, on each occasion, I have invited him to move the amendments. It is not helpful for the honourable member or anyone else to reflect on the chair.

Clause passed.

Clauses 48 and 49 passed.

Clause 50.

Mr LEWIS: I move:

Page 18, after line 31—Insert proposed section as follows:

Code of practice preventing purchase of lottery tickets in person by intoxicated persons

13CA. The commission must—

(a) adopt a code of practice on preventing the purchase of lottery tickets in person by a person who is intoxicated; and

(b) ensure that, in the performance of its functions, the commission conforms with the code of practice approved under this section.

I have moved that we insert a code of practice preventing purchase of lottery tickets in person by intoxicated persons so that we can, indeed, save the poor drunken sots from the irresponsible conduct in which they are otherwise likely to engage and ensure that the people who are selling lottery tickets know that they are not acting ethically by taking advantage of someone who is drunk.

Amendment negatived; clause passed.

New clause 51.

Mr LEWIS: I move:

Page 19, after clause 50—Insert new clause as follows:

Insertion of s.17AB

51. The following section is inserted after section 17A of the principal act:

Prohibition of interactive gambling operations

17AB.(1) The commission must not conduct interactive gambling operations involving the purchase of lottery tickets by persons within South Australia.

(2) In this section—

'interactive gambling operations' means operations involving the purchase of lottery tickets by persons not present at an office, branch or agency of the commission where the purchase is by means of internet communications.

This amendment aims to insert in the bill a provision prohibiting interactive gambling operations, instructing the commission that it must not conduct interactive gambling operations involving the purchase of lottery tickets by people within South Australia. In other words, the provision prevents the sale of lottery tickets over the internet.

The committee divided on the new clause:

AYES (9)

Atkinson, M.J.	Conlon, P.F.
De Laine, M.R.	Hanna, K.
Koutsantonis, T.	Lewis, I. P. (teller)
Scalzi, G.	Such, R. B.
Venning, I. H.	

NOES (36)

Armitage, M. H.	Bedford, F. E.
Breuer, L. R.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Ciccarello, V.
Clarke, R. D.	Condous, S. G.
Evans, I. F.	Foley, K. O.
Geraghty, R. K.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Hill, J. D.	Hurley, A. K.
Ingerson, G. A.	Kerin, R. G.
Key, S. W.	Kotz, D. C.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	Meier, E. J.
Olsen, J. W.(teller)	Oswald, J. K. G.
Penfold, E. M.	Rankine, J. M.
Rann, M. D.	Stevens, L.
Thompson, M. G.	White, P. L.
Williams, M. R.	Wright, M. J.

Majority of 27 for the noes.

New clause thus negatived.

The Hon. J.W. OLSEN (Premier): I move:

That the sitting of the House be extended beyond 6 p.m.

Motion carried.

New clause 52.

Mr LEWIS: I move:

After clause 50—Insert new clause as follows:

Insertion of s. 17C

52. The following section is inserted after section 17B of the principal act:

Smoking prohibited at an office or branch of the commission

17C. (1) The commission must ensure that smoking of tobacco products does not occur in an office or a branch of the commission at which tickets in lotteries conducted by the commission may be purchased.

(2) A person must not smoke in an office or branch of the commission at which tickets in lotteries conducted by the commission may be purchased.

Maximum penalty: $2 000.

Expiation fee: $300.

(3) In this section—

'smoking' means smoking, holding or otherwise having control over an ignited product;

'tobacco product' has the same meaning as in the Tobacco Products Regulation Act 1997.

I hope members know what they have just done. They have screwed all the little deli owners who used to sell lottery tickets. They have agreed to allow them to be sold on the net and they will go broke. You will wear that out there, straight between the eyes—that is where you will get it. Here is another one to think about.

This measure simply says people must not smoke or light up in these places. It is all pretty straightforward. There is no smoke and mirrors, other than the smoke and mirrors that members may wish to use to get around the difficulties that they are going to face if they vote against this, because I promise the committee that there will be a division.

The Hon. J.W. OLSEN: We have discussed and debated the issue of smoking at some length. As we have indicated, our position is that this ought to be treated as a health related issue. I know that the Minister for Human Services has made public statements in relation to that and a task force is looking at the issue. On previous occasions the government has not squibbed on the issue of smoking, and I hope that, given the deliberations of the minister and the task force, we will be able to revisit this issue as a health issue.

The committee divided on the new clause:

AYES (4)

Condous, S. G.	Lewis, I. P. (teller)
Scalzi, G.	Such, R. B.

NOES (39)

Armitage, M. H.	Atkinson, M. J.
Bedford, F. E.	Breuer, L. R.
Brindal, M. K.	Brokenshire, R. L.
Buckby, M. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Evans, I. F.
Foley, K. O.	Geraghty, R. K.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Ingerson, G. A.	Kerin, R. G.
Key, S. W.	Koutsantonis, T.
McEwen, R. J.	Matthew, W. A.
Maywald, K. A.	Meier, E. J.
Olsen, J. W. (teller)	Oswald, J. K. G.
Penfold, E. M.	Rankine, J. M.
Rann, M. D.	Stevens, L.
Thompson, M. G.	Venning, I. H.
White, P. L.	Williams, M. R.
Wright, M. J.	

Majority of 35 for the noes.

New clause thus negatived.

Clause 2—reconsidered.

The Hon. J.W. OLSEN: It is necessary to reconsider this clause because, when it was previously passed, it included a reference to clause 18, which became the subject of the divided bill.

Mr LEWIS: I am not sure what we are seeking to do by reconsidering the clause that contains the commencement provision of the act. What does the Premier seek to do by reconsidering this clause?

The Hon. J.W. OLSEN: It is necessary because clause 2, as previously passed, included a reference to clause 18, which contained the provision relating to the cap and which became the subject of the divided bill when, two weeks ago, we separated clause 18 from the bill. Therefore, I move:

Page 4, lines 6 and 7—Leave out subclauses (1) and (2) and insert:

This act will come into operation on a day to be fixed by proclamation.

Amendment carried; clause as amended passed.

Title passed.

The Hon. J.W. OLSEN (Premier): I move:

That this bill be now read a third time.

Mr LEWIS (Hammond): There are two things that the House ought to note at the third reading stage which arise from the debate in committee and the nature of the legislation as it now stands. First, during the course of the debate in committee the Premier used the excuse that the amendments that were sought with respect to smoking and so on were amendments that properly belonged under another act. I remind the House of the bill, the third reading of which is a bill for an act to amend not only the Authorised Betting Operations Act, the Casino Act, the Gaming Machines Act, the Gaming Supervisory Authority Act, the Liquor Licensing Act, the Racing Act and the Racing (Proprietary Business Licensing) Act but also the Railways (Operations and Access) Act, the South Australian Motor Sport Act, the State Lotteries Act and for other purposes.

Why on earth is it then that, if all those acts have been amended by this bill, amendments could not have been made to health provisions? It does not make sense for the government to cover up its embarrassment at being unable to support those propositions which the committee heard to ban smoking where it was a health problem in any of the venues referred to in all those other acts. We are legislators and we have the prerogative capacity to make those points.

I now come to the second point that it is valid to make in the context of the third reading. With those few exceptions of the odd conscience vote issue, the majority of members in this place took the position that they are not here to represent the people who voted for them but are here to represent the parties they belong to. That is the stark reality and the difference between those members and what I stand for as a matter of principle. All of us should be personally accountable for every decision we make, as is the case in Germany, for instance, where it is against the constitution to be required to vote in a particular way by an organisation that you might belong to. It ought to be the same here. It is improper to bind somebody to the extent that they cannot do what they know is in the best interests of their constituents and what their constituents would have them do and, instead, do what the party organisation demands under pain of losing what they fear they ought not to lose, what they are afraid to lose, namely, their place here as legislators.

We are meant to be legislators. If we stick to the argument that we ought to vote according to the way the party dictates and demands, we do not need so many people here. We might as well have a computer that says 18 or 23 votes, or whatever it is that the party won. Very few people on much legislation have much to say. I say one other thing about this bill: it is probably some of the best parliament there has been in the last seven or eight years, where I saw a large number of members willing to participate not only in the debate on the second reading but more especially on the clauses and amendments proposed in committee, where there was a revelation of personal views about the desirable direction that policy ought to take. I commend members for that, because we were coming into such disrepute in the minds of the public that we came in here and mindlessly sat down and crunched the numbers, saying nothing and contributing

nothing to the better understanding of the legislation we were passing whenever we crunched the numbers.

Ms BREUER (Giles): I have kept quiet in the past 24 hours until now and listened with some interest to this debate, although it has been a difficult exercise in concentration. The member for Hammond made some outrageous statements in the past 24 hours: he has been very verbose. I managed to listen to most of the debate. Pathological gambling is a progressive disease that devastates not only the gambler but everyone in his or her family. It is an illness, chronic and progressive. However, current estimates suggest that only 3 per cent of the adult population will experience a serious problem with gambling that will result in a significant debt, family disruption, job losses, criminal activity or suicide. Pathological gambling affects the gamblers, their families, the employers and the community.

As gamblers go through the phases of their addiction they spend less time with their family and more of their family's money on gambling until their bank accounts are depleted and they may then start stealing from family members. At work the gambler misuses time in order to gamble, often has difficulty concentrating and finishing projects and may engage in embezzlement of their employer. For most of the gambling industry patrons, however, gambling is fun and is a form of harmless entertainment. For the 4 to 6 per cent of gamblers who become problem, pathological or compulsive gamblers it can be a devastating illness and negatively affects every aspect of their life.

However, one in every 13 adults—which is far higher than that percentage of gamblers—are alcoholics or abuse alcohol. Many more adults engage in risky drinking patterns that can lead to alcohol problems. In addition, approximately 53 per cent of men and women report that one or more of their close relatives have a drinking problem. Do we solve this by stopping the serving of alcohol in restaurants? Do we start serving people with drinks in plastic cups so that it tastes funny?

The SPEAKER: Order! I am sorry to interrupt the honourable member. This third reading is not a member's opportunity to deliver a second reading speech. The honourable member has an opportunity to sum up the bill and refer to it as it comes out of committee, but members cannot make their second reading at this stage of the debate. I caution the honourable member to confine her remarks to the bill as it came out of committee. The member for Giles.

Ms BREUER: I find that most of the debate has not addressed the situation of compulsive and pathological gambling. In fact, much of it has been a lot of rot, and listening to some of the discussion has been like listening to a meeting of the Women's Christian Temperance Union last century. The member for Hammond has suggested that we stop people using their accounts for amounts over $200. This could be a great inconvenience for people. He stated that we should control the amount of food and drink served to people. He has implied that publicans are modern Al Capones. We have a situation that seriously affects only 3 per cent of the population, and 5 to 6 per cent of those gamblers have their lives affected.

We should be looking at how we can treat these compulsive gamblers. We should be looking at long-term solutions and not short-term fixes as we have tried to do in this bill. Gambling is a social outlet for many people. They go along to their local hotel, and for many women it has been a welcome change in their life. Yes, gambling has affected our society generally. Yes, by mistake, poker machines were brought in: it should never have happened. However, a few years ago when bingo started it affected our community.

What about the racing industry? Generations of people have been affected by that industry, with families destroyed. None of what I have heard in the past 24 hours will solve the problem of compulsive gambling. We should be looking at resources to deal with the problem and not at installing dim lights in hotels.

Bill read a third time and passed.

[Sitting suspended from 6.20 to 7.45 p.m.]

FOOD BILL

Adjourned debate on second reading.

(Continued from 28 March. Page 1202.)

Ms STEVENS (Elizabeth): For South Australians, this bill has been a long time coming, and it seems that it will be many years before its full intent is realised. In January and February 1995, South Australia was rocked by an outbreak of HUS (haemolytic uraemic syndrome), which was caused by the consumption of contaminated mettwurst produced locally by a company called Garibaldi. A little girl, Nikki Robinson, died as a result of this disease on 1 February 1995. Although around 20 other children survived the outbreak, they will have lasting disabilities as a result of their affliction. There was unprecedented public concern at that time in relation to many aspects of the government's handling of this episode. A coronial inquiry was held and when it was completed 12 recommendations were made, and about four of those related to the Food Act in various ways.

On the day that the coroner handed down his findings in relation to the inquest into the death of Nikki Robinson, the then Minister for Health, Michael Armitage (the present member for Adelaide) made a statement to the House. Amongst a number of statements that he made in relation to the coronial recommendations, he made reference to amending the food legislation in this state, as follows:

> Prior to the publication of the coroner's report, the commission had briefed local government to make them aware of the amendments to the food legislation.

That statement was made on 28 September 1995. To round off his speech, he said:

> The government has demonstrated its good faith from the outset. We are not afraid of the truth. We established the inquest; we funded counsel assisting the Robinsons; we are acting swiftly to address the recommendations not already addressed.

Later, on Thursday 12 October 1995, in a further statement to the House, the minister rose to provide the House with further information on the prosecution of Garibaldi and its directors. Again, the minister referred to the Food Act, saying:

> There was the avenue of pursuing prosecutions to the full extent of state law, for instance, the Food Act with its narrow focus and small penalties, penalties that I have indicated already will be subject to review.

Further in his speech the minister said the following:

> As I indicated yesterday, I am keen to explore amendment to the Food Act to allow the institution of proceedings in a more realistic time frame. Further, I will be considering increasing the penalties under the Food Act.

