HOUSE OF ASSEMBLY

Wednesday 30 May 2001

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

ADELAIDE PARKLANDS

A petition signed by 1 179 residents of South Australia, requesting that the House support the City of Adelaide (Adelaide Park Lands) Amendment Bill, was presented by the Hon. D.C. Kotz.

Petition received.

NOARLUNGA HOSPITAL

A petition signed by 720 residents of South Australia, requesting that the House urge the government to fund intensive care facilities at Noarlunga Hospital, was presented by Ms Thompson.

Petition received.

SOUTHLINK BUS ROUTE

A petition signed by 35 residents of South Australia, requesting that the House urge the government to extend the Southlink bus route to include Seeger Drive and Cooder Crescent, Morphett Vale, was presented by Ms Thompson.

Petition received.

ADELAIDE PARKLANDS

The Hon. D.C. KOTZ (Minister for Local Government): I seek leave to make a ministerial statement.

Leave granted.

The Hon. D.C. KOTZ: On 17 September 2000 the government released a consultation bill to seek public comments on the form and details of legislation proposed for the future protection of the Adelaide parklands. A total of 102 comments were received during the 12 weeks of consultation. Some 32 letters of support were received from members of the public whose primary interest was the continuing use of the parklands for sporting or recreational purposes. A total of 68 respondents opposed the introduction of the bill—in many cases on the basis of provisions which form part of existing law governing the management of the parklands by the Adelaide City Council.

It is unfortunate that the process of seeking public input was to some extent hijacked by a vocal minority who are more intent on political point scoring than in protecting the parklands. Candidates and members of opposition parties did their best to muddy the waters and misrepresent the bill's intent and mislead the public. This government has been the first to actually take steps—

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. KOTZ: —to legislatively identify—

Mr Foley interjecting:

The SPEAKER: Order, the member for Hart!

The Hon. D.C. KOTZ: —and protect the land that, consistent with Light's vision, is popularly known as the Adelaide parklands. We have been genuine in our attempts to include the views and aspirations of all South Australians who share our desire to maintain this unique heritage.

Throughout this process, the government has undertaken extensive consultation with the Adelaide City Council, and I wish to acknowledge the constructive and positive contributions made by the Lord Mayor, councillors and staff of the council. The government recognises the need for community support for any management regime that is implemented.

A vocal minority has gained the ear of the opposition, which has chosen to ignore the views of the majority of South Australians who support the government's aim to protect the Adelaide parklands. For example, a petition signed by 1 211 people requests that parliament preserve the Adelaide parklands for the community's sporting and recreational enjoyment of all South Australians and retain the ability to establish amenities and facilities which promote recreational enjoyment of the Adelaide parklands through the implementation of the measures contained in the government's City of Adelaide (Adelaide Parklands) Amendment Bill, and reject proposals that would seek to end the use of the Adelaide parklands for community events and sporting and recreational activities. The petition was coordinated by the South Australian Sports Federation, which represents sporting groups with a combined membership of more than 30 000 South Australians who actively use the parklands at the present time.

The government is still of the view that the Adelaide parklands merit the special protection which can be provided by legislated recognition of their unique character. Therefore, to move forward with this issue it is the intention of the government to seek the establishment of a select committee which would assess and report on the long-term protection of the Adelaide parklands as land for public benefit, recreation and enjoyment, with clearly defined terms of reference. This will force those who have continually attempted to thwart the government's efforts and endeavours to protect the parklands an opportunity to put up or shut up.

Those opposite will now have to look seriously at the issue and be part of the solution, rather than sit and shout from the sidelines. It is envisaged that a select committee would, among other considerations, report on the impact and the feasibility of seeking world heritage status for Light's vision of the Adelaide parklands. Before proceeding along the path, the select committee would need to consider the process and qualifications for state heritage listing.

Perhaps by focusing attention on the provisions and opportunities already contained in the government's consultation bill, opposition members may gain a greater understanding and appreciation of the government's attempts to protect the Adelaide parklands. We can only live in hope. Colonel Light's vision of Adelaide was a city in a park. That vision has grown and developed to the point that our unique parklands are now being used as a marketing focus to attract visitors to our beautiful city.

The parklands are unique to Adelaide. They provide a near-city venue for wonderful events such as WOMAdelaide, Tasting Australia and the Adelaide International Horse Trials, as well as a picturesque garden setting enjoyed by visitors to our city and families on weekends. It has been, and continues to be, the aim of the government to protect and preserve the parklands for the enjoyment of the people not only today but for future generations. It is the government's view that we can and will achieve this outcome with the support and the consent of the people of South Australia.

LEGISLATIVE REVIEW COMMITTEE

Mr CONDOUS (Colton): I bring up the 21st report of the committee and move:

That the report to be received.

Motion carried.

QUESTION TIME

PUBLIC SECTOR POSITIONS

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier. Given that the government will cut a further 100 public sector positions in Thursday's budget, apparently to pay for the restoration of education and health services it has previously cut—

The SPEAKER: Order! The member is now commenting.

The Hon. M.D. RANN: —how many people receiving more than $100 000 a year will the Premier cut from within his own department, and how many will be cut from the Departments of Treasury, Finance and Industry and Trade given the massive increases in executive positions in these departments? In the past four years the number of people employed on $100 000 or more within the Premier's own department nearly tripled, from 11 to 31. Over the same period the number of Treasury employees in that salary range increased from 10 to 34 while in the Department of Industry and Trade the number employed on $100 000 or more went from 13 to 24.

The Hon. J.W. OLSEN (Premier): The Leader of the Opposition's premise is wrong. This is a voluntary scheme to be applied across the public sector. It will be up to the individual—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: —who seeks to pursue another career path or course, or simply retire. An enhanced targeted voluntary separation package is available to them. In addition to the 5 per cent saving over the two years, it will be available to those agencies to retain those savings. In particular we are seeking to create opportunities for young graduates to come into the public sector. Because of the age profile of the public sector, about two years ago, I put in place—

The Hon. M.D. Rann interjecting:

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

The Hon. J.W. OLSEN: What the Leader of the Opposition does not seem to understand is that where there are automatic CPI adjustments over a period of two or three years and you are just under the band of 100 and you go just over the band of 100 it creates this outcome. It is pretty convenient for the Leader of the Opposition. He wants to ignore the reality of those sets of circumstances. Do you want to apply a no CPI adjustment to any bands in the public sector? If that is your policy, I would be happy to let it be known amongst the Public Service in South Australia. However, I bet it is not his policy. This is just political opportunism in a question today.

The Hon. M.D. Rann: Answer the question!

The Hon. J.W. OLSEN: I have answered the question.

The SPEAKER: Order! The leader has asked his question and will remain silent.

The Hon. J.W. OLSEN: I will repeat it. If the leader is intent on not listening to or ignoring the answer, I will repeat it. The fact is that a 5 per cent reduction on a voluntary basis will bring about savings in a category of administrative executive positions in the Public Service. Apparently, there are approximately 1 700 of those positions, but there are several categories (medical officers, I think, is one) that are treated separately, distinctly and are not part of this Public Sector Management Act proposal. The proposal of 5 per cent to which the budget will refer tomorrow seeks to put in place some savings. Those savings will then be reinvested. One of the areas of reinvestment of the savings will be the employment of graduates. I mentioned 2½ years ago that I was particularly concerned about the age profile of the Public Service in South Australia. I said that something had to be done to put a better balance in the age profile so that we created opportunity for graduates in the Public Service as of this year to bring about the managers of tomorrow.

In fact, I hope that the 600 graduate program we had in place will be complete by 30 June, and 600 new graduates will be employed in the public sector in South Australia—an important program in balancing out the age profile. I want to work on that program and continue it, so we are bringing in young, talented people who can be the managers of the Public Service in the future. This voluntary scheme will be available to those who want to pursue another course, career path or simply retire. It is an important step to free up and give flexibility so that we can restructure the Public Service over a period to meet the needs of the future.

STATE ECONOMY

The Hon. G.M. GUNN (Stuart): Will the Premier please inform the House about the state's economic progress after seven successive years of Liberal government, and can the Premier comment on the disastrous situation which the government inherited from the previous Labor government?

The SPEAKER: Order! The member knows full well he is commenting.

The Hon. J.W. OLSEN (Premier): I am delighted to respond to this question. It is the sort of question the answer to which members opposite do not want to hear. South Australia ought to be proud of the way in which the state has been rebuilding itself, rejuvenating itself—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: —since we had the worst government in South Australia's history which inflicted the worst financial disaster of any government in the state's history, and the Leader of the Opposition was no less a minister in that government which inflicted that upon South Australians. Let us never forget that: the worst government in our history was a government in which the Leader of the Opposition was a minister. The simple fact is—

Members interjecting:

The SPEAKER: Order! The chair has already called the—

The Hon. M.D. Rann interjecting:

The SPEAKER: I warn the leader, and I caution him against speaking when the occupant of the chair is on his feet.

The Hon. J.W. OLSEN: Thank you, Mr Speaker. I can understand the sensitivity of those opposite when we take them back—

Members interjecting:

The Hon. J.W. OLSEN: Are you proud of your record as a Labor administration taking unemployment up to 12½ per cent? Are you proud of your history of taking this state to bankruptcy? Is that what you are proud of? Let it be

known and understood that the Labor Party (in whose government the Leader of the Opposition was a minister) bankrupted South Australia. It was the Labor Party with the Leader of the Opposition as a minister that took unemployment to 12.4 per cent in South Australia, and they have the hypocrisy—

Ms Hurley interjecting:

The Hon. J.W. OLSEN: We heard last night—

The SPEAKER: Order!