In an interesting further comment he said:

> I am amazed that, following the 1991 and 1992 incidents, the former government did not see the need to amend their Food Act to

bring the penalties in line with the importance of public health issues or to provide the Health Commission with appropriate powers and sanctions to ensure good manufacturing practice.

That statement was made in October 1995. I am interested in the last little shot that the minister made in relation to the former Labor government because, of course, three years had elapsed since 1992 and when the minister made that statement in 1995, and we are here in 2001, fully six years after the former minister made those statements in this House about the government's intention to act swiftly, to address the recommendations of the Coroner and to make changes to the Food Act.

The issue of food and meat hygiene legislation was further addressed by the Auditor-General of this state in two separate reports, the first of which was in 1998. I will quote from the Auditor-General's report of 1998. Under the heading 'Coroner's Finding of Inquest', he said:

With particular reference to the Food Act, he [meaning the Coroner] indicated that the system of enforcement was a complicated one, involving both local and state government, and that it owed more to history and politics than it did to efficiency and clarity. He concluded by indicating that the recent amendments to the Food Standards Code and the introduction of the Meat Hygiene Act represented positive developments to the issues which had arisen from the inquest. However, he also stated that all these developments would be useless unless they were thoroughly and rigorously enforced.

To this end, one of the key recommendations made by the Coroner was:

that the Minister for Health, in consultation with the Minister for Primary Industry and with the relevant departments and with local government, conduct a review of the resources available in the area of enforcement of food legislation...to the intent that the legislation presently in place can be rigorously and effectively enforced.

It is noted that in February 1996 the then Minister for Health, in response to a question on notice, advised parliament that, in respect of the abovementioned Coroner's recommendation, there were a:

series of reviews occurring within and across agencies and involving the National Food Authority and the Local Government Association, given that authorised officers are, in the main, environmental health officers employed by local government. One option being considered by local government is the creation of controlling authorities by pooling of resources of groups of local councils, thereby providing critical masses of experts.

Further, in relation to this matter, the Auditor-General went on to say:

The South Australian review proposals have not been translated into amended Food Act legislation in this state in consideration of the outcomes yet to be finalised from the ANZFA approach.

He noted that the Victorian government had decided not to wait for the outcome of the national review and, instead, had moved to introduce its own amended legislation in 1997. The Auditor-General went on to make some very interesting concluding comments. He said:

In respect of the Food Act 1985, the South Australian Health Commission undertook a comprehensive review of the act in 1995-96. The review was in response to the recognition that major developments had occurred in the Australian food regulatory system since 1985 and was considered a matter of priority following the HUS outbreak early in 1995 and the subsequent findings of a coronial inquest into a death arising from the HUS outbreak.

The review findings demonstrated the need for updated legislation, which would provide an updated framework by protecting and enforcing food safety and minimising potential risks to public health by providing appropriate powers to enforce the regulations; more effective administration of the act; defining the interaction between the functions of local and state government; providing the powers for local and state government to perform their functions under the act; and accommodating the impact of other legislation, for example, the Meat Hygiene Act 1994.

The review findings have not been translated, as I said before, into amended Food Act legislation in this state. Audit has observed that information is not readily available to ascertain the level of resource commitment being directed by local councils towards surveillance activities and the type of surveillance activities being undertaken. The Auditor said:

The South Australia Health Commission does not routinely keep information on resource level and activity of local councils. As such, the overall effectiveness of regulatory controls exercised by local councils separately and collectively in conjunction with the South Australian Health Commission in discharging their joint food safety responsibilities under the Food Act 1985 cannot be determined. . . It is recommended that as a matter of priority a review be carried out to determine whether an appropriate level of resources is being applied in the area of enforcement of food legislation, and such reviews be undertaken on a regular basis.

So, concerns were expressed in the 1998 Auditor-General's Report. There were further concerns in the next year's report presented to this parliament by the Auditor-General. Very briefly, in his concluding comments in the section related to food legislation, the Auditor said in 1999:

Last year's annual report indicated that the South Australian Health Commission undertook in 1995-96 a comprehensive review of this state's food legislation. The review proposed significant reform to the legislation to provide an updated framework for protecting and enforcing food safety. As was the case last year, legislation reform has yet to be effected in consideration of developments still in progress at the national level.

The previous report also indicated that information relating to local council authorised offices and the nature of their surveillance work activity was not routinely kept by the South Australian Health Commission to determine whether sufficient resources were being applied in the area of enforcement of proper standards of food hygiene. The South Australian Health Commission has taken action to improve information gathering and quality. The information collected evidence that inspection activity of food business in some local government council jurisdictions has been low. In response to this, the South Australian health commission has written to all councils in June 1999, advising appropriate levels of frequency of inspection for food business.

He concludes:

The failure to ensure adequate arrangements for inspection and remediation of risk matters associated with food hygiene can result in adverse financial consequences for the government.

That was 1999, and there is still no legislation in this area before parliament, despite continuing concerns about enforcement and food hygiene standards at the grass roots level.

Last year, the Minister for Human Services, on Thursday 3 August, announced in a press release entitled '11 500 food poisoning cases in a day in Australia', that the state government had released details of tough new safety procedures for food preparation and announced large increases in fines for breaches of the law. He was launching a draft consultation paper on the new food legislation—on which he said that he was going to go alone, ahead of the national legislation. That draft report went out for consultation last year. I have been told that many businesses and affected stakeholders spent many hours responding to that consultation phase. They tell me that they never received any feedback from the government or the department in relation to what they said or what the government was going to do with it.

Through all that, I make the point that this government's record has been consistently poor in dealing with this matter. It has really been an issue of all talk and a lot less action, and a lot of supposed activity that seemed to go nowhere. Finally, the minister's belated attempt to go it alone was overtaken by the food regulation agreement signed on 3 November 2000. This agreement, which is a national agreement and on which

the legislation we are looking at today is based, arose out of a comprehensive overhaul of the way the food industry is regulated in Australia. It included the food regulatory review, the Blair review, under the auspices of COAG, with the key objectives of reducing the regulatory burden on business and improving the clarity, certainty and efficiency of food regulatory arrangements, while protecting public health and safety.

In the comprehensive consultations undertaken as part of the Blair review, I would like to just mention the main issues that they reported were raised in that process. I will also point out how common they are to matters raised by the Auditor-General, as contained in my earlier quotations. I will quote from the executive summary of the food regulation review, as follows:

> The main issues arising from consultations can be grouped into the categories of: lack of uniform legislation; inconsistent application of regulations by enforcement officers; inconsistent interpretation of legislation or regulations by enforcement officers; lack of clarity and consistency in agency roles and responsibilities.

These matters were pointed out earlier by the South Australian Coroner. I continue:

> Overlap and duplication of agency responsibility; lack of coordination between government agencies; inadequate and uncoordinated enforcement effort; multiple audits by industry and governments; inadequate training of auditors and inspectors; lack of training in hygiene by food handlers; insufficient consumer education on food safety; inefficient food standards setting processes; inappropriate food standards and regulations; insufficient small business consultation in government decision making; and inadequate access to information concerning food regulation.

Many of those issues, as I have just said, were obviously common across the country but, certainly, they were some of the issues picked up as important in relation to the death of Nikki Robinson and the issues surrounding the handling of the HUS outbreak in South Australia right back in 1995. The Blair Review made 27 recommendations under several main headings, namely, an integrated and coordinated food regulatory system; improved compliance and enforcement; better legislation and national decision making; integrated monitoring and surveillance; more effective communication; and review of ANZFA against national competition principles.

The Food Regulation Agreement was signed by the Prime Minister, state premiers, chief ministers and the President of the Australian Local Government Association. The purpose of the agreement was to give effect to a national approach to food regulation within Australia with the following objectives: providing safe food controls for the purpose of protecting public health and safety; reducing the regulatory burden on the food sector; facilitating the harmonisation of Australia's domestic and export food standards and their harmonisation with international food standards; providing cost effective compliance and enforcement arrangements for industry, government and consumers; providing a consistent regulatory approach across Australia through nationally agreed policy standards and enforcement procedures; recognising that the responsibility for food safety encompasses all levels of government and a variety of portfolios; and supporting the joint Australia and New Zealand efforts to harmonise food standards.

States and territories agreed to use best endeavours to submit to their respective parliaments, within 12 months of the date of signing, legislation giving effect to model legislation provided in two annexures to the agreement. The legislation before us now is the result of that process. The National Model Food Bill aims to protect public health and safety by enabling the effective and uniform adoption and implementation of the proposed National Food Safety Standards; facilitate uniform interpretation of the Food Standards Code; and rectify past deficiencies which have been identified through the many years of operation of current food acts.

That is the theory of what we have before us. As I said, attached to and accompanying the Food Regulation Agreement are two annexures. Annexure A contained provisions that had to be inserted unchanged into the act across all jurisdictions. In Annexure A the following provisions have been covered: some of the definitions and the offences relating to food, and we are pleased to see that our bill has much stronger penalties than currently exist in the current Food Act. In fact, in some instances, it has stronger penalties than those prescribed in Annex A.

Annex A provisions also cover compliance with the food standards codes, as well as emergency powers and recalls. There are a number of issues involved in each of those points. First, dealing with the issue of definitions, when one looks at the act and reads the definitions one immediately sees just how extensive this act is. All South Australian businesses classified as food businesses will be affected by the introduction of this act. Food business are defined as a business, enterprise or activity other than primary food production that involves (a) the handling of food intended for sale; or (b) the sale of food, regardless of whether the business enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only.

Consequently, the range of businesses and non-commercial activities that will be covered by the legislation will be very broad. Current estimates suggest a number between 10 000 and 15 000, depending upon the final definitions and exclusions that may be agreed in the drafting of the regulations. However, I have been advised that it can be safely assumed that the new Food Act will affect at least 10 000 businesses in this state. The vast majority of those businesses (in excess of 80 per cent) are medium or small enterprises with fewer than 20 employees, and this is the case across all sectors of industry. Indeed, more than 50 per cent could be classified as micro businesses employing fewer than five people.

The industry sectors affected by this act include food processing, transport, storage and distribution, seafood, food services (delis, hotels, restaurants, and so on), food retail, community and health services, and education services. So, it can be seen that it is an act that has far-reaching consequences and, by the very breadth of its scope, will require a great deal of coordination for the provisions of the act to be properly implemented. The opposition has a number of questions in relation to definitions, particularly in relation to 'primary food production' and what it does not include. We will take up those matters and question the minister on them when we reach the committee stage.

In relation to offences, the opposition is very pleased to see stronger penalties, which is something that was promised back in 1995 by the former Minster for Health. We are very pleased to see them at last, six years on. I have not been able to find anywhere in the bill where the second issue raised by the former Minister for Health back in 1995, in relation to the prosecutions of Garibaldi, of allowing the institution of proceedings in a more realistic time frame has been addressed. I would be interested to know whether that matter

has been addressed here—and, if not, where—and whether or not that undertaking given back in 1995 has been fulfilled. The opposition is pleased to see the extent of the emergency powers. We may have some questions in relation to the detail of those clauses, and I will leave those to the next stage.

I turn now to compliance with the Food Standards Code, which is another part of the bill that comes out of Annex A and which will appear in the legislation of every jurisdiction. Food safety standards have been developed relating to food safety practices and general requirements (standard 3.2.2); food premises and equipment (standard 3.2.3); food safety programs (standard 3.2.1); and interpretation and application (standard 3.1.1). Standards 3.2.2 and 3.2.3 have already been incorporated into the Food Standards Code. They have been approved at COAG level and are in the Food Standards Code. Food safety standard 3.2.1, which is the one entitled food safety programs, is still under consideration and I understand that it should be approved in the next few months.

Once the standards are approved, I believe that the intention is that they will be adopted into state law by regulation and, at that point, the legislation that provides that they must be adhered to will come into operation. The bill includes compliance with the Food Standards Code but allows some exemptions in particular categories relating to the standard 3.2.1 food safety programs. I have become aware that it is this standard that has caused most concern amongst stakeholders. The standard includes a requirement for a food business to have a food safety program based on Hazard Analysis Critical Control Point (HACCP) methodology.

A food safety program must, first, systematically identify the potential hazards that may be reasonably expected to occur in all food handling operations of the food business; secondly, it must identify where in a food handling operation each hazard identified under the previous point can be controlled and the means of control; thirdly, it must provide for the systematic monitoring of those controls; fourthly, it must provide for appropriate corrective action when that hazard or each of those hazards is found not to be under control; fifthly, it must provide for regular review of the program by the food business to ensure its adequacy; and, sixthly, it must provide for appropriate records to be made and kept by the food business demonstrating action taken in relation to, or in compliance with, the food safety program.

I understand that most of the larger food businesses in the state will already have compliant food safety programs and relevant training associated with that in place, as will a number of their suppliers. This process has been largely driven by the major supermarket chains, for example Woolworths, which purchases some 40 per cent of all manufactured food in Australia and requires all its suppliers to have an audited HACCP plan in place. However, this is a new concept for wide sections of the food business industry.

Understandably, varying degrees of consternation and uncertainty are being expressed in relation to what the expectation is and what the implications of that food standard will be, and I will return to that later when I put on to the record some of the comments that I have received.

There is also a new requirement for auditing food safety programs, and there is a proposed implementation phase-in period for this section of two years for high risk businesses, four years for medium risk businesses, and six years for low risk businesses. As I said, the issues in relation to just that particular aspect are many, and they include: cost to business; cost enforcement agencies; training issues; the extent and cost of training; auditing (who does it and how often); and the cost of issuing exemptions. I will refer to those matters later.

I refer to annex B, the second attachment to the Food Regulatory Agreement. Annex B, which covers probably two-thirds of the bill, deals with administrative arrangements. There is a two-tiered administration system similar to the one in the current act. Overwhelmingly, that two-tiered system will involve the relevant authority (the minister) and an enforcement agency, which will be prescribed by regulation. Certainly, local councils will be prescribed and they will have the major role of enforcement of these sections.

The act covers a whole range of aspects of the administrative structure, including: inspection and seizure powers; improvement notices and prohibition orders; analyses of samples; approval of laboratories, analysts and food safety auditors; and third party auditing and reporting requirements.

Under this section of the act, another set of issues has been raised. People, agencies, businesses and stakeholders are concerned, because this act provides a framework for what has to happen but does not flesh out the detail. This issue is of concern to the very large number of stakeholders. Many of these issues are similar to the issues surrounding the annex A provisions, which include: the cost to business and local government; who does what; how we organise who does what and coordinate training; registration rather than notification; and auditors and third party auditors. I will return to those matters shortly.

I will now turn to some of the feedback that I have received to illustrate some of the points that I have made in my remarks so far. I have chosen a number of categories of feedback that have been sent not only to me but also, I am sure, to other members of parliament regarding this bill. The first of these is the following letter dated 15 May 2001 that was sent by the Local Government Association to all members of parliament:

> As you are no doubt aware, local government provides the primary resource in South Australia for assuring the community of food safety under the current Food Act 1985. Recent work by Mr Barry Burgan [of Adelaide University] suggests that more than 100 local government officers and approximately $4 million of council expenditure are involved in Food Act matters. Based on the same report, it is estimated that the bill in its current form would introduce additional cost to local government of between $1.5 and $3 million. It is of concern, therefore, that the Food Bill 2001 did not enter parliament with the endorsement of the LGA.
>
> The LGA has been involved significantly in a number of processes which led to the bill, and I met with Minister Brown in March to again air some of our concerns. I believe that many of these stem from the failure of national processes, such as the minister's council and the Australia New Zealand Food Authority, to involve local government as a partner. Some relate to the resource capacity of the Public and Environmental Health Unit in the Department of Human Services to engage local government and deal with intergovernment administrative issues.

It is a pity to read this again, because these are the recurring issues that have been raised frequently over the past six years.

The Hon. Dean Brown interjecting:

Ms STEVENS: The Minister will have an opportunity to respond to my comments, and I look forward to his response at the appropriate time. The LGA then goes on to detail four primary concerns in relation to the bill. The first concern is third party auditing—or privatisation of food safety, as it has been dubbed. The letter continues:

> The LGA has significant concerns about the approach in the bill, many of which arise from our experience in relation to private certification in the building safety area. It is not fixed opposition to third party auditing but, rather, generated by two issues: first, the...special nature of functions related to the safety of the

community and, secondly, the transitional issues involved in introducing a system assuming a competitive market of food auditors, when there is currently no such market beyond high end manufacturing or national or export businesses.

That is the first issue. The opposition was persuaded by that concern and will move an amendment to address that matter. The second issue relates to registration versus notification of food businesses to local enforcement agencies. The letter states:

The LGA shares the view of a number of food business representatives that only a registration process will incorporate the level of public recognition sought for businesses 'doing the right thing'.

We are also of the view that, notwithstanding penalties, the notification process will not result in as complete or current a database of food businesses as a registration process.

The letter continues:

South Australia is one of only two states which does not have registration of food businesses, and we believe it is time we caught up and sent a strong signal to food businesses regarding the ongoing requirements of the parliament. We have explored a large number of options with and between registration and notification but, at the end of the day, believe registration is warranted in this area and can be implemented with minimal impact.

The Hon. Dean Brown interjecting:

Ms STEVENS: I will not engage in a debate with the minister. He will have his shot at the appropriate time.

The Hon. Dean Brown interjecting:

Ms STEVENS: No, I am not answering the minister's questions at this point. I will later. The issue of registration versus notification is raised by local government. That is an interesting issue and one that I would like to explore with the minister during the committee stage. I will certainly be asking the minister the question, because, at this point in time (it may not be for much longer), he is the minister and I am the shadow minister: therefore, it is my job to ask the questions and the minister's job to answer them. We will do that in relation to this issue of registration versus notification, because it is a very serious matter.

The points raised by the Local Government Association are very important. We are concerned by the points raised and will be interested to explore them later. The third point concerns local government's entire involvement being placed in regulation. It is of great concern to local government that they have a major enforcement role but that this role is not defined clearly in the legislation. I must say I am sympathetic to their concerns. When you have an enormous task to do, which can be seen to have been dropped on you from above, and an act of parliament comes in which has a great effect on you and yet your role is not clear, it is very understandable that you will be concerned. They make the following point:

As a result of the bill being based on a national model—

There is a difficulty, because we are dealing with a national model. I appreciate that there are difficulties involved in doing that; however, it is understandable how they would feel. So, there need to be ways of dealing with and resolving that matter for all parties—

...local government's entire role in the enforcement of the Food Act is placed in regulations.

The LGA is opposed to this and is concerned that:

as has occurred in some other areas from time to time, a regulation may be made, not in the public interest and on soundly negotiated arrangements between state and local government, but based on, at best, a lack of understanding of local government and, at worst, political, resource or wider intergovernment objectives. In our experience there is an underlying level of distrust between state and local governments which is in some ways regrettable but in others is a protection—

which is interesting—

in a pluralist democracy. Therefore, where we need state and local governments to work together with a high degree of collaboration—which indeed we do here—

We must find ways of creating certainty. That is a fair statement. After discussions with local government and because we have some sympathy with their position, we have some amendments at least to ensure consultation with local government and to ensure transparency in agreements that are made between the state and local government, in an endeavour to come some way towards this. Before I leave that point, they state further down:

Our preferred model is one in which state and local government negotiate service agreements—

fair enough—

either at council level or with the LGA. We believe this should involve specifying the enforcement roles which local government would carry out—

and also specifying and being clear about the resourcing arrangements. Let us be up front and honest about what will happen and who will pay for it.

The final point refers to resourcing. I would be interested if the minister would like to comment, if he has any research on this from his own department. They make the point that their research indicates that local government is estimated to spend of the order of $4 million per annum on food safety, with requirements of the new legislation likely to add between $1.5 million and $3 million to that. So there is that whole issue of how resourcing can occur. This is disappointing. They finish their letter by stating:

I am disappointed that the legislation that was introduced to parliament did not effectively incorporate the views of the LGA.

Obviously the Local Government Association has some concern that, even though in their view they spent time outlining their concerns, in fact, those concerns were overlooked by the government as far as this bill goes.

The next feedback I would like to refer to is that which I have received from the Australian Institute of Environmental Health, South Australian division. The Australian Institute of Environmental Health is the central professional body which represents the interests of local environmental health officers and other allied environmental health professionals. It says that comments from a wide cross-section of respondents are provided on each of the parts of the sections of the bill where considered appropriate. The institute's general comments are as follows. First, in relation to consultation, it states:

Concern has been raised that the draft bill has been developed with minimal prior consultation with members of the division. Whilst the institute has had representation on the South Australian Food Hygiene Implementation Committee, it has now questioned whether that committee has been able to play any significant or effective role in influencing the composition of the proposals.

It states, in relation to responsibilities and roles:

A major concern expressed by members is that the bill provides no direction or indication as to the division of responsibility or respective roles of the state government and local authorities.

This is the same issue again coming through. It continues:

Presumably, these roles are to be clarified through the proclamation of regulations. Without such details it is clearly difficult for the various agencies to have any meaningful understanding of resourcing or liability issues in relation to the proposals.

In relation to assessment of impacts, it states:

No local economic modelling or work force plan has been presented with the bill relative to the proposed legislation and its impacts.

On auditing, it has a particular concern about the introduction of a system supporting private third party auditing of food businesses, and it does not support it. We will take up that issue later, because we have addressed that in amendments. In relation to food safety programs, it states:

The proposal to require businesses to develop food safety programs is supported, but they must be practical, achievable and commensurate with the nature and complexity of the particular food business.

That particular point about food safety plans being practical and commensurate with the nature and complexity of the particular food business came through from other people to me, people concerned that a lot of their staff, a lot of these rules, a lot of these things, are being developed by 'academics'—people who are perhaps not in touch with the reality of how it is on the ground in the workplaces and in the situations where this bill will apply. Again, there is the question of the importance of good communication, the ability to be able to work with people to find solutions that suit the situation and yet still carry out the proper requirements of the act. On the matter of exclusion to food safety programs, the institute does not support this. It says:

Any exclusion should be based upon the relative food safety risks posed by the activities undertaken, rather than financial parameters.

That is a fair point, and that is something that I will take up later with the minister.

The Hon. Dean Brown interjecting:

Ms STEVENS: Well, no, no, I am not going to get into this with you now. I just want to return to the point that—

The Hon. Dean Brown interjecting:

The SPEAKER: Order!

Ms STEVENS: Thank you, Mr Speaker. The proposal that is before us excludes businesses with a turnover of less than $25 000 from the requirement to develop food safety programs. This group makes the point that they are environmental health officers, and if you are looking at it from that point of view I think it is a fair point. They make the point that:

Exclusion should be based on relative food safety risks posed by the activities undertaken, rather than any financial parameters.

There are obviously other factors involved in this, and what I am saying is that when we get to the particular point in the committee stage I want to explore that with the minister, because, from purely a health point of view, what this group has said has some merit. That will be something that will be interesting to explore during the committee stage. In relation to food business notification, they say that they support this:

. . . but only where it would constitute a component of a wider premises registration or licensing system.

That is something else that I would like to take up later, as I mentioned before, in more detail. The group says in relation to liability that no discussion or clarification is presented relative to potential liability that local government may face should councils choose not to continue any routine inspection of premises in lieu of private auditing arrangements. It does not support the proposal to allow councils to appoint authorised officers for enforcement duties at the council's direction. The group says it considers that this would open the door to the potential for the appointment of unsuitably qualified persons. I think that is covered in the bill, but that is something that I will raise again later.

The group supports the increased penalties for offences. It makes an interesting point in relation to information and disclosure provisions. The bill appears to allow for the public disclosure of information relating to the operation of food businesses other than commercial or manufacturing secrets or working processes. The group says that presumably this would enable the disclosure of information relating to premises' hygiene standards, which may provide significant incentive for businesses to comply with legislative requirements. This is viewed as potentially a positive outcome.

Finally, in relation to administration, it says that it observed with some concern that the bill makes no provision for the establishment of a peak committee to oversee the administration of the proposed act and to perform an advisory role to the Department of Human Services on food related matters. We accept that: that is an amendment that the opposition will be moving. I understand that the Food Quality Committee, as I think it is currently called, has not met for many years—which is a bit of a worry, I think. However, that is the situation. I think that when we make such massive changes to arrangements, as we are doing now, we need some formal mechanism of feedback and advice about how the act is operating, what the issues are and what changes need to be made. Certainly, the opposition has taken up that particular matter.

The issue of training is a major one, and I have a quite substantial paper on the implications of training that was provided to me by Food Training SA. This was prepared for their board and they are happy for it to be placed on the record, which I will do, even though it is fairly extensive, because I think it is important for members to realise how complex this is and what we are considering. It states:

The draft Food Act stipulates a number of requirements which, in the view of Food Training SA, will necessitate significant delivery of vocational competencies in order for food businesses to comply. In addition, many smaller and medium businesses will require assistance with the development and implementation of a food safety plan. Food Training SA considers the following to be the key vocational education and training issues associated with the implementation of the legislation based upon its current content:

- General awareness of the requirements and responsibilities of food businesses and their staff will be a major initial implementation issue. There is, no doubt, much potential for confusion and misunderstanding leading to non-compliance, given the lack of specific direction to food businesses at the present stage of implementation of the proposed legislation.
- Food businesses will be required to develop and implement a HACCP based food safety plan in accordance with the ANZFA guidelines. These guidelines are very general and most food businesses will require expert assistance in implementing a plan.
- There is enormous diversity in the nature, size, sophistication and function of food businesses which will be covered by the new legislation. For example, many large food processors already have audited systems in place to comply with customer requirements, whilst many small food retailers and hospitality providers will have no acceptable arrangements in place or the technical knowledge to implement such.
- Food plans will need to be specifically tailored to the individual needs and characteristics of each business. Most proprietors will have only the most rudimentary knowledge of food contamination and prevention. However, larger businesses in some sectors will already have suitable procedures in place.
- The major concern lies with smaller businesses (in food processing, more than half the 1 400 enterprises in SA employ fewer than five people) and sectors such as food service, retail and transport which have had limited exposure to food safety issues and contamination prevention strategies.
- Proprietors will be required to ensure that staff have adequate training commensurate with their level of responsibility and occupational function to ensure safe food standards and procedures are maintained. Very few employees or, for that matter,

proprietors of small businesses have acceptable skill levels in this area.