Members interjecting:

The Hon. J.W. OLSEN: Clearly, the tactics of members of the opposition today are to interject constantly on any answers so that there cannot be a flow in those answers. I understand where they are coming from.

The SPEAKER: Order! I ask the Premier to resume his seat. It is very clear to the chair what is happening—I concur with the Premier—and the scatter gun interjections will cease from both sides. If they continue, the chair will be taking some action.

The Hon. J.W. OLSEN: I note that Mr Beazley was in town last night and he, along with the Leader of the Opposition, had a cheap dinner down the road. Last night, at the cheap dinner down the road, both the federal leader and the state leader had the hypocrisy to talk about South Australia's unemployment rate. The Labor Party's talking about our unemployment rate is akin to Christopher Skase talking about corporate greed. Members opposite are the people who took unemployment to 12½ per cent. It is this government that has stripped five percentage points off the unemployment queues in South Australia—five percentage points off the unemployment queues.

In addition, we have invested in new tourism facilities, seen major projects go ahead, put in place projects that have benefited commuters in our state, as well as putting in place community sporting facilities. We are continuing to rebuild our hospitals—some $500 million or $600 million to date and some $200 million in the future. We have reinvigorated our education system with Partnerships 21, giving involvement to school councils and parent bodies to make decisions about their schools, and we have incorporated the regions in this. Look at the redevelopment taking place in the country and regional areas of South Australia. Whether it is in the South-East of the state, the Riverland or parts of Eyre Peninsula, major new developments are being put in place. There is economic activity and private sector capital investment.

That is why we are outperforming other states of Australia in terms of economic growth. But that is not what Kim Beazley said last night and it is not what the Leader of the Opposition says. This state deserves better than nay saying from the federal leader or the state leader. The fact is that there has been a rejuvenation and a rebuilding of our economy. There are 37 000—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The leader has had a fair go; I warn the leader for the second time.

The Hon. J.W. OLSEN: There are 37 000 more people with a pay packet every week in this state than when Labor left office. The debt has gone from $10 billion under Labor to about $3 billion under our administration, and now we are reinvesting in the community. It does not take a Kim Beazley or a Mike Rann to stand up and nay say, criticise, carp and put down this state. The state and its people deserve better than being put down by Labor. Labor destroyed this state: we have rebuilt this state and Labor cannot—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: Well, the interjection of the member for Hart—

Mr Foley interjecting:

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

The Hon. J.W. OLSEN: There is one thing the member for Hart cannot dispute, that is, unemployment 12.4 per cent: unemployment 7.3 per cent—five percentage points off Labor's unemployment queues. Private sector new capital investment is up 25 per cent in the past five years—second only to Victoria in this nation. We had a flight of capital and a flight of investment. We were not on the radar screens under Labor. Labor destroyed confidence in this state, and South Australians lost confidence and optimism in themselves and the future. Might they say what they say but that will not put down South Australians. Members opposite might want to put them down, but we will not let them put them down because the facts speak for themselves. This state has gone past the bad debacle of the Labor years.

SEPARATION PACKAGES

Mr FOLEY (Hart): John, I can tell you there were 250 businessmen—

Members interjecting:

The SPEAKER: Order! The member for Hart will get to his question. If he continues that, I will not see the member for Hart and he will start missing questions.

Mr FOLEY: They have written you off. My question is directed to the Premier. Given that there will be further job cuts in tomorrow's budget and that the government spent over $64 million on separation packages to cut 1 500 jobs last year, what will be the cost of separation packages next year; and will the Premier now admit that this is—

Members interjecting:

The SPEAKER: Order! Members on my right will remain silent.

Mr FOLEY: Thank you, sir. If I may start my question again.

The SPEAKER: There is no need to do that.

Mr FOLEY: You tend to read questions, but look what happens.

The SPEAKER: Order!

The Hon. M.K. Brindal interjecting:

The SPEAKER: Order, the Minister for Water Resources!

Mr FOLEY: My question is directed to the Premier—and I will start again.

Members interjecting:

Mr FOLEY: Do I get the same protection sir?

The SPEAKER: Order!

Mr FOLEY: Thank you: I get the same protection.

The SPEAKER: Order! The member will be cautious in reflecting on the chair.

Mr FOLEY: Thank you, sir. My question is directed to the Premier. Given that there will be further job cuts in tomorrow's budget and that the government spent over $64 million on separation packages to cut 1 500 jobs last year, what will be the cost of separation packages next year; and will the Premier now admit that this is simply a re-announcement of the $20 million scheme that his government announced in February this year?

The Hon. J.W. OLSEN (Premier): The member for Hart has two schemes mixed up. Why doesn't he go back to square one and get his facts correct? The honourable member is

talking about a 1 per cent efficiency dividend gain. I think that is what the member for Hart might be talking about. I make this point to the leader and the member for Hart: this is a voluntary scheme available to public servants under the Public Sector Management Act who might want to retire early or might want to do something else in their life. It gives us the capacity and flexibility to bring younger trainees and graduates into the public sector. Is that what members opposite are criticising: the opportunity for young people to come into the Public Service and to get the age profile right in the public sector?

The member for Hart is currently reading his upper house *Hansard* report and is not interested in the answer, having done his duty and read the question to the House in question time—so interested is the honourable member in the question and the answer—but tomorrow's budget will detail a number of these programs and strategies for efficiency savings to be put in place to create flexibility in the public sector, to give us the capacity to retain savings in agencies and to put in place a capacity to build on the graduate recruitment program that we have put in place.

A number of programs are in place across the public sector, each having a different objective—and those objectives are being met. Let not the member for Hart get up and say that there is this wielding axe—because there is not. This is a voluntary scheme available for people to take the initiative if they wish.

STATE REVITALISATION

Mr SCALZI (Hartley): Will the Minister for Employment and Training advise the House whether South Australia needs to be revitalised and, in particular, whether there is any truth in the claim that our state has high unemployment rates?

The Hon. M.K. BRINDAL (Minister for Employment and Training): This state is already being revitalised. We heard the Premier answer the previous question. To say that I was gobsmacked this morning to read in the *Advertiser* that Kim Beazley said, 'I will revitalise South Australia,' is to put it very mildly. On behalf of this parliament, I ask what vote of confidence that expresses in members opposite. I thought that they wanted to win the Treasury benches. I thought they wanted to constitute the government, but their own federal leader does not have the confidence to say that this lot will govern.

He will revitalise South Australia, not the tawdry lot opposite: he will revitalise South Australia. And why? Where were they? At a $250 dinner for 250 hand chosen people. Were they the sub-branch members of Ross Smith or the sub-branch members of Hart or any rank and file Labor members? No, they were carefully chosen for their milking capacity; carefully chosen to suck out the money so that they could get some funds for their war chest.

Mr CONLON: On a point of order, plainly the minister is debating the question. This has nothing to do with unemployment.

The SPEAKER: Order! I bring the minister back to the question.

The Hon. M.K. BRINDAL: So much for being a party of the people. I advise the House that on Friday I am having a breakfast as a wash-up to the budget that is $30 a head, and any Labor people are welcome to come.

The SPEAKER: Order! The minister will come back to the question.

The Hon. M.K. BRINDAL: I will come back to the point. The fact is, as the Premier has highlighted, that the minister for unemployment, whose speech Beazley did not say that he was reading, actually presided over 12.4 per cent unemployment: it is now down to 7.2 per cent. The youth jobless rate at that time was 40 per cent: the youth employment to population ratio is now 4.9 per cent. That compares to 8.2 per cent in Queensland and 5.4 per cent in Western Australia.

What can the people of this state expect from a federal opposition or opposition members opposite elected to these benches? Higher taxes, higher unemployment, higher industrial disputation—and that is a fact. If what members opposite are doing, as they obviously have been for the past week, is counting the prizes and dividing amongst themselves what they consider will be their ill-gained spoils, I would advise them to mark well the lessons of history.

South Australia has always been able to recognise a phoney, and what we have opposite, in the leader's own words when he interjected today, are phoneys—pure, unadulterated phoneys. They do not have even phoney policies: they have no policies at all. I believe that the people of South Australia deserve better.

STATE BUDGET

Mr FOLEY (Hart): Well, they've certainly written you lot off. My question is directed to the Premier. Will Thursday's budget provide specific detail on an agency—

An honourable member interjecting:

The SPEAKER: Order, the member for Bragg.

Mr FOLEY: As I said, my question is directed to the Premier. Will Thursday's budget provide specific detail on an agency by agency basis of the extra costs of operating government departments as a result of electricity price rises of between 30 per cent and 100 per cent, and how much extra money has been provided for increased power prices in Thursday's budget?

The Hon. J.W. OLSEN (Premier): I am not about to respond question by question to what might be in the budget papers tomorrow. The member for Hart has less than 24 hours: I ask him to keep his patience in check. I see that he cannot keep his arrogance in check, but perhaps his patience might be kept in check for another 24 hours.

EDUCATION, INVESTMENT

Mrs PENFOLD (Flinders): My question is directed to the Minister for Education and Children's Services. Will the minister provide details of the government's educational investment in the state's future and in the youth who will take charge of South Australia's fortunes?