- Food Training SA considers that a 'mapping exercise' to identify the nature, scope, location and size of affected businesses is urgently required to enable effective education and training strategies to be put in place. In some instances, a considerable lead time may be required.
- Cost will be a major issue, especially for small businesses. Whilst it is acknowledged that in the era of user pays companies tend to more highly value a service for which they have paid, threshold costs will be a major barrier to implementation. Compliance costs will vary from business to business and across the sectors to be covered by the legislation and may vary from several hundreds of dollars to many thousands.
- Some form of subsidy could be considered, such as that offered by PIRSA to the primary industries and seafood sectors through the Farmbiz program. Farmbiz provides a 50 per cent subsidy to eligible applicants for the purchase of a HACCP tool kit (ICOG) tutorial assistance in implementing the tool kit; and 50 per cent of the cost of the first HACCP audit.
- Many commentators suffer from the misconception that the proposed staggered implementation on the basis of assessed risk for Food Safety Plans will mean that their liability for compliance is also staggered. As the bill is worded, this will not be the case

And I am not sure that people actually realise that.

- National training competency standards which comply with the ANZFA Standards have been developed and are progressively being delivered to food processors through the VET system. However, most small and some medium businesses do not avail themselves of formal or technical training due to a lack of financial and intellectual capital (knowledge of the necessity for training, and its availability).
- Delivery of safe food handling competencies to the other sectors of food businesses is generally much less advanced.
- As it stands, the bill does not specify training/competency standards for employees, and nor do the ANZFA Standards. There is a pressing need for some guidelines to be developed to enable food business proprietors to determine their compliance requirements, and for professional and technical assistance to proprietors to be put in place.
- For most businesses, compliance with the new Food Act will require the implementation of a Food Safety Plan, i.e., a HACCP management plan. There are a number of products and services available in the market which will be promoted as meeting this requirement. However, it is by no means certain that the result of many will satisfy the proposed legislative requirements. Guidance will be required.
- Safe food handling competencies required of employees will vary considerably according to the size and nature of their business, and the employees' occupational functions in the business and level of responsibility. Food Training SA is of the view that many proprietors are at present ill-equipped to make a correct assessment of such requirements. However, an example of what Food Training SA considers to be a minimum requirement would be the course offered by the Regency Institute of TAFE, titled 'Hygiene for food handlers', which is 12 hours in duration.
- Self-paced and self-assessed learning as some providers offer is not considered to be adequate in the delivery of safe food handling competencies. External assessment is considered to be essential in such a critical area. Food Training SA considers that the education and training of proprietors and staff, and establishing the technical parameters of design and implementation of food safety plans, is now an urgent priority for successful implementation of the proposed legislation.

I know that the minister is busy in a conversation and probably has not listened to those points, but they are an extremely comprehensive, clear and well researched list of issues that need to be considered and addressed in relation to the training aspect of this act. I hope that the minister will be able to address the points, and possibly we will have to tell him about them again.

I refer to another piece of feedback, a joint statement issued on Wednesday 28 March 2001 by the Australian Hotels Association, Restaurant and Catering SA and the State Retailers Association of South Australia. They said this:

Small and medium sized business which handle food will be saddled with regulations more bureaucratic than the business activity statement if the state government pushes ahead with its proposed food safety laws. The government has failed to listen to industry, and its 'consultation period' has been a farce, inviting comment and then failing to take submissions on board.

The three industry groups have stated publicly that they are committed to achieving a high standard of food hygiene through uniform national standards which are of the highest quality. However, the groups oppose:

- mandatory food safety programs which are unworkable and highly bureaucratic;
- exemptions from some of the regulations for some businesses—

it is that exemption issue again—

and

- expectation for industry groups to train their members with no government funding.

The groups are also concerned about the definitions of small businesses, the auditing process and the draconian penalties that have been proposed. The groups believe that the current regulations in place are adequate. However, they are concerned over the failure to correctly police those regulations, particularly in the high risk food manufacturing industry. They highlight four areas: the food safety programs—and I will not go into the detail of those, because they have been raised before. They are also concerned about exemptions, saying:

There is an implied assumption under the proposed legislation that businesses with a turnover of less than $25 000 are immune from food borne illness issues. All businesses must be subject to the same relations, regardless of size, profitability or profit motive. Is this really a public health issue or just another business impost?

The minister wanted to take issue with me over having the temerity to raise this issue of exemptions. It is interesting to hear feedback of diverse groups with regard to how they see it. It seems to me that it has not been argued or explained very clearly. That is why we are hearing this sort of feedback from two very diverse stakeholders in the sector. With regard to training, they said:

Without government funding industry bodies will not be in a position to play a key role in educating their members and helping them to develop food safety programs.

Finally, they take issue on the basis of the study. They say:

The basis for the food safety laws are seriously flawed, assuming there are 11 500 food poisoning cases a day.

They take issue with the level and extent of the needs, and I cannot agree on that count. Since that time I have received a letter from the Australian Hotels Association which I want to place on the record, and we will certainly take up the issues contained in that letter later. In its letter to me, the AHA states:

Since the meeting [the meeting that representatives of the AHA had with me] the Minister for Human Services (Mr Dean Brown) has met with me to discuss our concerns in more detail and, although some issues remain unresolved, others have been dealt with in a satisfactory manner. In the meeting the minister made the following commitments:

I am very interested in these commitments made by the minister and I will certainly be asking him to outline—

The Hon. Dean Brown interjecting:

Ms STEVENS: If the minister had been listening he would know—the AHA. The minister's first commitment is as follows:

Once-yearly audit fees to be minimal, costing around $80.

The AHA states that auditing in Victoria has cost businesses thousands of dollars. As I say, I will take up these issues later and see whether the minister concurs with the association's—

The Hon. Dean Brown interjecting:

Ms STEVENS: That is fine. The minister says, 'That's correct.' We will take up the issue later in committee. The minister's second commitment is as follows:

> Food safety programs to be uniform with the rest of Australia following the national guidelines which are still to be announced.

That would be correct. The minister's final commitment is as follows:

> Industry groups to be provided with funds to allow them to run courses and other training programs to help businesses develop and implement food safety programs.

Of course, everyone is very interested in that commitment that was given to the AHA by the minister that funds would be provided to industry groups in order to facilitate their training obligations. Of course, the AHA is very keen to know the detail and extent of that assistance. The AHA, even though it is pleased that the minister has made those commitments, reiterates its concern about the exemptions. In its letter, the AHA states:

> There is an implied assumption under the proposed legislation that businesses with a turnover of less than $25 000 are immune from food-borne illness issues, yet anecdotal evidence [it does not back that up] suggests that those businesses are most at risk. The minister argues that smaller businesses are adequately covered by the bill as they are still required to serve safe food.

In its letter to me the AHA further states:

> This being the case, one could argue that food safety programs are surplus to requirements and just another business impost when the bill already adequately deals with the delivery of safe food.

The AHA's letter further states:

> If this is truly a public health issue all businesses must be subject to the same regulations regardless of size, profitability or profit motive.

The Hon. Dean Brown interjecting:

Ms STEVENS: No, I am not—

The Hon. Dean Brown interjecting:

Ms STEVENS: No, I am not going to get into this with the minister at this point. I have said it before. The minister does not listen.

Ms Key interjecting:

Ms STEVENS: That is exactly right; thank you. Finally, the AHA reiterates its concerns about the extent of penalties. I would be interested to hear the minister's comments on those matters. I will raise the points appropriately in committee. The final piece of feedback is from the State Retailers' Association. I should say that the letter from the AHA was signed by John Lewis, General Manager. John Brownsea, Executive Director of the State Retailer's Association, has another point of view, as follows:

> The State Retailer's Association formed a committee to objectively review the Food Bill 2001 in terms of its overall impact on the food retailers that we represent. While we do not wish to unduly meddle with the bill we provide the attached discussion paper which primarily focuses on the costs of implementation, training and exemptions.

A familiar theme is coming through. The correspondence continues:

> Of great concern is the reality that prices will eventually rise as a result of the implementation costs of the Food Bill and the GST costs which won't be able to be absorbed if businesses are going to survive and provide employment. Our suggested price increases of 5-7 per cent are not unrealistic but in themselves present a dilemma: don't recover costs and lose or recover costs and potentially lose sales! Big business is not similarly affected and generally has much lower staff costs due to our discriminatory wage structures—

Obviously, that is their view. He goes on:

> Penalty rates need to be abolished and all businesses should be able to enter into workplace agreements with employees.

He then goes on to matters of concern with the Food Bill

> Current expertise—

That covers the same issues covered by the Food Training SA paper—which I have already put on the record, so I will not go through it again. He goes on to discuss training and essentially covers the same issues again, but he makes a point under training that makes it even more complex. He says:

> Another issue that must be considered is the relatively high turnover of staff in the industry and the comparatively large number who work part time or casual. This adds to the initial and ongoing costs of training as compared to the manufacturing sector of the food industry. They argue that the work force is more stable. He talks about the cost of training and, as part of that feedback, says:
>
> In South Australia, the South Australian government has already assisted in the development of a very good basic course in hygiene—'Hygiene: it means business'—which comprises a workbook and complimentary video. This course was developed by the Retail Industry Training Board and has also been translated into Vietnamese. This course is about to be reviewed to ensure that it reflects what the Food Bill requires.

So there is a resource there that can be used, which is a good thing. He goes on to say:

> We believe that this course can meet any food retailer's training needs for staff at a very moderate cost especially where, for example, groups of 25 people are trained and such training involves no more than five hours, three in the class and two on preparatory work. An owner of a business could purchase the work/book video for under $100 and continue to train their staff simply for the cost of further workbooks at $25 each.

It makes the point that temperature control is a major issue. He says that this is one of the key components in providing food that is safe to eat, and it is much more than simply taking temperatures. He says:

> Costs would include—

and he suggests some matters for consideration—

> upgrading refrigeration equipment and electricity—

he says that the dollars cannot be determined—

> an alarm system to alert temperature problems, $1 000 minimum; cost of thermometers, $60 average for two. With electricity being increasingly unreliable and expensive, temperature control takes on new risks and costs.

And we are all very much aware of that. He goes on to say:

> There is every possibility that, to be on the safe side, retailers will seek to achieve temperatures lower or higher than required just to be safe—that would put further loads on the supply and add to the cost.

In relation to food safety plans, he says:

> These can cost a small amount for skilled operators to prepare through to significant costs for plans prepared by professionals. Preferably, generic plans could be provided by, for instance, associations who understand the retailers they represent.

The Hon. Dean Brown: As they discussed with me, and I agree.

Ms STEVENS: That is terrific, minister; I am pleased. It is a very practical suggestion they have made and I think it is great that you have taken it up.

The Hon. Dean Brown interjecting:

Ms STEVENS: I am really pleased that you have done all this, Minister. Perhaps you can explain it to us when you have your opportunity to respond. I think the issue is that you might have been talking about it for 2½ years but I am not sure that the sector knows you have being doing so. That is a major issue because they do not know.

The Hon. Dean Brown interjecting:

Ms STEVENS: A lot of other people—

The ACTING SPEAKER (Mr Scalzi): Order! The member for Elizabeth.

Ms STEVENS: It is difficult to ignore the minister's interjections. It is pleasing that already people out there are thinking of ways to do this. However, the point is: 10 000 businesses require it, and the level of information varies so there is a need for an implementation program that takes account of that. Mr Brownsea also raises the issue of the exemptions—that keeps coming through—and he makes the point about the cost of compliance and procedures. In relation to audits, he says that the likely cost of auditing is very much an unknown, as is who will carry out the process. He has suggested that auditing would cost in the region of $1 000 per retailer initially, so it is interesting that the minister's estimate to the AHA was much less than that, but we can take that point up at the appropriate time during committee. Mr Brownsea finishes the middle section of his submission by producing a table that sets out the cost of this new Food Bill to food retailers. Would it be possible for me to put this into *Hansard*?

The ACTING SPEAKER: Can the honourable member assure the House that it is a purely statistical table?

Ms STEVENS: Yes, it is. I seek leave to have the table inserted into *Hansard*.

The Hon. DEAN BROWN: I seek clarification as to what exactly is in the table.

Ms STEVENS: It is a table in which a costing has been prepared of very much an average scenario. It shows in the first year the different numbers of staff in different businesses and costs relating to a whole lot of aspects of the business and how they differ for each business of a different size.

The Hon. Dean Brown interjecting:

Ms STEVENS: How do you define 'statistical'? It has got numbers.

The ACTING SPEAKER: Order! Does the honourable member seek leave?

Ms STEVENS: Yes, I seek leave.

The Hon. DEAN BROWN: I would like to see the table to ensure that it fits into the rules.

Ms STEVENS: I don't know that you should be the arbiter.

The ACTING SPEAKER: The chair and Hansard will make that decision. Please bring the document to the table.

Ms STEVENS: I am pleased that the minister will not be the arbiter of whether my table fits the rules. John Brownsea finishes his feedback by saying that there could have been a much more equitable and positive result but no-one has listened to the concerns of small business, which have been expressed on many occasions. In a summary, he again refers to the fact that small business is at present struggling with a whole lot of issues in relation to the GST, and industrial and occupational health and safety matters. There are also concerns that retailers have to comply with legislative outcomes that ignore the practicality or costs of new legislation.

I rang Mr Brownsea to talk about that last sentence, that there could have been a more equitable and positive result, and asked him to suggest what would have made it better. He commented that they had been part of the ANZFA process for three years and he felt that this was very much an academic-driven process, rather than one driven by people who understood at the grassroots level what it was like and how it affected people and stakeholders—businesses—at the grassroots level.

He said that we need practical mechanisms, that this will affect people differently, that the GST has caused problems and a lot of concern everywhere, that more listening is needed, and he especially made the point that he was particularly annoyed that, after the minister's consultation process, the results had not been published. He said that they had spent a whole day giving feedback to the minister on his draft bill and yet they never received any feedback on the results. In fact, he said that they felt that they had not been taken seriously and, to put it in a delicate way, they were pretty annoyed and suspicious as to why.

This comes back to the importance of the consultation process. It should not be quick, because looking at something as complex as this legislation will take time, and that time should be included in the planning of the consultation process, because if people feel that they have not been listened to or taken seriously you will have a lot to make up in terms of trust and goodwill for the implementation of what you want to happen.

I ask the minister whether he intends to publish the results of the consultation phase on his bill, because John Brownsea is not the only person to mention that they would very much have liked to see the results of their input. In terms of open and transparent government and all those good management principles under which we are supposed to be operating, that is the very least that should happen. Feedback was received from a number of organisations, and some of my colleagues will address those matters. The member for Taylor and the deputy leader will speak about issues relating to their portfolios.

In summary, this is a complex piece of legislation. It has been a long time coming. The government of South Australia has been promising this ever since the coronial inquest into the death of Nikki Robinson in 1995. That was nearly six years ago and, according to the timetable that has been set, it will be another six years before the whole thing is in operation. That is a long, long time. The government has been dishonest in raising the expectations of the South Australian community that it would do this quickly. It is clear that the government knew that it would not be able to because it would be such a complex process. Perhaps it just decided for purposes of political expediency that it would tell the community something which it knew it would not be able to deliver, or perhaps it just has not been able to.

One of the positive things about the bill is that what is being attempted needs to be done. It is important to have a reliable and high quality food regulatory system that is national. There is no doubt about that; it is important, and it must be a regulatory system that puts public safety at the top of the list. However, one of the problems is that the bill before us really gives us only the skeleton, with the flesh still to be put on the bones. That is one of the downsides. I am not saying that that is something that could necessarily have been avoided, because it is complex to put it in legislation in all the different jurisdictions across the country. However, stakeholders have indicated that the processes that have been undertaken, and the performance of this minister and his department to date in relation to managing these issues, have caused some degree of concern about whether we will achieve the result that we require.

This is a very complex matter which requires a commitment to getting it right. It requires a real will to work with all the sectors to bend over backwards in terms of consultation, communication, and a willingness to be flexible and to work with people to find solutions that work. Some of the feedback

that I have received indicates that those processes, for whatever reason, have not occurred to the extent that they should have. That may well have a lot to do with the resources and the person power available to do this work. Of course, that comes back to whether, in fact, it is a priority for the minister to do the job, and to do it properly.

The opposition will support the bill. We have a number of questions to which we will try to get answers as we work through the committee stage. We have filed some amendments in relation to the auditing function, the establishment of a monitoring committee, and trying to clarify and make more transparent the relations between local government and state government. We will endeavour, in round one of this bill, to try to move the process forward.

When I became shadow minister for health, the Garibaldi outbreak was the first major crisis that I had to get my head around and lead for the opposition. I spent a lot of time talking to the parents of Nikki Robinson, the little girl who died. Those parents wanted to make sure that their child did not die in vain and that the things that happened in that whole saga would be remedied so that it would not recur. We are dealing with very critical legislation: its implementation is critical; and the commitment and the will to make it work across a large range of sectors, with all three levels of government working together, also is critical.

Ms WHITE (Taylor): I will try to speak as briefly as I can. This is a complex and important bill, and I will ask a large number of questions in committee. I will not reiterate all the points that my colleague the shadow minister has very adequately covered but, as I consider the clauses of this bill and the areas of my interest, it is apparent that more and more questions arise. I want to flag an interest in areas that impact on my own constituency of Taylor, as well as those that impact on my large portfolio responsibilities covering child care, TAFE, schools, universities and higher education.

The bill applies to food businesses; that is, everything from businesses, enterprises, activities involving handling, packaging and processing of food intended for sale, regardless of whether those businesses, enterprises or activities concerned are charitable, commercial, of a community nature or whether they involve the handling of food on just one occasion. So, the ramifications and impacts of this bill are very wide indeed.

There is strong agreement, on this side of the House at least, that we need strong standards of accountability and regulation of food in the state. My colleague reminded us of the very unfortunate death of Nikki Robinson and the circumstances surrounding that saga, but local members could point to many examples that support the necessity for legislation. It is about raising standards or at least ensuring standards; that is important and few could argue with that.

One of the concerns that my colleague raised was that this bill formed somewhat of a pro forma—a skeleton. Much of the guts of the law will come in regulation and codes which we do not have in front of us here or of which we do not know the full detail, so there are a lot of questions in that respect. I flag that I have an interest in a number of areas. School canteens and school fetes are affected by this. Schools are entering into training courses in food handling and other enterprises and, with home economics classes, when one starts to think of it there is quite a wide range of areas in which the food bill impacts on schools and their operations, their liabilities and the requirements in law in relation to such bodies.

School councils are now bodies that can be sued. School councils host functions, so there may well be implications for them as a body. Of course, school councils run canteens and the like. In the TAFE area, there are TAFE run restaurant facilities and training courses, and my colleague the member for Elizabeth briefly touched on some implications regarding the requirements of training providers flowing from this bill.

I represent an electorate in the Adelaide plains which is largely a horticultural and viticultural market garden area, and there are implications for those businesses and constituents in terms of their produce that is sold, packaged and either processed in the area or transported and processed elsewhere. So, a large number of implications arise out of this bill for that area of my constituency. I mention charitable organisations. I would be interested to ask questions about the operation of organisations that provide meals to the community, such as Meals on Wheels, and organisations that accept donations of food. Certainly, when considering this bill I paused to think about those occasions when I have donated food to Meals on Wheels.

Representing a vegetable growing electorate as I do, I find that sometimes out of gratitude my constituents leave for me very large quantities of caulies, cucumbers and so on. Out of politeness I might take one and usually end up donating the rest to Meals on Wheels. It gives me cause to think about that practice and the impact the bill has on those sort of things. Meals on Wheels is not the only organisation that relies on donations: various food bank schemes and others do also. There are laws governing food that has been exposed in one sense or another, but nevertheless there are donations of food that is transported, stored and so on and there are implications in that regard.

I will concentrate on some issues raised by the child-care sector. I have received correspondence, as has my colleague the member for Elizabeth, from one sector of the child-care industry, that is, the Association of Child-Care Centres. I dare say it has had input to the government regarding some of its concerns. That association represents 34 privately owned and operated long day care centres in South Australia, both city and rural centres, and in the main they employ cooks to provide for children's meal times, although some do outsource the cooked meal component of lunches. Most provide morning teas, a cooked prepared lunch and an afternoon tea. I am referring to correspondence they have sent to me, so I am either directly quoting or paraphrasing what has been said.

Standards are applied through the mechanisms of their licensing, regulation, accreditation and inspection. They say they are already achieving high standards of health, nutrition and safety in all aspects of their services, not simply food areas. I will outline some of their concerns for the benefit of members and in order to raise discussion and issues that need to be further explored. I hope to represent them correctly and will quote from the President and Clerk's letter to me.

The association points out that it is bound by a set of accreditation principles on nutrition, health and safety practices. It covers things like foods and drinks having to meet children's daily nutritional requirements, and being culturally appropriate; meal times promoting healthy nutritional habits; food being prepared and stored hygienically; and other things to do with hygiene rules regarding the people involved and the environment in which the food is delivered. In addition, it comes under a set of regulations under the licensing and standards department of the Department of Education, Training and Employment. Regulations 40, 46 and 69 relate to kitchen facilities, the equipment,

vermin practices and so on, as well as menus in terms of what is provided. I am sure the association would like me to stress that, as it says in its submission, it supports the principles of food safety standards and agrees that the safety, health and well-being of children is its highest priority.

I turn now to the association's concerns. First, it has a concern about its high risk rating. It says, 'We do not support the priority rating of child care in the high risk category.' Its point of view is that the association is bound by existing accreditation and regulation. Statistics on food poisoning cases available do not support that categorisation. The association argues that children and the elderly are more at risk when they dine in other places than they are in their centres. Food poisoning statistics within their centres do not warrant it. I might stress that I am trying to give an accurate representation of the association's submission to me. The association is lobbying for a medium risk category.

The second complaint with the direction of this bill is the time frame. The association does not support the time frame imposed on child care which arises out of that high risk rating. It points to a difficult financial situation, with marginal profits in some centres, and it says that the additional financial burdens will have an impact and would need to be passed on to parents—and we all know that child-care fees are rather high—and that would reduce the affordability for families. The association is lobbying for the same introduction time frame as that imposed on restaurants and the like in the medium category.

The next complaint is the $25 000 turnover exceptions and it does not support those. The association says that the standards should be applied to all services. It argues that kindergartens, preschools, schools, school care programs, occasional care services, creches, family day-care and other services that prepare or provide food for children should all be treated the same. Its point of view is that its sector is more heavily licensed than those other categories of children's services and that that is unfair. So, it is lobbying for all the services to be covered in the same way under the standards. It has a complaint about the exemptions for home based child-care services and does not support those for much the same reasons. What the association says is that those services, regardless of the dollar figure of turnover or the fact that they are in a home, provide child-care services without the accreditation standards that it believes it is put under. So, the association wants all children's services to be treated in the same way under the Food Bill.

The association has a complaint about inspections. It is concerned for the equity and cost of the inspections. It says that standards may be open to interpretation, particularly where there is reference to reasonable, practicable, or adequate demonstration. So it would be lobbying for an equitable method of compliance—that is what it is asking for and we can expand a bit more on those issues in committee. It does mention the time frames of implementation for this bill and points out that its businesses are dealing with a number of issues at the moment, such as the GST and changes to the way child-care funding is arranged, and it points to the gap between categorisation of being a high risk or a medium risk of some two years, which it regards as unacceptable.

There is complaint about the fines and dispute resolution process. They say:

> We are concerned with the high level of fines and that there are no clearly defined mechanisms for dispute resolution.

They want 'impartial, neutral dispute mechanisms'; they have a complaint about confidentiality provisions; they want reinstatement of a confidentiality clause; and they are keen to point out that they are concerned for the ongoing health of children. There is a general concern that, if the requirements on their business in terms of compliance with the food bill becomes too onerous in a financial sense, then there will be a push by some businesses not to offer food to children and that this will have an impact on the food that children get at centres. There are, of course, other issues to do with the safety of food that is packed for children by their parents.

I raise all those issues because they are significant in number. I do not want to debate them at this point in time but I raise them to assist the debate because a lot of the issues that this sector raises apply to other sectors as well and, when you start considering some of these issues, a fair number of questions arise. As my colleague said, we support the introduction of a food bill and it is now over to the debate on the detail. There are very many questions that arise, and I hope I have given an indication of some of those areas to assist the advisers in preparing responses.

Ms HURLEY (Deputy Leader of the Opposition): This is a subject which is dear to my heart because, as a medical scientist, I spent many years looking down a microscope or examining Petri dishes as a consequence of poor food safety. It entertained me and interested me a great deal but, nevertheless, I would not like to see people with food poisoning just because of the interesting consequences for medical scientists. Tonight, I wish to speak more from the point of view of primary industries and primary production and the consequences of this bill for those groups.

Primary industries are exempt under the definition, so primary production is exempt. However, there are a number of people who sell from the farm or from the boat and they may be caught up in some of the consequences of this bill, although those very small businesses under $25 000 will not be affected. However, there is also a trend and desire by many in primary industries to value add to their product and do more production and processing on or near the farm. So, it is a matter of great consequence, I think, for the future of the industry.

People involved in primary industries are perhaps a bit ahead of the game in looking at food safety. In many cases they are very aware of the necessity to ensure quality control right through from production to sale—the so-called paddock to plate process. Many industries have already started this process of quality assurance and food safety as part of that. Certainly, the larger industries are doing so, and particularly those who are involved in export. It is an essential part of exporting these days.

So, those involved in primary industry are by no means resisting the introduction of this Food Bill. For many it will not be much of a problem at all, but probably for most involved in some sort of processing for value adding it is a matter of concern. That is mainly on the ground of the cost of complying with the regulations and, for that reason, I think it is very important that we have the phasing-in period outlined in the legislation, and time for those smaller businesses to adjust to the requirements of the legislation.

It is also very important that there be at least guidance and, hopefully, some funding from the two tiers of government, local and state, to assist people to comply with the industry requirements. I believe that it is very important to provide safe food controls to protect public health and safety.

Generally speaking, in the primary industries area it is a low-risk production, although there are certainly some high-risk areas.

I think the government will find that those people involved in primary industries are very keen to ensure that they do comply but are looking to some guidance, support and funding to enable them to do so.

Mr McEWEN (Gordon): What we have in front of us tonight is one of those enormous gaps between theory and practice. While it seems to be a good idea, with some great concepts about national structures and everything else, when you actually drill down and try to make it work you find there is so much that is totally unanswered. I must say that in the briefings I had—and I am thankful to the minister and the staff who made themselves available to me and to the member for Chaffey—we seem to have ended up with more questions than answers on a number of fronts.