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): Misfortune, rather than fortune, springs to mind when I see comments made by the federal Leader of the Opposition about education. As was mentioned, at a big end of town dinner last night, he took particular delight in denigrating South Australia and its successes over the past four to seven years. Ever a spruiker on low retention rates, he showed his lack of knowledge about the fact that education has changed, that it is no longer a matter of going from high school to university, as there are far more choices available and more meaningful options for students to undertake.

I have talked in this place countless times about the opportunities available to our students in schools today. They occur in schools, in vocational education training, in our vocational colleges, through our TAFE institutes and through our universities. We have made a very smooth transition from one level of education through to the next and finally on to university to ensure that our young people can move through smoothly and can get accreditation for previous studies undertaken at each level.

Clearly this is something that the opposition has a great deal of trouble in understanding and finds confusing. But let me tell members that students and parents do not find it confusing at all. Mr Beazley's brazen solution lies in moving $100 million from one group to another group and youth are again the losers. Let me tell this House one more time slowly: 97 per cent of our 15 and 16 year olds and 95 per cent of our 17 year olds are either studying or are employed. That is a fact of which all South Australians should be very proud.

The member for Taylor's regurgitation of AEU claptrap yesterday afternoon on retention rates just shows that she is a true believer: a true believer of the opposition's mismanagement, a true believer of its financial mismanagement. It could not manage as a government, it cannot manage today and it will not manage in future, either. The member talks of averages: I will bet that every South Australian would have liked at the end of 1993 to have average debt rather than the colossal debt that South Australia incurred as a result of Labor's mismanagement.

The member talks about retention rates, as does the leader, yet they conveniently overlook the fact that 27 per cent of our year 12 students undertake their education on a part- time basis, and they are not included in the ABS figures. They conveniently forget that. When you convert that percentage to full-time equivalents, we come above the Australian average, at some 73.4 per cent. Yet they go on with this claptrap, hoping that South Australians will believe them, but people—parents and students—know far better. They know the options they have in education in South Australia and the many options that this government has brought to them.

Mr Beazley's world beating panacea for South Australian schools continues. He wants to give professional development to less than half the staff. I ask: what about the other half? Only 10 000 will receive professional development. We have 30 000 staff in our department and we will give them all professional development, not just half of them. Beazley's bus came and went yesterday. It left nothing real behind, only Labor's bankrupt tradition.

HUMAN SERVICES, FUNDING

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Minister for Human Services. Given the minister's green book bid for an extra $134 million this year, is the minister confident that tomorrow's budget will fully redress the cuts to human services of $108 million endorsed by cabinet in 1998? The minister will remember a presentation to the executive of his department in August 1998 which detailed cuts to the human services budget, approved by cabinet, of $108 million over three years, including cuts to hospital growth funding of $30 million. In 1999, the minister announced a cut of $46 million and a reduction of 14 000 hospital admissions.

The 2000 budget targeted cutting by 10 000 the number of patients treated in emergency departments, the number of admitted patients by 4 000 and the number of outpatients by 93 000. It also targeted cutting 10 000 patients from country hospitals. After last year's budget the minister said that he expected waiting lists for elective surgery to increase by 2 000. Does the minister expect to have that issue redressed tomorrow?

Members interjecting:

The SPEAKER: Order! The Minister for Human Services.

The Hon. DEAN BROWN (Minister for Human Services): The leader can speculate as much as he likes; he will have to wait one more day.

CRIME TRENDS

Mr MEIER (Goyder): Will the Minister for Police, Correctional Services and Emergency Services outline to the House the most recent information which shows the long-term crime trend in South Australia?

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I thank the honourable member for his question because I know of his interest in community safety. I can outline to the House some recent statistics that were released today by the ABS relating to recorded crime statistics. Interestingly, these statistics primarily focused on long-term trends. In fact, by coincidence, the trend highlights the years 1993 to 2000, and 1993 happens to be the year when Labor was finally removed from office after destroying South Australia.

These long-term crime trends indicate that there has been a good trend for South Australia in a positive sense for crimes such as murder/rapes and attempted murder/rapes, sexual assaults, robbery and unlawful entry with intent. For example, statistics with respect to unlawful entry without intent indicate a rate per 100 000 persons reducing from 2846.6 in 1993 to 2424.0 in 2000. In a very large number of areas there are good reductions in long-term crime trends but, of course—

Mr Atkinson interjecting:

The Hon. R.L. BROKENSHIRE: I am very keen to talk about a number of points, and I hope that the honourable member will listen intently. The government has said that it is not happy about a number of other offences; nor, indeed, are any of the Labor governments under Bracks, Gallop and the rest of them with respect to offences relating to the theft of motor vehicles, minor assaults, and the like.

Mr Atkinson interjecting:

The SPEAKER: Order!

The Hon. R.L. BROKENSHIRE: Of course, that is why we have seen special operations such as Operation Vigil. As a result of those intense police operations, we have seen some significant reductions in car theft. Operation Counteract has had enormous success, and the honourable member is acknowledging the enormous success that the police have had with that operation in addressing armed robbery. Of course, one of the most recent initiatives has been the 330 police officers directly involved in Metrosafe, to deal with that crime which the community does not like and which the government will do everything it can to reduce, and that is what I describe as street crimes and minor assaults.

Interestingly, in a recent briefing, SAPOL advised me that it believes that one in five (over 20 per cent) of crimes involving theft and break and enters are directly related to either drug usage or drug trafficking. In this House many times recently, and for years now, members have heard the government talking about initiatives and strategies to look at

combating and reducing illicit drug use and drug trafficking. But we have heard deathly silence from members opposite until last night. It was interesting how the honourable member got out and went on the Bob Francis program for an hour, yet we received no cooperation from the opposition when the Premier needed to go interstate to New South Wales to do urgent business in the interest of our state—no cooperation whatsoever, just political point-scoring.

But what did come out of last night when the honourable member was on the Bob Francis program? There were two key things. First, he is the first member of the Labor Party who has actually said that the 10-plant rule of the 1987 policy of the Labor Party was wrong. In fact, not only did he say it was wrong, he said it was just ridiculous. But the honourable member for Spence also said, in response to a comment from the interviewer, 'There are plenty of dreamers in the Labor Party.' That is what the honourable member for Spence said. Now, I am not sure whether he is talking about the member for Elder dreaming about the Senate; whether he is talking about the member for Ross Smith dreaming about becoming the Independent Labor member for Enfield; whether he is talking about the member for Hart dreaming about taking over the Leader of the Opposition's seat; or, when it comes to crime, whether he is talking about—

Mr CONLON: On a point of order, Mr Speaker.

The SPEAKER: Order! There is a point of order.

Mr CONLON: The minister is straying from the answer. He is bordering on the point of hysteria now.

The SPEAKER: Order! I bring the minister back to the question now.

The Hon. R.L. BROKENSHIRE: I come right back to the question, talking about crime—or whether he is talking about the Leader of the Opposition being in a dream world when it comes to the fact that they destroyed this state and he has not said sorry. He had the worst unemployment figures of any senior minister in any government and has not said to the community of South Australia that he supports the government when it comes to our 'tough on drugs' policy or the dry zone policy. That is what he is referring to: the Leader of the Opposition is clearly a dreamer.

Members interjecting:

The SPEAKER: Order, the member for Spence!

Members interjecting:

The SPEAKER: Order!

NURSES

Ms STEVENS (Elizabeth): My question is directed to the Minister for Human Services. How much of the extra $200 million announced by the minister last Sunday for nurses over the next three years relates to the cost of a new enterprise agreement with current staff? The opposition has been told that, apart from the 200 new nursing positions already announced to be paid for by the cancellation of the Le Mans car race, the majority of the $200 million announced by the minister for nurses relates to the cost of a new enterprise agreement, not cutting waiting times or waiting lists.

The Hon. DEAN BROWN (Minister for Human Services): I suggest that the honourable member should simply go back and reread what was said. What was said was—

Members interjecting:

The Hon. DEAN BROWN: Listen carefully. There would be $15 million of additional funding to ease the pressure in emergency departments, and included in that were extra doctors, extra nurses and the new extended care beds as part of emergency departments. Then the press release went on to say that, in addition to that, there would be $8 million a year for the extra 200 nurses announced at the time of wage negotiations. On top of that, it talked about the extra money that would be required for the enterprise bargaining agreement over the next three years of almost $200 million for the nurses and $110 million for the doctors. They were the figures in the press release, so it is very clear indeed. The $15 million was over and above any enterprise bargaining agreement or costs over a three year period. It is absolutely clear in the statement. It was absolutely clear in what I said.

DENTAL SERVICES

Mr WILLIAMS (MacKillop): Can the Minister for Human Services advise the House of initiatives taken by this government to improve access to public dental services?

The Hon. DEAN BROWN (Minister for Human Services): In last year's budget, I announced a scheme whereby there would be, first, a very small co-payment for people accessing public dental services. I also introduced an entirely new scheme whereby the state government would put $2 million aside for this year to allow public patients to access private dentists. The private dentists were doing the work on an agreed basis with lower fees as negotiated with the Australian Dental Association, and there would be a very small co-payment—$10 for full pensioners or 15 per cent of the cost for part pensioners. It is interesting to see, 10 months later, how effective that scheme has been. At the beginning of July last year, the waiting list was 98 000; 10 months later that waiting list had dropped to 81 300, and that represents a 17 per cent drop in the waiting list in just 10 months. That is the first time since 1996 that the number of people waiting for public dental services in South Australia has dropped.