One of the difficulties I have is understanding the chain and the entry points, and then accepting that there are no gaps so that there are no QA problems along the way. I am far from convinced, in terms of some of the transport issues. The original notice put out by the Department of Human Services talked about better storage and handling. Transport was not in there. I understand that in some of the consultation processes the transport industry was invited to contribute, but I have not seen what they said.

We asked who was involved in the consultation process and were given a list of the people who were invited, not the people who attended. So, I have some difficulties with the transport side of it. I also have some difficulties at the front end in terms of primary production and where you actually enter the requirements under the new legislation, particularly packing houses. Again, I do not believe that we have been given satisfactory answers in terms of why suddenly, if you pack for someone else as well as for yourself, you actually come in differently.

I am not confident at this stage that we have been given the answers, and I am not confident that consultation has actually worked. Certainly, the offer to consult has been there, but I am not confident that people have understood the full implications of the bill and have actually accepted the opportunity to contribute. The early document that was circulated, the proposed new food laws, talked about South Australia moving ahead of the national timetable and introducing tough penalties for breaches of the law. It is one thing to move ahead of the national timetable: it is quite another actually to move ahead of your own logistics to put into practice the things that you are talking about. That is where I see one of the major problems—we have not moved ahead of the logistics. It talks about major provisions requiring non-retail business to implement a formal food recall system, for all food businesses, and it goes on to talk about notifying relevant councils, etc.

Again, I ask the question: how well has local government been involved? More particularly, have the first order issues in relation to state/local government relations been worked through? When I asked the appropriate minister that question, I was told that she did not know because she was not in the loop. Again, if you have signed off in terms of some fundamental principles about the way state and local government interface in terms of one accepting a whole lot of responsibilities because of the legislation of the other, you need to do it differently to the way it has been done. Again, the answer I got was, 'That is the detail and we will sort it out later.'

There are such significant resources implications that, to my mind, it would be better to have worked through more of those issues as part of introducing the legislation. Instead of trying to get ahead of the national agenda, we should have spent more time coming to grips with some of the implementation issues. Quite frankly, there will be major difficulties in actually putting this bill into effect on the ground, because nobody has worked through the resourcing implications in a thorough enough manner. Again, in committee I will try to explore how the damned thing is supposed to work and who is supposed to pay for it.

However, it does beg the question: why have we got this far without sorting through some of these inter-government relationship issues? I see problems within local government dealing with this. Either it will need to build some Chinese walls or it will need to find new subsidiaries or some other way to impose responsibilities under the legislation. Again, I need to explore with the minister how that will work. However, we did similar things in the building area when we decided that we needed to have more deregulation and other ways of auditing and so on.

One of the fundamental reasons why it failed early on and ramifications started to appear further down the track was that the resources were not there to achieve the desired outcome. The people were not trained to be able to pick up the new independent private enterprise roles created. No-one had asked whether the skilled manpower was in place to make it work. Instead of moving forward, it moved back, and we had to come in and do a whole lot of patch up work. It is important early on to quantify the resource implications—the human resource skill requirements—to see that this thing will work.

The registration notification debate has been interesting, as has the renotification debate which was raised within the notification debate. I will need to explore in committee at some length how this thing is supposed to work and how the responsibilities for renotification will work if things change. I am not convinced that it is quite right. Again, we need to explore what the minister has in his mind; how it is supposed to work; under what circumstances you need to renotify; what happens if you do not; and who checks up on that, and so on. Again, we have some problems there.

The technocrats love taking this theory and melding it into something that they think works. However, someone else has to take that and put rubber on the road. That is where the major gaps occur. If there has been a lack of consultation and a lack of use of the arrangements we have on inter-government relations, we will not be creating the goodwill and the mechanisms to make the darned thing work. There is a big gap between the theory and the practice in that regard.

So many different ministers are involved in this matter, and we talked to the Minister for Primary Industries about this in terms of whether he is satisfied that those constituents that he represents have been properly embraced. He says to us, 'You go and get a list and see for yourself.' In other words, he has not even bothered to engage himself in the debate, either. As I said, we asked the same question of the Minister for Local Government and, again, received a confused answer.

All I am saying is that, at this stage, I think there is such a gap between theory and practice that a lot of work needs to be done. I am not even convinced that amending the bill at this stage will achieve those objectives because some issues are beyond that. I would have preferred to work backwards from some clear understandings about how it would work rather than try to lead the nation in terms of a theory based

approach. I guess that a lot of it will come out when we drill down a bit further in committee.

The Hon. DEAN BROWN (Minister for Human Services): I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

Mr HAMILTON-SMITH (Waite): I support the bill but indicate some concerns with respect to the minutiae and practical implementation of the bill which, I hope, we will be able to clarify tonight during committee. I commend the opposition spokesperson on education (the member for Taylor) for her contribution in respect of the impact that this bill may have on children's services. I note the points made by the member for Gordon in regard to the practical implementation of some of the provisions contained in the bill.

I remind the House that, prior to entering this place, I had an involvement in children's services through the running of a network of private child-care centres. I was a private employer. That is no longer the case. I am no longer involved in that industry. I have no financial interest in it, and I declare that to the House. That interest is past. However, I do have an extensive knowledge of the practical aspects of how this industry works, having been president of a state association and national secretary of the industry body for some years.

I should say that many people involved in the children's services industry will perceive this new legislation as another level of red tape with which they must comply—a very necessary imposition in that nothing can be more important than ensuring that children and people of all ages are protected from the dangers of being served food which may make them ill or which is prepared in unhygienic circumstances.

That is a very real concern, and I commend the minister for taking this initiative in attempting to make things better in the state. However, there is this practical issue of how we make it work on the ground for small business people and for small enterprises. While large hotels and people who produce meals in large quantities may have no problem complying with this—they will have the training, employment and industrial relations arrangements in place to facilitate the passage of the implementation of this legislation into their daily business—small businesses may not, and there will be costs.

Staff will need to be trained and cooks and other assistant cooking staff may need to receive extra instruction, which will come at a cost. There may be implications in this bill in respect of how kitchens are equipped—they may require the purchase of new equipment—and we must be very careful that those impositions are not excessive or unreasonable. We must remember that a child-care centre, a kindergarten or an aged-care service may be a very small, almost homely type environment. There is no need for industrial standard equipment, etc., or industrial standard procedures for any of these almost home-based enterprises.

We need to be sensible about the impositions we put on people. Otherwise, we will simply drive them out of business. I will be looking very carefully in committee at any potential imposition, because I make the point to the House that the real devil is not in the legislation but in the regulations that will follow. I make the point also that some regulations will flow from this legislation that will empower officials to go into businesses and put people through hoops that may lead to their going out of business. Not only that, those hoops follow the other obstacles these businesses have had to jump.

With reference to the point made by the member for Taylor in relation to the child-care industry, they must already comply with a very exhaustive national accreditation scheme, driven by federal officers and implemented at the ground level, which specifically addresses food preparation, hygiene and nutrition in great detail. Having already complied with the federal legislation and federal bureaucratic obstacle, and satisfied it that nutrition, food and hygiene is in good order in that child-care centre (or kindergarten), the small business (or the kindergarten) concerned, whether it is government or private, may then find itself in the position of having to go over all that again with new officials who are responsible for the implementation of this act. Not only that, but the child-care regulations also require certain performance standards of child-care centres in respect of food and hygiene. That involves a separate level of state government officials, who then repeat, if you like, what has already been covered by the federal officials through the accreditation process. So, there are two levels of bureaucracy.

My concern with this act is that a third group of officials will visit the small child-care centre requiring it to re-prove the points that it has already established—safe, hygienic and in good order as a consequence of the earlier hoops it has have had to jump through. We need to look very closely at this and ask ourselves: will this cause business any pain? Will it cause it any anguish, any new administration burden or any new costs? If that is the case, from the small business or small enterprise point of view, even if it is a government owned and operated service, they may well find themselves puffing steam out of their ear and saying, 'Heavens, here we go again! Yet another set of people want us to prove that we are preparing food in a hygienic manner in accordance with safe and proper processes.'

I hope that we can incorporate in this legislation, and the regulations that follow, some form of short cut empowering centres to say, 'We have already established that, through the national accreditation process and compliance with the regulations for child care, we have met the hygiene standard for food preparation. Can't you please accept that as proof that we have met the standard and not make us do it all again?' I will be looking for that as we work our way through the bill in committee. We in this place need to remember that people out there have to deal with these various red tape obstacles. We have to be careful that the various levels of government—federal, state and local—do not repeat themselves and cause these people enormous grief.

I will be raising questions in committee in relation to the point made by the member for Taylor: we need to ensure that we do not unfairly punish private small business, as distinct from government enterprises, for example, a private child-care centre as distinct from a government kindergarten that may have the resources of a government and a department behind it to help it to comply by the availability of training courses, paid attendance, and so on. We have to ensure that there is a level playing field and, similarly, that family day care, being a home-based industry, is not exempted from having to comply so that it can keep its costs down and undercut its competitor—the child-care centre or the kindergarten. These services are all very similar and provide similar services in slightly different ways, and we need to ensure that we do not inadvertently favour or advantage one group over the other by our process of exemptions and compliance requirements.

We need to be very careful that, in adding this new level of compliance to small businesses (such as child-care centres), we do not have the unintended consequence of compelling them to say to parents, 'We cannot afford to comply with this new level of red tape. For heavens sake, bring the food along yourselves now because it is the only way we can exempt ourselves from having to comply.'

The unintended consequence is that the standard and quality of food served to children slips down below the very high standard it is at the moment, into a cut lunch or peanut butter sandwich from home situation, so there are no hot food or sweets and none of the high nutritional value that they are getting at the moment. Problems can arise if one child gets a very fancy, flash lunch from mum and another child turns up with something less salubrious, with one child getting a different quality of food from another. At the moment, child-care centres serve wonderful food to children and it is served equally, so everyone gets a fair share.

What has happened in Queensland, virtually, is that parents bring food along to child-care centres and the centres do not prepare food. That is done partly to escape the need for compliance. In South Australia, the standard has evolved differently. Most child-care centres in this state prepare beautiful food for children in accordance with the accreditation process and the child-care regulations, and we are already meeting the standard.

The member for Taylor was quite right when she pointed out that the incidence of problems of disease or illness as a consequence of poor food preparation in child-care centres is very low. I imagine that there are very few statistics that would establish that those sorts of services are in the high-risk category. I would think that there is a strong argument to drop them down into the middle level of risk, at least. I think the statistics would prove that to be so, and I will be interested in that issue as we go through the bill.

I also have some concerns about the way in which this might impact on Meals on Wheels. In my electorate, I have Mitcham Meals on Wheels and also Unley Meals on Wheels, with which I have a close relationship. I am sure the minister will be able to allay any concerns that members might have in relation to that. Other speakers in this debate have mentioned aged care, which functions in a similar way to child care.

The Hon. Dean Brown: It is accredited.

Mr HAMILTON-SMITH: Yes, it is accredited and it must comply with certain licensing constraints, but we should not just add another layer of bureaucracy on top of these poor people who are trying to care for the aged and for children as cheaply and as simply as they can, keeping their costs down so it is affordable. We must not burden them with something that is unrealistic.

In concluding, I emphasise again that it is not the bill that I am worried about: it is the regulations to follow that we will have to watch. They will be put on the table of this House for 28 days and if not objected to they will just come into being. That is what will crucify some small businesses and empower officials at the local government level to come in over the top of people from the state and federal levels and create new challenges and obstacles with which businesses have to comply.

I look forward to the committee stage. As I said, this is a great initiative and I commend the minister and the government for putting it forward. It will make South Australia a safer place in which to eat, but we need to pay attention to some issues.

Mrs MAYWALD (Chaffey): I concur with a lot of the concerns that have been raised by other members and I put on the record my concern that the devil is usually in the detail. It is all very well for broad framework legislation to be brought in and the work on the detail to be done at a later date, but in recent times the general public has had cause for concern at that approach.

A couple of recent examples are the GST and the national electricity market, two very broad, big changes in the way in which the public has to deal with essential taxation and essential services. They have seen the devil in the detail, and it has impacted on their businesses and their livelihoods very negatively. I think we need to be very much aware of the fact that the devil will be in the detail. We need to flesh out a lot of the issues with the minister in committee, and I look forward to hearing the minister's explanations. I think the time of the day has come when we should move into committee.

The Hon. DEAN BROWN (Minister for Human Services): I appreciate the contributions of members on this bill. I understand: it is a massive change because, for the first time, food law effectively is being dealt with at a national level. I will deal with that issue first. It is absolutely crucial that Australia realises that food does not stop at the boundary of a state or territory. The majority of our major food manufacturers are now national companies and their products go throughout the whole of Australia.

We have had a series of different requirements between the states relating to manufacture and a different set of standards under a range of different pieces of legislation. The Prime Minister called for a national inquiry and investigation, and it was decided that all of these different pieces of legislation which covered and set standards for food should, first, be brought together under an intergovernmental agreement between the states and territories and the federal government and that, secondly, as far as possible, there should be uniformity around Australia, particularly in respect of any food likely to be transported across boundaries.

I think it is important that, first, members understand what has driven this. I highlight this point, because I think it is appropriate to comment upon it. The member for Elizabeth commented on the time this has taken. First, let me defend the former minister for health because he covered all the points raised in the Coroner's recommendations, including amendments to the meat hygiene legislation. So, the legislative changes to which the Coroner referred were put into effect. However, it was also because of Garibaldi that South Australia took the bold step of saying that it was time that we had a national standard for food and food hygiene.