An honourable member interjecting:

The Hon. DEAN BROWN: Since 1996, and there has been a 17 per cent drop in the first 10 months alone under the scheme I have introduced. I also point out that last Friday I opened a new public dental clinic at Hindmarsh. This is part of making sure that there is easier access for people, particularly in the western suburbs, to public dental services. It is a superb new facility—next to the old railway station and opposite the Entertainment Centre—with four dentists, four dental assistants and four chairs. We expect to treat 4 000 people a year through that new facility, and I would invite all members of the House to visit it. It is a state-of-the-art dental facility that has been established there by the government at a cost of about $330 000. Through a number of initiatives we have taken as a government, we have quite dramatically reduced the public waiting list for dental services in this state, in particular—

Ms Stevens interjecting:

The SPEAKER: Order, the member for Elizabeth!

The Hon. DEAN BROWN: There has been a reduction of 17 per cent in just 10 months, contrary to the prediction made by the member for Elizabeth last year when I introduced this measure, that it would take 100 years to bring down the waiting list. In fact, we have knocked almost a fifth off the waiting list in just 10 months. So, one can see that you should put no faith at all in any of the predictions made by the member for Elizabeth.

Members interjecting:

The Hon. DEAN BROWN: Well, the member for Elizabeth claimed that she—

Ms Stevens interjecting:

The SPEAKER: Order!

Mr Venning: She's dreaming too much.

The Hon. DEAN BROWN: She does dream a bit. In fact, if she goes back and looks at the record, the member for Elizabeth will find that she made a prediction after I had announced the scheme. So, how could she have possibly made such a statement when her prediction was made after I had announced the scheme and the extra money being provided? I suggest that the member for Elizabeth does do a bit of dreaming, and pretty fanciful dreaming at that.

NURSES

Ms STEVENS (Elizabeth): My question is directed to the Minister for Human Services. Following the minister's budget announcement last Sunday about funding for nurses, can the minister confirm that the new enterprise agreement with nurses includes new nurse-patient ratios, to come into effect from August 2002; and, if so, how much has been factored into forward estimates to fund an increase in the number of nurses?

Members interjecting:

Ms STEVENS: You haven't done it. The opposition has been told that the new nurse-patient ratio agreement could require at least an extra 10 per cent or 800 nurses to be employed at an annual cost of between $50 million and $60 million.

The Hon. G.A. Ingerson interjecting:

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

Ms STEVENS: Is there a black hole in the next budget?

The Hon. DEAN BROWN (Minister for Human Services): The member said that the new ratio will come into effect in August next year. When she looks at the budget papers tomorrow—and I will not give the figure today—the honourable member will find that there has been a substantial additional allocation to health to take account of the enterprise bargaining negotiations. So there is a significant amount of additional money for both nurses and doctors as part of this year's budget. In addition to that, there is $8 million to pay for an extra 200 nurses for this coming year, not next year; that is in the budget. The cost of that is $8 million. That is known, because I included it in the statement that I put out on Sunday. If the honourable member had read the statement, she would realise there was a substantial increase in allocation this coming year, not waiting until 2002-03.

HINDMARSH SOCCER STADIUM

Mr LEWIS (Hammond): My question is directed to the Deputy Premier, and it relates to the Hindmarsh stadium. What is the cut-off date of the deal between the City of Charles Sturt and the government by which time the government must accept, stand, deliver and pay for the $1.7 million and three blocks of vacant land; and what will be the consequences for the government if it does not?

The Hon. R.G. KERIN (Deputy Premier): I do not have the paperwork with me, but I believe the cut-off date is agreement by 31 July, with settlement by the end of August. We need to talk further to the council, because it is a counter offer. It is different from the offer we made to it, but we are willing to enter into meaningful negotiations on that. If we do not reach agreement, we will still have the stalemate that we have had over previous months.

ADELAIDE AQUATIC CENTRE

Mr WRIGHT (Lee): Will the Minister for Recreation, Sport and Racing clarify whether there is provision in the budget for the redevelopment of the Adelaide Aquatic Centre estimated at between $15 and $30 million, and will the redevelopment cover an area greater than that occupied in the Adelaide parklands by the aquatic centre?

The Hon. I.F. EVANS (Minister for Recreation, Sport and Racing): In relation to the aquatic centre, the member is out of his depth.

BARCOO OUTLET

Mr CONDOUS (Colton): Will the Minister for Government Enterprises advise the House of progress on the Barcoo Outlet?

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I thank the honourable member for his question, because this is such an important project for the improvement of our marine and water environment. As members will recall, the Barcoo Outlet will provide a pristine saltwater environment in the Patawalonga. That will mean that, once again, it is suitable for recreational port purposes for the benefit of all South Australians. As I have indicated to the House previously, we are looking forward to the milk carton regatta being regenerated at the Barcoo Outlet.

The Hon. M.K. Brindal: I'm building my craft now.

The Hon. M.H. ARMITAGE: The Minister for Water Resources is building his craft at the moment. My office is collecting milk cartons, and I know I have identified to the shadow minister for the environment that I look forward to challenging him on the day. Barcoo Outlet is just one of a range of programs that aims to improve catchment of the Patawalonga in particular and the environment in general. I am pleased to announce to the House today that earlier the Premier and I put in place another piece of the environmental jigsaw, with the Premier's announcement of the $8.5 million upgrade to the Heathfield waste water treatment plant. Planning for the upgrade is well advanced because, as Minister for Government Enterprises, I received—

Mr Venning interjecting:

The Hon. M.H. ARMITAGE: It is indeed good news. As the member for Schubert says, it is great news. SA Water received notification earlier this year and notified me of the standards which the discharge would need to meet, and I immediately asked SA Water to fast-track the project. Much work has already gone into that planning and work is expected to commence by the end of this year. The key ingredient of the discharge, the nitrogen level, is expected to decrease dramatically—well over 50 per cent. The Heathfield Waste Water Treatment Plant upgrade forms a key plank in our total environmental program, which has been of a three or four year duration, with all of the pieces of the jigsaw fitting into place.

I am sure members opposite would recall, but just in case they do not—and I know members on this side of the House do—we fixed up the Bolivar Sewage Treatment Works and created up to $80 million of extra value in the economy for horticulture in Virginia. We fixed up the Christies Beach Waste Water Treatment Plant and opened up a whole lot of land at Christies Beach for irrigation. We are in the process

of fixing up the Port River and completely stopping discharge into the Port River from the Port Adelaide Waste Water Treatment Plant.

In addition to the Heathfield Waste Water Treatment Plant announcement, today we also announced a new plant in a new site using new technology at Victor Harbor, which (as the Minister for Human Services frequently reminds us) is the fastest growing area in South Australia. We also announced an upgrade of the Glenelg Waste Water Treatment Plant, which will see the nutrient levels being discharged into our marine environment again dramatically reduced. This is a program worth a total of $68 million to improve our environment. Not only are we delivering on our commitment to the environment, which is so important, but we are also making sure that we are doing it at the cutting edge.

Members opposite have frequently lambasted the Barcoo Outlet. They have frequently said that it is appalling. They have frequently said that it will not work. There have been endless complaints about it. Interestingly enough, in case members opposite did not know, I would like to inform—

Ms Key interjecting:

The Hon. M.K. Brindal interjecting:

The Hon. M.H. ARMITAGE: Is the member for Hanson saying it will not work?

The Hon. M.K. Brindal: Yes.

The Hon. M.H. ARMITAGE: I want everyone in the House to know that the member for Hanson has just asked across the chamber, 'Will the Barcoo Outlet work?' I am pleased to tell other members of the House—maybe not the member for Hanson—that within the last week or so Baulderstone Hornibrook and Connell Wagner won the 2001 Eureka prize in the category of innovation in engineering for their design and construction of the Barcoo Outlet. The Eureka prize is described by the Director of the National Museum of Australia as Australia's pre-eminent national science and environment awards.

The people of South Australia have two choices: they can believe the people who award the Eureka prizes and the Director of the National Museum of Australia that the Barcoo Outlet is worthy of a pre-eminent national prize for its design; or they can believe the member for Hanson, who, as we all identified before, had a number of other acolytes down there with 'Stop the Barcoo Outlet' on one side of their protest banners and 'Elect Stephanie Key' on the other side—clearly a political protest. Whilst the ALP whinges and whines about the Barcoo Outlet, it has been recognised and lauded by the cream of Australia's scientific community.

As I have said, that is one part of an environmental solution jigsaw, which we have been intent on putting in for a number of years, and one of the key strategies announced today by the Premier. We are providing a total environmental solution, unlike that with which the dreamers opposite left us, that is, a total environmental disaster.

DOCTORS, FUNDING

Ms STEVENS (Elizabeth): Following the minister's budget announcement on 27 May that an extra $110 million will be spent 'for doctors over the next three years', can the Minister for Human Services tell the House how many extra doctors will be employed; or does the additional funding only cover the costs of salaries and benefits for existing doctors under a new enterprise agreement?

The Hon. DEAN BROWN (Minister for Human Services): First, I indicate that the $15 million for the emergency departments included additional doctors and additional nurses. I then also outlined $8 million to employ an additional 200 nurses. There is a significant increase in funding for doctors as part of the enterprise bargaining agreement with additional benefits. I cannot at this stage predict how many extra doctors will be engaged over the next 12 months, but we will have to wait and see.