I was the premier at the time and I was involved in a number of discussions about Garibaldi. One of the problems was that meat was coming into South Australia from interstate and we had limited knowledge, understanding and control over even checking whether the infection was in that meat. I recall a meeting that I attended on one Saturday morning for about three hours. At that stage, it was thought that the potential source of the contamination may have been on meat coming to Garibaldi from interstate. That highlighted to me more than ever the extent to which the food laws of the Australian states and territories and the federal government were completely out of touch.

It was then that the former minister for health took the initiative and said that it was time that we had national legislation. I took the matter up with the Prime Minister at

that time, and I told him that there needed to be uniform food laws around Australia. The review of all the Australian food laws, not just in relation to the food hygiene act but a number of other acts, and putting down a broad concept about how to achieve that, and having reached this stage within the time frame, has meant that many people have worked extremely hard indeed.

The point has been raised about the level of consultation in South Australia. This piece of legislation has been part of an evolving process that has been going on for a number of years. Back in 1999, two years ago, through the department, I engaged one of the best food consultants that we could find in South Australia. He had had considerable experience in Europe. European food standards are significantly higher than ours and they are uniform across Europe.

He had come out of the field where he had operated in Europe, and he understood the industry. Together with the specialists (and some very good specialists) in our own Department of Human Services, they began the consultation process on the broad principles. In fact, at that stage, I sat down with the President and some of the staff of the LGA, we agreed to a consultation process, and I was delighted at the extent to which that consultation took place in both the metropolitan area and country areas around South Australia.

Ms Stevens interjecting:

The Hon. DEAN BROWN: I am just highlighting the point that David Young went out with the relevant local government authorities that arranged these meetings throughout the state, and quite significant numbers of people came along and talked about the general principles. At that stage, there was not specific legislation, but there was a framework, and the framework, basically, was very similar to what we are dealing with in this specific legislation. So, that framework was widely debated and discussed at the time.

Representatives of some of the organisations that have been mentioned in the House tonight in fact sat down with me at the time and specifically said, 'We are in favour of what you are doing and we would like to be part of preparing the food plans and part of the education within our industry.' In fact, I understand that some of them have been doing that. I indicated at the time (this is two years ago) that we would be preparing what one would call draft plans for an industry. For instance, in the hotel industry, hotel kitchens are all relatively similar, and we would prepare some draft food hygiene plans for hotels; we would prepare them for sandwich bars; and we would work with the industry associations to do this so that those plans could then be adopted, if you like, as template plans within those industries. That was two years ago, and the representatives indicated at the time that they supported that course. The federal food authority, ANZFA (Australia New Zealand Food Authority), has undertaken some preliminary work looking at what might go into template food plans nationally. It certainly has a lot more work to do but it has already started some of that work.

The next thing to appreciate is that what we are dealing with here is new food safety standards on a uniform basis. But there are various components of that. I ask honourable members to listen very intently, because I think a number of the comments tonight clearly indicate (and I do not blame them, because it is a very complex thing: I have sat in ministerial meeting after ministerial meeting and worked with my own department on this) that there is a lot of misunderstanding about what is being adopted here.

Basically, four different components are being adopted. The first is the interpretation application; that is a general thing. The second component is the food safety practices in general, and that is standard 3.2.2. The third area is the food premises and equipment, which is standard 3.2.3. I highlight that they are already adopted in the food standards code within Australia. So, they are there already, and they have been in operation since last year. Some have a period before you have to comply with them, and they are very general.

For instance, the member for Gordon raised the point about food transport vehicles, and I will read out to the House what the standards say about that issue. Whereas there is a fear that this is extremely prescriptive, I ask members to listen to what the standards state with respect to food transport vehicles, as follows:

17.1 Vehicles used to transport food must be designed and constructed to protect food if there is a likelihood of food being contaminated during transport.

17.2 Parts of vehicles used to transport food must be designed and constructed so that they are able to be effectively cleaned.

17.3 Food contact services in parts of vehicles used to transport food must be designed and constructed to be effectively cleaned and, if necessary, sanitised.

That is all it says about food transport vehicles. So, they are very general standards that provide that you must comply with what are reasonably accepted sorts of standards governing the construction of these vehicles. They must be able to be cleaned and must not be constructed in such a way that would allow contamination. In other words, you cannot have diesel fumes coming through the food in the vehicle. There are other issues regarding temperature and matters such as that, but that is all it says about food transport vehicles.

I can tell members that any vehicle out there that is at all worthy of transporting food is complying with those standards at present, so it is not as if suddenly a whole new area is being introduced. I stress the point that the food safety practices in general and the food premises and equipment standards are already in the food standards code. So, the fear that something mysterious was coming through which people did not understand or which would impose a whole new cost on them is not at all founded.

There is one other area over and above that, which is covered in section 3(2)(1), and that is the food safety program standards. I stress that that is another part. That is the part on which most of the comment has been passed tonight. I have been accused of not listening to the consultation. A very clear message came through in the consultation, and that was that we want to adopt this with the rest of Australia. So, we have given an undertaking that we will not go ahead sooner than the rest of Australia, and we will adopt it.

Ms Stevens interjecting:

The Hon. DEAN BROWN: I am glad you said that, because earlier the member for Elizabeth accused me of being very slow in adopting the standards. On the one hand she said that I had not listened to the consultation and she also said that I was slow in adopting the standards, but in fact I have listened to the consultation, and the consultation was that they wanted this done uniformly across Australia at the same time.

I come back to the point that I have been accused of not being able to put down all the final detail for the implementation of the food safety program standards. That is the part which is likely to be adopted nationally next year, because its implementation is still being worked through. I point out therefore that, if we are to have a national standard and if I am to listen and do as I was asked in the consultations, it is impossible for me to spell out all that detail at this stage. The

whole point of this is that that is the part that is not yet operating and is not likely to operate until next year.

When it does come into effect, probably next year—and that is our anticipation—high risk business will have two years to adopt; medium risk business, four years; and low risk business, six years. So, from next year on, you will have up to six years before you have to adopt those food safety program standards.

Ms Stevens: But the penalties apply.

The Hon. DEAN BROWN: I am coming to the general penalties. One of the issues on which I have been criticised is that I am exempting from this legislation any small business under $25 000, community welfare organisations and charities. The fact is that we are not exempting them from the legislation at all. Standard 3.2.2 applies to all of them. The standard 3.2.3 and the penalties apply to them all. The area where I have said there will be an exemption is not across the whole act but only in terms of 3.2.1, the section that will come into effect probably next year, with between two to six years to put it into effect. That is the section that relates to things such as having a food plan, training your staff and auditing. I will come to that in more detail.

It is not as though we are saying, 'Here is a section of the food industry that is allowed to get away with anything, where penalties will not apply and where they can have unsatisfactory standards.' That is not the case at all. From the comments that have been made in the House tonight and a lot of other comments in the media generally, I think there is a lack of understanding that effectively there are blocks of this legislation and that the principles of the legislation apply to everyone, but there is a certain block yet to be finalised and yet to come into operation which will not apply to some. I will come to the reasons why we have given the exemptions for it. Frankly, common sense prevails. If anyone wants to disagree with me on that I invite them to move an amendment. If you wish to grab and impose the 3.2.1 and argue the case that there should be no exemptions from that at all, move the amendment in this House and I will be happy to deal with that, because you would be crucified out in business for being unrealistic.

Ms Stevens interjecting:

The Hon. DEAN BROWN: That is why I am highlighting it. I will go through a number of other issues that have been raised. Here we are bringing meat hygiene legislation and a range of other pieces of legislation into the food safety standards. I will deal with exemptions at this stage. The exemptions apply only to 3.2.1, the food safety program standards.

Under those standards there are basically three steps that a food business would have to take. They would have to have a food plan, which I see as a generic plan for that type of business. I am expecting the Small Retailers Association to put together a generic food plan for the corner delis, the small sandwich bars, and so on. I am expecting the Australian Hotels Association to put together a generic food plan for the hotels, the transport companies to do it for its industry, the citrus packers to do it for the 42 or 43 citrus packers in South Australia, and so on through the various industry associations.

I have already talked three times to the apiarists and honey processors. That is a classic industry where they have been concerned and asked me and my officers to come along. They have had two sessions with my officers as well, talking about the sort of things—

Ms Stevens interjecting:

The Hon. DEAN BROWN: Part of it is processors, and the processors will be caught. They have been aware of this and have wanted to be a part of it. The issue here is that in terms of the food plans there will not be a cost of $2 000 or $3 000 if an industry association has done it. Even if it has not done one, they will be able to go and buy a plan because the state government is proposing to work with industry associations. We have allocated a significant amount of money for two years to do this and to develop generic plans for different types of businesses.

We are also looking at doing that nationally. So, we are likely to end up with a joint state and federal government program to help, in company with industry associations, to develop these generic plans and put them into effect so that there will not be high up-front costs. I know that in Victoria, where this has already been done, it was not done very effectively up-front, but we are planning to do it and we have allowed the time to do it. That is partly what the two years, the four years and the six years is for. So there is plenty of time. It is not as if this will have to be done by the end of this year or next year. There is plenty of time to do it.

The second part is staff training. This does not mean that staff have to be suddenly sent off to obtain a Bachelor of Food Technology degree. Sure, if you are a major food manufacturer, you will have your food technologist present. However, what we are talking about is the average small business—hotel, sandwich deli, transport company or whatever—spending some time with the staff to make sure that they understand the basic principles of food hygiene. Those principles are there now and many of the companies are starting to do that already. The broad principles are there—wash your hands, have clean clothes, wear appropriate headgear and make sure that you wear a glove if necessary, and things like that, and understand what those broad principles are. All we are asking is that staff understand what food hygiene is about and where the risks are likely to be, and to ensure that they implement those things.

The third part or, if you like, the fourth arm of the Food Safety Program Standards, which is yet to be finalised, is auditing. We are saying that a high risk business will have to be audited twice a year; a medium or low-risk business will need to be audited once a year. Regarding the auditing process, the regulations will state the qualifications that an appropriately qualified person should have and, effectively, this will be the same sort of training as for a public environmental health officer at present, or a similar standard. There are plenty of those people around, although I think we are going to have to train more in the future. That is one reason why we have allowed up to six years before that is implemented—so that there is time to train additional people. A suitably qualified person would come in and check: 'Do you have a food plan? Are you putting that food plan into place? Do you have your staff trained? And are the other standards (the food safety practices in general, that is, standard 3.2.2 and standard 3.2.3, food premises and equipment) being adhered to?' The local councils are already required to administer standards 3.2.2 and 3.2.3.

Ms Stevens interjecting:

The Hon. DEAN BROWN: When the honourable member says that it is variable, amongst the bigger councils the standards of implementation, I think, are fairly uniform. Amongst some of the smaller councils in country areas I suspect there is a greater variation. We know that there is a variation, particularly in very small councils. In terms of the actual auditing process, I want to keep the costs down as low

as possible. I believe that for a standard small deli, hotel or something like that, it is about one hour's work and, as I said to the Australian Hotels Association (and the member for Elizabeth read out the letter that it had written to her on that), I estimate the cost to be around $80, or it might be $100, but somewhere in that range. I do not see the audit for that being $1000 or $2000.

Mr Clarke interjecting:

The Hon. DEAN BROWN: I will come to that in a moment, but that is part of what I want to do in terms of working through the implementation with the Local Government Association. I will talk about that in a moment. Certainly, I see the costs as minimal—and we want that, because the last thing we want is to have such a high cost that people try to avoid the legislation to start with. But, secondly, if, in fact, this is done properly, there should not be too many problems. I imagine the worst problem that some of these businesses might face is that, if they do not have a food plan or are not properly implementing it, the auditor might say, 'I am coming back in six months' time to recheck' and a condition is put down that if there needs to be a recheck, they might be up for another $80 fee. I think that is reasonable. That is what we want. At present, invariably, that sort of thing does not occur. This is where you will start to get an improvement because, in fact, if they do not pass the audit, then they will have to come back and have another go.

If it is a high risk business, that will be done every six months, at any rate. A high risk business might be, say, the processing of seafood or the processing of meat. They are high risk businesses where, potentially, if the standards break down, first, there can be very quick contamination and, secondly, because of the nature of the business, this is likely to be spread very widely and there will be the sort of problems that occurred with Garibaldi.

Mr Clarke: Is the auditor required to automatically tell the proper health authorities if they miss—

The Hon. DEAN BROWN: We have thought this through and I will touch on that in a moment in terms of how I see it operating with local government. But, remember, we are still dealing with the final section of food standards that are not yet finalised nationally and are not due to be implemented until probably next year.

I then come to a number of the points that were raised in the letter that has been sent to members by the Local Government Association. First, I go back to the fact that in 1999 the Local Government Association and the Department of Human Services did the broad consultation around South Australia on this and talked about the implementation of it. So, already, there has been a large number of local government bodies consulted. In fact, I would go so far as to say that most councils came to and were part of the consultations back in 1999, and it was a joint effort.

In March of this year I met with the Local Government Association president, Mr Brian Hurn, and the executive officer and several of the other officers. They raised their concern about some of the implementation issues. They also raised concern about the lack of consultation still in finalising not the food safety standards that I have already talked about that are in effect but the food safety program standards, which is the one yet to be adopted nationally next year.