EUROPEAN WASPS

Mr HAMILTON-SMITH (Waite): Could the Minister for Local Government outline to the House how the government intends to continue the fight against European wasps?

Members interjecting:

The Hon. D.C. KOTZ (Minister for Local Government): I certainly would not dare to say that I am pleased to give the member a buzz about wasps. Although we have a serious and significant infestation of European wasps in this state, the state government is continuing to support the eradication programs in conjunction with local government programs. This year the state government will provide a further $250 000 over the next two years to provide some $140 000 to local government programs for the eradication of nests. The other portion of that money will continue to support the research program being conducted by Luminous, which is the research arm of the University of Adelaide.

Members would understand that we are not the only country in the world that suffers from this rather insidious infestation. New Zealand has had considerable disturbance from European wasps and has undertaken considerable research, recently developing a chemical that it is believed will be, for the first time, one of the strongest toxins to be used in destroying the wasps. The researchers at Luminous are now looking at that particular chemical. If we can come up with a solution to eradicate the wasps by any biological factor that may be discovered, obviously that is the main means of keeping the wasp problem under control.

It is a serious matter. Public education programs still need to be developed and, in conjunction with local government, a major program will take place towards the end of the year when wasp infestation is at its highest, namely, January through to March. It is pleasing to note that local government does offer free eradication of European wasp nests when the community identifies that nests are in their area. To add to the seriousness of the problem, when we conducted one of the major education programs in 1997-98, the community assisted with the identification of wasp nests, and more than 9 000 nests were eradicated. The following year that dropped to about 3 000 plus. However, in 1999-2000, 6 959 nests have been eradicated. Therefore, the indication is that the populations are still there to concern us, and I am quite sure that members will acknowledge that some $250 000 provided by the state government to continue to progress these particular programs is something that the community will welcome.

SCHWERDT LIFTER

Mr De LAINE (Price): My question is directed to the Minister for Emergency Services. Why does the government or the Department for Emergency Services continue to ignore the existence of the Schwerdt lifter, a tool designed to easily open water main steel cover plates that are stuck and impossible to remove with conventional methods? I have been informed that lives and property are being put at risk by steel road cover plates becoming stuck with dirt and grime

and unable to be lifted to gain access to life and property-saving water. Approximately a year ago the tool inventor, Mr Tom Schwerdt, sold one of his lifters to the then head procurement officer of the CFS. That officer undertook to show the tool to all CFS units in South Australia, but this has not happened.

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I appreciate the fact that the honourable member is making representation on behalf of one of his constituents. Of course, you would not actually believe that anything would happen positively in SAMFS if you had to listen to the Secretary of the UFU and number one ticket holder of the Australian Labor Party, but a number of very good things that Mr Doyle would never tell the community do occur in SAMFS, including the fact that I went to Port Augusta and Whyalla just last week and commissioned two state-of-the-art SAMFS fire trucks at $420 000 each.

I am pleased to advise the honourable member that SAMFS has acquired 16 of these plate cover lifters for incorporation onto the new appliances. It is the government's intention to purchase another seven state-of-the-art MFS fire trucks in the very near future, and I can assure the honourable member that they will also be on those new trucks. As we roll out new trucks, from the SAMFS point of view those plate cover lifters will be part of the equipment.

With respect to the CFS, there are some issues in relation to occupational health and safety with respect to the weight of these as opposed to the current lifter that the CFS uses, and the fact that within the configuration of the CFS trucks they do not have an opportunity to easily mount them as SAMFS has with the new design. Having said that, I am prepared to look further at this issue because we are very keen to ensure that whatever is out there and can do the best job to get the lids off to enable the key to be put into the hydrant is available. We will have a close look at how those 16 are going with SAMFS, and I will be happy to talk to the honourable member in, say, six months to advise him how SAMFS thinks their effectiveness is benefiting the fire service.

SAVVY TV

The Hon. G.A. INGERSON (Bragg): Will the Minister for Youth advise the House what new initiatives the government is taking to showcase young people's achievements and help raise public awareness of the positive contributions young people are making across our state?

The Hon. M.D. Rann interjecting:

The Hon. M.K. BRINDAL (Minister for Youth): That is a very interesting suggestion. I am pleased to inform the House that the state government has decided to support a new local half-hour weekly television program called *Savvy TV*, which was launched today. Aimed at 12 to 25 year olds, *Savvy TV* will be a magazine-style program that examines local issues and initiatives with a youth twist. It was created and produced in Adelaide by Tania Nugent, whom some members in this House may recall as the face behind the award winning children's television show *Behind the News*, which has become virtually institutionalised in the ABC and which has been going since I think even some members were in primary school.

Ms Breuer interjecting:

The Hon. M.K. BRINDAL: It is nice when a government supporting youth is accused of propaganda. This is an independent, locally produced half hour TV program to show a positive image of youth. I should have hoped that, in the spirit of bipartisanship that the leader espouses, this would have universal acclamation from the House.

Recently, Tania Nugent has been working with Keith Conlon on the highly acclaimed *Directions* program. Other presenters will be Chelsea Lewis and David Roberts, and *Savvy TV* will, as I said, cover positive stories by and about young people, entertainment options for young people and health and wellbeing issues—

The Hon. M.D. Rann: Will they have the minister on a bit?

The Hon. M.K. BRINDAL: And it will highlight employment and career opportunities and provide advice on business. I am not sure whether they will invite the minister on as I am a bit old to be in that age group. Working with local businesses and government, *Savvy TV* is in many ways a unique television venture. This program represents a terrific opportunity for young people to have their voices heard in the mainstream visual forum. At present there are few information based programs on commercial television in Australia made specifically for young people. There are even fewer locally made programs available to young people. *Savvy TV* goes some way to remedying both these shortcomings while at the same time promoting the positive things young people do in our community. I thought the member for Norwood may have had an interest in this subject, but I should have realised.

Savvy TV complements a range of youth initiatives the government has in place for young South Australians, including Youth Plus, The Maze web site, the youth register and Active 8 (the Premier's youth challenge, which is going particularly well). *Savvy TV* will screen on Channel 10 with the first program going to air on Saturday 16 June at 4.30 p.m. I encourage all members of this House to watch it, to evaluate it and, if it is worth participating in and is to continue, I would hope for the fulsome participation of this whole House into the future so that we can give young people a positive voice and a positive image in our community because they deserve it.

GRIEVANCE DEBATE

Ms RANKINE (Wright): I hope that tomorrow does not become D-day for the Golden Grove development, particularly for the development of the district sports field: D-day as in 'do it or lose it' day. They need to start development on the district sports field or our community will be denied a significant contribution.

Members interjecting:

The SPEAKER: Order, the member for Lee! The member for Wright has the call and I ask members to respect it.

Ms RANKINE: If development is not started on this project my community will be denied a significant contribution by the state government under its recreation and sports development project. The district sports field has been subjected to continual delays over many years and it has got to the point now where it is inexcusable. To use a term my old father would use, my community now feels that the Tea Tree Gully council has had a fair crack of the whip. The

minister and his department on the face of it have been more than accommodating in trying to encourage the council to pursue the project so that it can access the $75 000 grant. It will be very difficult for the Tea Tree Gully council to put up an argument about the cost of providing the facilities at the district sports field if it is prepared to allow this sum of money to slip through its fingers. I hope it does not allow this to happen and I hope that by tomorrow work has commenced that allows them to access this fund.

Today I would like to make a plea to the Tea Tree Gully council to participate in some public consultation in relation to the development of this proposal. We know it is looking at another proposed development strategy for that area and it has involved the Golden Grove Football Club and the Golden Grove Dodgers Baseball Club. Both of these clubs are badly in need of home grounds and home facilities, but they are not alone in this. As I have told the House before, we have a number of clubs that simply do not have those facilities.

Recently I met with both the Golden Grove Football Club, the Golden Grove Dodgers Baseball Club, Northeast Hockey, Tango Netball Club and the South Australian District Netball Club and discussed a proposal to establish rather than an exclusive football and baseball club a combined sports and social club on the site. Clubrooms will be part of the development proposal and this is a unique opportunity that our community has to develop a facility that truly caters for all supporting diversity throughout our community.

These clubs would have a combined membership in excess of 4 000 right across the Tea Tree Gully council area. This is an opportunity, I think, to ensure the financial viability of this facility. As I said, rather than the facility being restricted to two clubs, there could be access throughout the year, which would reduce the financial burden on the football and baseball clubs, which I understand are expected to provide $200 000. The facility would provide financial support for many clubs that currently have difficulty in fundraising, and it would provide the financial resources to enable clubs to subsidise sporting activities for children and young people in our area, making those activities more accessible and affordable.

It would also provide an opportunity for young people to have access to a wider range of sporting activities and, hopefully, it would reduce the drop-out rate of teenagers playing sport by providing a positive social environment. We could also provide a social environment and social activity where members of the community of all ages could mix and participate in a very social atmosphere. So, there are benefits in this proposal for everyone. We know that there is a great need for people of all ages to mix, and I have expressed my concerns on a number of occasions about separating our age groups.

It is vitally important for our community to have the opportunity to develop this facility. I have taken this issue to the Tea Tree Gully council and the mayor as a matter of urgency on two occasions. I have urged the mayor to meet with these clubs to discuss an in-principle agreement we have to develop a combined social and sporting club. I understand that, only this morning, my office received a telephone call from the mayor wanting to meet with me, excluding the clubs. This is not good enough. We need to get together and work towards providing a proper facility for everyone.

The Hon. D.C. WOTTON (Heysen): Today, both the Premier and the minister have made announcements regarding the significant upgrading of the Heathfield treatment plant. I just wanted to express my interest in this particular work that has been announced and to commend the government, and particularly the Minister for Government Enterprises, for proceeding with this very important project. Members would be aware that, for many years now, I have been hoping and making representation to the appropriate ministers to ensure that the funding was made available for this work to proceed.

The Heathfield Waste Water Treatment Plant was commissioned in 1981 and serves the populations of Crafers, Stirling, Aldgate and Bridgewater. The current treatment plant, of course, discharges treated waste water into the Heathfield Creek, and has been doing so under licence from the EPA. This morning both the Minister for Government Enterprises and the Premier announced the major $8.5 million upgrade which, without doubt, will significantly reduce the amount of nutrient in the treated waste water which, as I say, at this stage flows into the Heathfield Creek.

It will also provide significant benefits to the local environment, including the Sturt River. The good thing about this project is that while it is fantastic for the hills it is even more fantastic for the whole of the Patawalonga catchment. It is also great news for the gulf. SA Water will implement an environment improvement program (EIP) for the Heathfield plant, and we were advised this morning that work will commence in November this year. The upgrade follows recent agreement with the Environment Protection Agency on treated waste water discharge, quality parameters and consultation with the Patawalonga Catchment Water Management Board. The government, as the Premier has pointed out, is totally committed to minimising the environmental impacts of waste water treatment and disposal. As we have heard today, as a result of a question that was answered by the Minister for Government Enterprises, SA Water's $235 million EIP is the largest infrastructure project in this state currently, and it will improve significantly the performance of the four major metropolitan waste water treatment plants.

As far as I am concerned, it is very good news for my own constituents and for my electorate, and it is great news for South Australia. I am delighted that Heathfield is to be included under that environmental improvement umbrella, and I am also very pleased that planning for the upgrade is not something that we are talking about in the future, but rather it is well under way with work expected to commence before the end of the year.

The upgrade will reduce the nutrient level in the plant's discharge in the Heathfield Creek, including a tenfold reduction in phosphorus, and will also increase the plant's capacity to cater for an ongoing additional 150 to 200 new sewer connections each year. I am also hopeful that the plant will now be able to be used even more than is currently the case with some of the waste from the wineries in the Adelaide Hills being discharged through that treatment plant as well. So, it is a great outcome for the local community, for the suburbs downstream through which the Sturt Creek passes, for the entire Onkaparinga catchment, and for the gulf, and I am delighted that I have been associated with this project.

Mr CLARKE (Ross Smith): I rise with respect to an issue concerning the parents, students and staff of the St Paul's Lutheran Church primary school in Audrey Avenue, Blair Athol, in my electorate. For the last two years I have been seeking on behalf of the school community the installa-

tion of traffic lights at the intersection of Main North Road and Audrey Avenue, Blair Athol. Many of the schoolchildren and their parents have to cross Main North Road into Audrey Avenue to get to the school. On a number of occasions there have been near miss motor vehicle accidents, as well as near miss accidents involving pedestrians having to cross Main North Road, particularly during peak hours.

When I last raised this matter with the Minister for Transport a little more than 12 months ago, the response from the minister's department was that the Department of Transport had taken a traffic count and a pedestrian count and had concluded following that that there was not sufficient pedestrian or vehicular traffic to warrant the installation of traffic lights. Of course, the answer is quite simple: there is not much in the way of pedestrian traffic at the moment because you cannot cross Main North Road safely, particularly during peak hours. It does not take an Einstein to work out that one.

The fact is that the community is not giving it away, and recently in parliament I submitted a petition signed by nearly 1 000 residents, not only the parents of the students attending that school but also a number of residents who live in and around it. A number of representations have been made to the minister, and I sought by letter some six weeks ago to have a deputation led by me with other members of the school community to meet with the minister. I am still waiting for a reply from the minister as to when I might get to see her. Indeed, I have contacted her office, including her appointments secretary, on at least three, if not four, occasions in the last two weeks, and only on one occasion have I had a return phone call. I think that is very poor.

This is not a political issue. The federal member for Adelaide (Hon. Trish Worth) has joined me in urging the government to install traffic lights at this intersection. She is fully supportive of it, and I know that she has written to the minister. It is a matter that transcends party politics. It is about the safety particularly of young children.

The other issue I would raise with respect to this matter is that virtually every primary school that I am aware of in my electorate, even if it is located off a main road, has either pedestrian traffic lights installed or is near to traffic lights generally to allow for the safe crossing of students to those schools, whether they be public or private schools. This is the only school, to my knowledge, in my electorate that has no such safety device. I am aware that TransportSA does not want to interrupt the flow of traffic along Main North Road: something like 40 000 vehicles per day, at the very least, travel along Main North Road. However, this is an issue of safety.

Only a few weeks ago, a young child was nearly knocked off her feet by a side mirror on a motor vehicle as she was crossing the road. It is only a matter of time before some tragedy occurs, and then we will have the lights up; then TransportSA will see that there is a need. It will be far too late. I would rather there be slight inconvenience for some motorists along Main North Road than that there be the risk of death or injury to any pedestrian, particularly a primary school student. This is an issue that my local community at that school will not let rest.

The Hon. G.M. GUNN (Stuart): I am pleased to follow the member for Ross Smith because he has again demonstrated that he is a very active member on behalf of his constituents. That is why I am rather amused by some of the antics of the member for Spence, who appears to have so little to do in his own electorate that he is spending half his time involved in union elections and campaigning. Another part of his activities involves campaigning against the member for Ross Smith. I thought I should bring members of the House up to date with some of the member's antics. Of course, in this exercise he is aided and abetted by the member for Peake and the silent member for Playford—I repeat, the silent member for Playford.

In the mail today, I received a letter dated 26 May. It reads:

> Dear Fellow Unionist: For the past few months there has been a concerted campaign waged by a few disgruntled Australian Workers' Union employees and their cohorts— . . .

I take it that the cohorts are those who have been organised by the member for Spence—

> against the Branch Secretary Wayne Hanson and by implication other Union officials and Union employees. With the use of items in the *Advertiser* and leaflets they have sought to undermine the faith of "rank and file" members in the present officials, by making claims of fraudulent altering of Union membership records. When this claim was shown to be false, they switched to attacking the Union finances, and alleging the Union was "broke".

This has been signed by a life member of the Australian Workers' Union, who is personally known to me. This letter is interesting because the member for Spence cannot deny that he is involved in this activity. From time to time he casts his activities around the state, involving himself in all sorts of activities. I have in my possession a statutory declaration which is dated 25 May and it is signed by JP No 2174, and it reads:

> On the afternoon of Saturday 19th May 2001 my Local Member of Parliament, Mr Michael Atkinson, M.P. called to see me. Mr Atkinson said his visit was to encourage me to vote for Mr Kerry O'Connor in the current elections for the Australian Worker's Union. I have retained by membership of the Australian Worker's Union as a retired member of that union.

Now, I am not going to name the person, but I am happy to show this declaration to anyone who is interested. There are also similar statutory declarations from his wife and daughters. The member appears to have ample time to engage in this sort of activity—I do not know why—rather than engaging himself in representing his constituents. He seems to have time for other extracurricular activities. I understand that he has been going around the electorate criticising the member for Ross Smith for taking an independent line.

In relation to this, it has also been brought to my attention that the member for Spence sent a letter out on 9 December 1993. This letter has a photo of the member—not a very flattering one but it is a photo of him—and it reads:

> Thank you for volunteering to help the Australian Labor Party in Saturday's State election.

He goes on to explain why there will be some over-staffing, as follows:

> The second reason is that we would like one of our volunteers on each booth to hand out a second how-to-vote card.

A second how-to-vote card! This is Queensland revisited. It must be his section of the AWU—the Queensland one. The member has obviously been well trained by that group. His letter goes on to say:

> This card is Norm Peterson's Independent how-to-vote. It recommends a vote for Norm Peterson (Independent Labor) in the Upper House and for me in the Lower House. Norm will not attain a quota in the Upper House. . . If you do not wish to hand out the Norm Peterson card, I quite understand.

My understanding is that endorsed Labor candidates always support the official team. Here we have it by the

member's own hand; I have a copy of the how-to-vote card as well. So, it is all here. He is going out, attacking the member for Ross Smith for taking an independent line, and probably other members, and yet the member is up to it himself. I had more to say.

Time expired.

Ms STEVENS (Elizabeth): When members peruse *Hansard* tomorrow, I encourage them to look at the answers to questions given by the Minister for Human Services today. I would just like to put on the record the fourth paragraph of a press release that came out under his name on Sunday 27 May 2001, as follows:

> In addition to the $15 million for the winter bed strategy—

I will read it exactly as it is; it does not make sense—

> the government an extra $200 million will be provided over the next three years for nurses, including 200 new nursing positions, and approximately $110 million for doctors.

Members will note that there is no mention of $8 million here for 200 nurses as the minister suggested. Any reasonable person hearing such a thing might expect many millions of dollars for extra positions, and we will see tomorrow that that is absolutely not the case.