First, there is still consultation going on with regard to those, nationally and state-wide, and there is a lot of detail yet to be finalised. But, remember, we are bringing in legislation not just for that part: we are bringing in and operating legislation for a much broader area that is already in effect and operating. So in saying, 'We have the legislation but you have not finished the consultation process,' that is fair and reasonable because that part of it is not yet to be implemented. But it is important that we bring in the legislation and get the uniform legislation as required by the inter-governmental agreement for those parts that are already operating. The quicker we do that, the better it will be for Australia, so that a food company knows that whatever it does in one state will apply across Australia.

I specifically asked the Local Government Association if we could set up an implementation working group to work through these details. Remember—and, again I stress the point—that the framework for 2.1 will not be finalised until next year. Let us work through the implementation so that by the time it is finalised we will have dealt with many of the issues that they have concerns about. Those issues included, for instance, whether there should be a standard fee and whether there should be a fee for a private auditor.

First, what does the private auditor need to do? In my view, the private auditor would notify a central authority that this particular food business had passed the audit or failed the audit and, therefore, what action they are taking because it failed the audit. But the full report need not be passed on although it would need to be held by the private auditor, so that if you ever needed to refer back you have the record there.

There would be a small fee. As the private auditor launched a final report saying that this business has now passed the audit, there would be a small fee that would be passed on to local government for keeping the register for that area. In relation to those sorts of details, although I will not go into all of them now, I have recommended a bipartisan working party be set up and that we work through that with local government. I spoke to the President of the Local Government Association again tonight because I was concerned that I had not received the nominations for that working party that I had hoped to get going several weeks ago.

He has indicated that they will get those names to me as a matter of urgency so that we can get that working party going on the implementation. It will probably take three or four months, perhaps even longer if new issues still come out of the finalisation of the food safety program standards as we work on those nationally at the same time. This is an area in which we may not be able to finalise the implementation detail until it is finalised nationally. That is logical, and I am sure that everyone here would agree that the last thing we want to do is to finalise something and then find that it changes nationally.

Unfortunately, most of the debate has centred on the area that has not yet been finalised and is not due to be implemented, whereas the part that is already in there and operating has operated so smoothly and been so widely accepted that no one seems to be arguing about that at all, yet they are the three big chunks of the legislation. Someone asked me at the meal table tonight: 'Is it true that you're going to need foot-pedalled taps in every bed and breakfast place in South Australia?'

I can assure members that that is not part of the standard at all and there is nothing remotely like that in the standard, yet this is part of the folklore that seems to have built up around the whole of Australia and created a quite unnecessary fear, because there is nothing like that there at all. I have heard other people talking about other sorts of things with which they have come to me, and I have been able to reassure

them that it is no more than folklore, which has absolutely no basis. I want to assure local government—because particularly in that 3.2.1 they are a key party to that—that we want to work through that detail.

I then come to the next point which the member for Elizabeth raised but which was also raised by the Local Government Association, and that is: should there be notification or should there be registration? Victoria went for registration. Registration means that you have a big form that you have to fill out every year; you have to compete the detail of that form, send it in with a fee and cheque or money, and that will become a registration. My view is that that is bureaucratic on business, particularly as many of the food businesses are small businesses.

I do not believe that we ought to be imposing a new fee on them, and I do not believe we ought to be imposing on them a formal registration process which is bureaucratic and which has to be done every year, because, if you have registration, you have to have it for a fixed period and that means on an ongoing basis. What happens if you miss it next year and you are penalised for not doing it, and things like that?

Ms Stevens: Why have so many of the other states gone that way?

The Hon. DEAN BROWN: If you look at the other states, in Victoria that was one of the reasons why there was some backlash and why they thought that the implementation in Victoria was rather bureaucratic. I think the same thing has occurred in Tasmania. We have listened to some of the arguments and the consultation and tried to amend the measure to deal with those issues. I supported the proposal very strongly. I put it to cabinet, and it backed me up 100 per cent. We did that in terms of our national consultation, both through the Premier in his consultations with the heads of government and in my consultations with the ministerial food council. We insisted throughout that there should be notification, because it was a much simpler process. It is similar to the modern email: you simply notify your local government body that you are a food business operating within its boundaries, and that produces a record.

Mr Clarke: How do you pay for the enforcement of this new act?

The Hon. DEAN BROWN: With your audit fees at local government level. I will come to the matter of costing soon. I have argued for notification, not for registration with a fee. If members want to put up an amendment to that, I will argue that in committee. Small business has asked me to back notification rather than registration. Association after association has backed me up very strongly on that. I know local government did not, but it is not accountable out there. The government of the day that has to administer this legislation will get the stick if this is expensive and bureaucratic in its implementation.

Mr Clarke: Who will police it?

The Hon. DEAN BROWN: I will come to the matter of policing. Effectively, the overall policing is done by the state governments through their respective departments. In South Australia it will be the Department of Human Services. We have maintained the Health Commission as a specialist body which will operate in that area.

Mr Clarke: It will not cost local government anything?

The Hon. DEAN BROWN: I am coming to the matter of local government as well. The overall legislation is to be administered by the state government. Of course, we used to work in conjunction with ANZFA, but we now work with a new body at a national level as a result of this. There is a very important role for local government: we have recognised that throughout. That is why two years ago I invited local government to be part of the consultative program, which invitation it accepted.

Ms Stevens interjecting:

The Hon. DEAN BROWN: It has a very significant role with the state government. It has a particular role, because at present local governments inspect food premises. That will change under this process. Inspection of food premises could be carried out by local government or an auditor, or a private auditor who is suitably qualified and formally licensed. That will be done by way of regulation.

Ms Stevens interjecting:

The Hon. DEAN BROWN: By doing audits every year, all food businesses are effectively being inspected every year. That is a much more comprehensive cover than currently exists. At present, local government gets nothing at all for its food inspections—not one dollar, as it cannot charge. It obtains payment through its rates and taxes for those businesses. Under this measure, it will be able to charge that audit fee if it is doing the audit. If it is not doing the audit and there is a private auditor, it will get that smaller fee I suggested of $15 or $20—and we have not finalised that—which will be paid across to local government at least for the running of its computer records for notification and formally registering that an audit has been undertaken. In fact, local government will be better off under this measure, because for the first time it will be able to charge a fee—an appropriate fee but certainly not over the top—in terms of the work it is doing. I do not want to go into too much detail here. However, I see it as being the role of this working party to set what should be a standard fee for a small business for about an hour's work involving an audit.

So, we have some predicability and some uniformity across the state in terms of what those costs might be; whereas, at present, local government has no stream of income at all. For the first time it will have a stream of income that should effectively cover its costs in this area. I will not get down and say that it will cover every last dollar, but about $80 an hour will cover its costs in terms of the officers that it would have doing the auditing, and the $15 or $20 will cover the cost of notification.

I am expecting that we will help prepare, from the resources made available by the state government, a computer software system that can be adopted and used by local government. We will have a centralised system because I want this to be done very efficiently and, in the vast majority of cases, it will be done electronically into the department, from the department out to any local government body and electronically from the auditors, particularly the private auditors. Those are the details I want to work through. I again invite the Local Government Association to submit those names so that we can sit down and start working through that detail of implementation as quickly as possible.

I think that if members look at what I have said tonight they will see that the key areas of concern, as highlighted by the Local Government Association, are effectively answered, or are dealt with by the working party in working through the detail, and we have at least a year in which to do that. I just summarise the following points because they were raised: I support third party audit provided that people are appropriately trained. I think that was the problem in the building industry—that qualification was not there. However, in this

area we are expecting that qualification to be in place beforehand and they will have to be licensed.

There needs to be choice, and there is a good reason for that. A large food company or an association is likely to engage a private auditor to audit Woolworths or Coles. They will say, 'We will do all of our businesses'; or the Hotel Association will do all of its businesses; or a town in a more remote area, for example, Pinnaroo, might say, 'Well, we have 10 food businesses here. We are not in an association and we are not in a class: we are in a town and we will pay for a food auditor to audit all of the food businesses in Pinnaroo in one go.' Therefore you do not have 10 businesses having to pay for 10 people to travel from, say, Murray Bridge to audit businesses in Pinnaroo.

That is why just having it as a class is overly restricted and why there needs to be the flexibility for a choice because, basically, people with the same skills will be doing the auditing, whether it is private or through the local government body.

Mr Clarke: I hope that they will be better than the HIH auditors!

The Hon. DEAN BROWN: I have confidence in the qualifications and skills of the people involved in public and environmental health where they hold the appropriate qualifications. The next point relates to registration versus notification, and I think that I have already adequately dealt with that. The next point relates to local government's entire involvement being placed in regulations. As I said, we cannot finalise the regulations yet. We have to get the legislation through. We have to work on that—particularly standard 3.2.1—at a national level for some 12 months. We will then be able to finalise the regulations.

That partnership in developing the regulations can still clearly be achieved. I have dealt with resourcing, that is, the financing. I believe therefore that I have adequately answered the issues raised by the Local Government Association in the letter it has sent to members—in fact, I have answered quite fulsomely in terms of the details that it has requested. I know that many issues will be raised by members during committee.

I return to the exclusions because I promised earlier to do so. Exclusions have been debated at some length on a number of occasions by the Ministerial Food Council. First, it would be up to the individual state to set the exclusions, and it has been agreed that exclusions will deal with things that occur intrastate rather than things that are likely to occur across states, so exclusions are likely to be on very small businesses. We had put down as part of our consultation a food business with a gross turnover of less than $25 000. We are talking not about profit but about gross turnover that is less than $25 000. We are talking about the housewife or person who operates from home who might occasionally, such as five or 10 times a year, do a board luncheon for a company or a group of people where they operate from their own kitchen. No deli would have a gross turnover of $25 000. They would be lucky to have a profit margin of 5 per cent to 10 per cent, which would mean that they are living on an income of something like $2 500 to $5 000. That would not be feasible in terms of the standard small business. We are talking about the micro business that is a part-time business only and is orientated towards profit.

The second area is community welfare organisations. I am trying to think of examples.

Ms Stevens: The sausage sizzle.

The Hon. DEAN BROWN: The sausage sizzle is a classic case. At the end of a football match, the football club says, 'We will have a sausage sizzle,' and it invites people to come along; or, it might involve a charity such as Westcare, which puts on meals for people who have gone without food, because they work with volunteers. In other words, the people they have there this week are likely to be different from the people they have there next week.

A classic case is the RSL club in country towns, where there is a roster and each month a different person is on the roster. So, to go through the full food plan process and the training program, as well as the audit when people are changing every month because of a roster of volunteers, is absolutely impractical and would mean little. Although the rest of the legislation still applies to them (and I stress that once again because people seem to think that this legislation does not apply to those businesses), section 3.2.1 is the only part that does not apply to them, because they will not then have to—

Ms Stevens: If someone dies at the RSL lunch, they are liable.

The Hon. DEAN BROWN: Yes, they are liable.

Ms Stevens: They need to know that.

The Hon. DEAN BROWN: They are liable because there is a general obligation on them under the legislation, with penalties imposed because they have not maintained food hygiene standards. If, in fact, someone complained, there was an inspection and it was found that they had grossly unfit conditions in which they prepared food, they would still be liable and could be prosecuted. So, they are not being exempted and told that they can go off and adopt whatever standards they like. They are exempted only from the food plan, the training of the personnel and the audit. I stress again that standards 3.1.1, 3.2.2 and 3.2.3 still apply to them and this bill, if it becomes an act, will still apply to them.

I think that clarifies what has been a general impression that some people have had that all these people can go off and do what they like and kill whom they like through food poisoning and no action can be taken. That is not the case at all. Therefore, I think that members in the House will appreciate that we have tried to apply this in a very practical and pragmatic way, and there is good reason, which we have taken into account from the consultations over the last two years or more, why I have worked towards that standard.

I want to make one point. I have said at this stage that it is $25 000, and we are still looking at that, but it would be somewhere in that ballpark. I stress that is gross turnover. That will be done by way of regulation. It is inappropriate to put it in the legislation because we are dealing with nationally uniform legislation and there will be variations between the states in those areas.

I urge members to support this important legislation. Australia generally has very poor standards when it comes to food. Some of our food companies have some very high standards but the trouble is that any country, any state, is dragged down by the lowest, and a reputation develops. If a state has a Garibaldi affair, that spreads not just throughout Australia but around the world, and it affects food exports. How can Australia claim to be a major exporter of food and not maintain the sort of standards that people expect in Europe?

Europe and Japan adopt what are seen as some of the best standards in the world. I believe that, if we wish to export food to places like Europe, Japan and America, we need to be able to say that our food standards match up to theirs.

Equally, if we are trying to sell Australia as a tourism destination, tourists will not come here unless they are reasonably satisfied, and we all know various places in the world where we would not go as a tourist because we are likely to end up with some problems.

Ms White: Name them.

The Hon. DEAN BROWN: I have been to some of them and I ended up with some problems in one of them. I will not name them. It is important for national reasons that we lift our standards, that we have uniform standards, and that the food businesses themselves understand the importance of that and implement those recommendations. I urge the House to support the legislation.

Bill read a second time.

In committee.

Clause 1 passed.

Progress reported; committee to sit again.

ADJOURNMENT

At 10.59 p.m. the House adjourned until Thursday 17 May at 10.30 a.m.