The main issue I want to raise this afternoon involves an issue I raised in May last year, that is, the issue of women and children who want to escape domestic violence being booked into motels for crisis shelter. They had to do this because women's shelters and refuges were full as a result of a log jam between those shelters. They were not able to move people out of shelters into more permanent Housing Trust accommodation. When I raised this issue last year, I was able to report that about 800 women and children were diverted into motel accommodation between September 1999 and March 2000 for up to 10 days at a time.

At that time we made the point that these are people most at risk. Women in this situation are often depressed, and some are on the verge of suicide. Many are left to try to come along with traumatised children in a confined space with little or no suitable facilities. We were saying that placing women in those sorts of situations in motels was entirely inappropriate and should be avoided. As I mentioned before, the issue is the log jam existing currently in women's shelters that cannot move people out into more permanent accommodation. I have since received information indicating that rather than this issue being addressed by the government—what a surprise—we now know that the situation is much worse. I received a letter from the coordinator of the Domestic Violence Crisis Service, stating:

> The Domestic Violence Crisis Service at times has 20 women in motels staying two to three weeks. Sometimes in this period only one vacancy may arise.

She provides a table of statistics showing that the total number of nights spent in a motel by people in this situation for the eight month period from July 2000 to February 2001 is 1 316 compared to 1 243, which was the total for the previous 12 months. The issue was raised as a very important issue last year, but nothing has been done, and now we find that the situation is much worse. Of course, this relates back to the appalling shortage of housing in our community for those people in need of crisis accommodation. Members would know that that is the case right across the board. However, domestic violence is not a laughing matter: it is a most serious matter. As I said before, we have women and children in the most traumatic of situations being placed temporarily in motels while crisis workers desperately try to find vacancies in shelters simply because those shelters are chock-a-block with people who cannot be moved into other accommodation. The situation is not good enough. It shows a clear lack of care for some of our most vulnerable citizens, women and children. That is something about which this government should hang its head in shame—a government that likes to pretend it is doing something about domestic violence.

Mr WILLIAMS (MacKillop): Today it is my great pleasure to inform the House that, tenders having closed yesterday for the South-East rail upgrading and operation of rail services between Wolseley and Mount Gambier, the government has received tenders from no fewer than six interested companies. When the state government called for expressions of interest late last year, there was a considerable amount of scepticism. Having received those expressions of interest earlier this year, in February, the government took the decision to then go to tender to test the veracity of those who had indicated expressions of interest and to find exactly what sort of input they would have on standardisation of the line between Wolseley and Mount Gambier—and hopefully the other South-East lines—and what sort of freight service and maybe even passenger service those interested parties would be able to provide. That is why the government went the next step of calling for tenders, which, as I said, closed yesterday. We have six tenderers, and, after having assessed those tenders later in the year, the government hopes to take the next step probably some time around September.

The South-East rail network is a broad gauge line and was last used in 1995. It was closed down just prior to completion of the standardisation of the Melbourne/Adelaide rail line. Of course, it branches off that main Melbourne/Adelaide trunk line at Wolseley in the upper South-East. I point out that Wolseley is a small township just a few kilometres the other side of Bordertown, almost adjacent to the Victorian border. The line runs from Wolseley southward through Frances, Naracoorte, Coonawarra, Penola and on to Mount Gambier. At Mount Gambier a further branch runs to the west to Snuggery and Millicent, and eastwards back across the Victorian border to Heywood. Local freight operators have suggested that the government should have called for tenders for opening the line between Mount Gambier and Heywood, and that would have had the effect of shipping the produce of the Mount Gambier area in the lower South-East and possibly even as far north as the mid South-East via Heywood to the port of Portland.

By taking the line the government did take in offering rail operators the option of putting in a tender to upgrade and operate the line for some seven years, we have attracted private investors who would be willing to do that and have the South-East rail network joined to the national network. That would once again provide access for produce from that very highly productive part of the state, the South-East, to the Australian rail network. Quite importantly at this time, that network would also allow access to the port of Darwin through the new Alice Springs/Darwin railway line.

There have been calls for significant works to be performed in the South-East to upgrade our road network. The rural boom which we have experienced in the South-East (as indeed has been experienced in other regional parts of the state over the last few years) has seen more freight than ever flowing on our roadways both into and out of the South-East, and it has put extreme pressure on some of our roadways and

townships. In particular, I refer to the township of Penola, which has repositioned itself in recent times as a tourism centre. Penola is a lovely little town situated at the southern end of the famous Coonawarra vineyard strip.

In recent years, Penola's residents and businesses have complained that they are getting between 400 and 600 heavy vehicles passing through the main street of their small town every day. I certainly hope that the successful tenderer will be announced in September, that the line to the South-East will be reopened and that much of the freight which is currently on our roads and which is overtaxing our road network will revert to rail, once again making the South-East even more viable and benefiting all businesses and residents in the South-East. This is a great piece of news for the state and the South-East.

SELECT COMMITTEE ON GROUNDWATER RESOURCES IN THE SOUTH-EAST

The Hon. R.G. KERIN (Deputy Premier): I move:

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

Motion carried.

STATUTES AMENDMENT (GAMBLING REGULATION No. 1) BILL

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

No. 1. Page 4, line 6 (clause 2)—Leave out all words on this line and insert:

(1) Part 1 and section 17A of this Act will come into operation on assent.

(2) The remainder of this Act will come into operation on a day to be fixed by proclamation.

No. 2. Page 4—After line 25 insert new clause as follows:

Amendment of s. 37—Application for grant or renewal, or variation of condition, of licence

6A. Section 37 of the principal Act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsection:

(2) However, the Authority cannot require an applicant for renewal of a bookmaker's, clerk's or betting shop licence, or a member of the applicant's family, to provide or to submit to the taking of finger prints or palm prints or to provide or consent to the release of his or her criminal record (if any) if the applicant is a person to whom subclause (1), (2) or (3), as the case may be, of Schedule 1 clause 3 applies.

No. 3. Page 4—After line 30 insert new clause as follows:

Amendment of s. 51—Review and alteration of approved rules, systems, procedures, equipment or code provisions

7A. Section 51 of the principal Act is amended by inserting before subsection (1) the following subsections:

(1aa) The Authority must, in consultation with relevant licensees, review the codes of practice referred to in this Division at least every 2 years.

(1aab) The Authority must seek and consider written submissions from the public when reviewing a code of practice under subsection (1aa).

No. 4. Page 7 (clause 14)—After line 10 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).

No. 5. Page 7—After line 36 insert new clause as follows:

Amendment of s. 42—Gambling on credit prohibited

15A. Section 42 of the principal Act is amended by inserting in subsection (1) after paragraph (b) the following paragraph:

(ba) allow a person to use a credit card or charge card for the purpose of paying for gambling or in circumstances where the licensee could reasonably be expected to know that the use of the card is for that purpose; or.

No. 6. Page 8, lines 7 and 8 (clause 16)—Leave out 'on any one day' and insert:

in any one transaction

No. 7. Page 8 (clause 16)—After line 11 insert proposed subsection as follows:

(1a) It is a condition of the casino licence that the licensee must not, on or after the prescribed day, provide, or allow another person to provide, cash facilities on the premises of the casino that allow a person to obtain cash by means of those facilities more than once on any one debit or credit card, on any one day.

No. 8. Page 8, lines 18 and 19 (clause 16)—Leave out the proposed definition of 'prescribed day' and insert:

'prescribed day' means—

(a) for the purposes of subsection (1)—the day falling 3 months after the commencement of this section;

(b) for the purposes of subsection (1a)—a day fixed by proclamation.

No. 9. Page 8 (clause 16)—After line 23 insert proposed subsections as follow:

(1a) The Governor may, by regulation, grant an exemption from subsection (1) for a specified period for the purposes of the conduct of a trial of a system designed to monitor or limit levels of gambling through the operation of gaming machines otherwise than by the insertion of coins.

(1b) Regulations made for the purposes of subsection (1a) may make provision for the recording and reporting of data in connection with the trial.

(1c) A regulation under subsection (1a) cannot come into operation until the time has passed during which the regulation may be disallowed by resolution of either House of Parliament.

(1d) The Minister must, within 3 months after expiry of an exemption under subsection (1a), cause a report to be laid before both Houses of Parliament about the conduct and results of the trial.

No. 10. Page 8, lines 31 to 35 (clause 16)—Leave out proposed section 42C.

No. 11. Page 9—After line 16 insert new clause as follows:

Amendment of s. 14A—Freeze on gaming machines

17A. Section 14A of the principal Act is amended—

(a) by inserting after subsection (2)(b) the following paragraph:

(c) an application made by any other person in prescribed circumstances.;

(b) by inserting after subsection (2) the following subsection:

(2a) A regulation made for the purposes of subsection (2)(c) cannot come into operation until the time has passed during which the regulation may be disallowed by resolution of either House of Parliament.

(c) by striking out from subsection (6) '2001' and substituting '2003'.

No. 12. Page 9, line 34 (clause 20)—Leave out 'on any one day' and insert:

in any one transaction

No. 13. Page 10 (clause 20)—After line 12 insert proposed subsection as follows:

(2a) The holder of a gaming machine licence must not, on or after the prescribed day, provide, or allow another person to provide, cash facilities on the licensed premises that allow a person to obtain cash by means of those facilities more than once on any one debit or credit card, on any one day.

No. 14. Page 10, lines 14 and 15 (clause 20)—Leave out the proposed definition of 'prescribed day' and insert:

'prescribed day' means—

(a) for the purposes of subsection (1)—the day falling 3 months after the commencement of this section;

(b) for the purposes of subsection (2a)—a day fixed by proclamation.

No. 15. Page 10—After line 15 insert new clause as follows:

Amendment of s. 52—Prohibition of lending or extension of credit

20A. Section 52 of the principal Act is amended—

(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,.

No. 16. Page 10, lines 20 and 21 (clause 21)—Leave out 'by the insertion of a banknote' and insert:

by means other than the insertion of a coin

No. 17. Page 10 (clause 21)—After line 22 insert proposed subsections as follow:

(1a) The Governor may, by regulation, grant an exemption from subsection (1) for a specified period for the purposes of the conduct of a trial of a system designed to monitor or limit levels of gambling through the operation of gaming machines otherwise than by the insertion of coins.

(1b) Regulations made for the purposes of subsection (1a) may make provision for the recording and reporting of data in connection with the trial.

(1c) A regulation under subsection (1a) cannot come into operation until the time has passed during which the regulation may be disallowed by resolution of either House of Parliament.

(1d) The Minister must, within 3 months after expiry of an exemption under subsection (1a), cause a report to be laid before both Houses of Parliament about the conduct and results of the trial.

No. 18. Page 10, lines 30 to 34 (clause 21)—Leave out proposed section 53B.

No. 19. Page 11 (clause 22)—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).

No. 20. Page 15, line 18 (clause 34)—Leave out 'The' and insert:

Subject to subsection (3a), the

No. 21. Page 15 (clause 34)—After line 19 insert proposed subsection as follows:

(3a) An order under this section may not be revoked, or be varied so as to limit in any way its application, unless it has been in force for a period of at least 12 months.

No. 22. Page 18 (clause 49)—After line 34 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).

Consideration in committee of the Legislative Council's amendments.

Amendments Nos 1 to 9:

The Hon. J.W. OLSEN: I move:

That the Legislative Councils amendments Nos 1 to 9 be agreed to.

The Legislative Council has indicated a schedule of amendments to the bill. It is the government's view that a number of the amendments will be agreed to, but one will not be. I understand that the member for Hammond wishes to debate further in the committee a particular clause which relates to amendment No. 10.

Mr WRIGHT: I would like to speak briefly on amendment No. 2 and say that this is a very important amendment. I will not take up a lot of the time of the committee, but this amendment is very sensible. We must make a distinction between various forms of gambling. Obviously, checks and balances need to be in place with any institution involved in any form of gambling. However, something may have slipped through without our fully realising the ramifications involved. I believe that the amendment passed in the Legislative Council last night—and I commend the Hon. Angus Redford for drawing it to the attention of the Legislative Council—in respect of the existing licences for bookmakers and the need for bookmakers to be fingerprinted and, further, for information about close associates, I think it is, being removed—is a sensible and practical one.

I know that the bookmakers' league made representation to me and the government. They mounted a very strong case that the people who have existing licences and, in some cases, may have had licences for 20 to 30 years have been very responsible, corporate citizens. This is a sensible amendment which, I hope, will receive unanimous support. I do highlight again that there is a distinction between the casino, gaming that takes place in various institutions and racing. We should not just simply lump them all under the one umbrella; we should not treat them all exactly the same because they are different forms of gambling; they have a different history and culture and we must recognise that culture.

I conclude by saying that this is a good amendment that comes back to us. It is sensible and practical, and I hope that it is passed in this chamber and, beyond that, I hope the IGA does take on board the sentiments of the parliament.

Motion carried.

Amendment No. 10:

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

That the Legislative Council's amendment No.10 be agreed to.

Mr LEWIS: I urge the House to re-examine the manner in which it dealt with this matter when we were last debating it and supported it for all the good reasons then advanced by various speakers, not just me. It ensured that those people likely to acquire a problem gambling habit would be less inclined to do so if having won $500 they were unable either to have the machine give them credits or the establishment to pay them in coin, such that a very minor change to the software in these electronic gaming devices we call poker machines would lock up the machine and enable the winner to go to the premises' management counter to advise that they had won their prize of $500 or more and have that recorded with the machine unlocked if they still had funds they wished to play with. That $500-plus payment would be given to them in a cheque.

Members will recall that another provision was that gamblers would be unable to cash that cheque anywhere, certainly not at the premises where the winnings had been obtained. I believed the House understood the good sense of doing it that way because the innocent victims of problem gambling, the children and spouse of the person (if they had a spouse or any children) would be likely to have some money with which to pay bills and buy food next morning when the person predisposed to become a problem gambler woke up to find they still had the cheque for $500 regardless of how much they had otherwise lost.

I thought it was a good idea. The House has thought it to be a good idea. In the meantime, I understand that the member for Bragg has prevailed upon the member for Hart not to disturb the arrangement that was made in the committee which the member for Bragg chaired and which was appointed by the Premier. That committee did not consider any such proposition as was put before the House by me and, in consequence of its not having, if you like, imagined that such an idea might be a good idea, was silent on the question. It was not as if the committee chaired by the member for Bragg had a firm view and that it formed part of any deal: it did not form part of any deal because I checked with members of the committee privately.

The Hon. G.A. Ingerson interjecting:

Mr LEWIS: Very good. I thought you were telling me it formed part of the deal. I thank the member for Bragg for that explanatory interjection. What has happened in the meantime is that the member for Hart, to his eternal shame, has listened to the propositions put to him by the member for Bragg—if he did not indeed connive with the member for Bragg—and conned the ALP caucus into backflipping.

Ms Hurley: No.

Mr LEWIS: Yes.

Ms Hurley: No.

Mr LEWIS: Why was it in the upper house yesterday that the Labor Party voted en bloc against it?

Mr Foley interjecting:

Mr LEWIS: I am sure you have some plausible explanation; you always do have. I remember that when I walked into Minister Arnold's office with half a sheep on my shoulder, pointing our that it was hardly lamb, you said that it was a stunt because journalists followed me in. Well, I had not told them I was coming.

Mr Foley: It was a stunt, Peter.

Mr LEWIS: It was not a stunt. If I had not carried it, it would not have got there and I knew it would be clean after I finished with it—and I could not trust anyone else in that group to handle it; and I made sure you did not get a chop of it. It was not a lamb. It had yellow fat on it. Yellow fat meant it had been through two summers at least and had become lean and then got fat again. It was the carotene that had remained behind. I know how to count the annual rings.

One of the annual rings is this desire I have had to make gambling less of a problem for those predisposed to become problem gamblers. I invite the member for Bragg and the member for Hart to say to the House what it is that they have done or failed to do in addressing the same problem areas for the community and I may respond to any remarks they make.

Mr FOLEY: Can I have a slight indulgence, sir, to clarify for the record that a lot of things happen to one in one's working life. When I was but a ministerial adviser to the former Minister for Industry and Agriculture (Lynn Arnold)—and I was only a staffer to the Minister for Agriculture—the sight of a member of parliament, a very senior and important member of the Liberal Party, walking past the minister's office with a frozen carcass of lamb over his shoulder was a little different. I had to look twice to see what it was that the honourable member was carrying and it was a big sheep. Cameras were following him. I do confess I did say, 'I think it's a stunt.' I am not sure how else one could describe it, other than a stunt. It was one of life's funnier moments in my time working for Lynn.

In relation to the issue of cashing of cheques, the member for Hammond is correct: the Labor Party, or certainly I, as the shadow minister carrying the bill at this point, was concerned to receive advice late yesterday afternoon from Sky City Casino, following on from advice we had from the hotels association, that—

Mr Lewis interjecting:

Mr FOLEY: I am explaining, member for Hammond. Very late in the afternoon yesterday we received written advice and phone calls from Sky City Casino in New Zealand directly to me, following a briefing that had been provided to me and my colleague the Hon. Paul Holloway in another place from the Hotels Association, explaining the logistical difficulties associated with an amendment that would, first, require cheques to be written at $1 000 but, then, quite significantly, compounding those logistical problems should the cheque be written for $500.

The casino advised me last night that it was unaware that this was happening until the last couple of days and that it would urgently seek an opportunity to brief the Labor Party, as I am sure it would the government, on just what that means. The advice, both written and verbal, from this company was that, particularly with the casino, as each machine would have to be individually reprogrammed there was a significant cost to the casino of such a measure.

Mr Lewis interjecting:

Mr FOLEY: I'm just telling you what they told me.

Mr Lewis: Of course they'd tell you that.

Mr FOLEY: Exactly. And they have every right to tell me that. One thing I try not to do in this job is become an expert in everything. Just a couple of things I am an expert in, I might add, but technology to do with poker machines is certainly not one of them. Anyone whose business we are significantly affecting through the actions of this parliament should be given the opportunity to brief those politicians who are making that decision.

In this place today when this is put to a vote we will be supporting the member for Hammond, because that is the Labor Party caucus's position and it will be upheld in the House today. What occurred last night in the Legislative Council was a reaction to the fact that we had to move quickly on our feet to deal with an issue that, according to this particular company, was going to cause it substantial financial costs and logistical difficulties.

If the honourable member's amendment is successful here today, it would be my intention to convene a meeting of the Labor caucus and discuss this further with my colleagues, but we have not had the chance to do that. If we had the chance to debate this bill later this evening I could well have asked the party, with my deputy leader, to convene a meeting, explain it to my colleagues, and all of us would make a judgment as to whether or not we would support this.

Equally, Sky City Casino, for one, had put a request to me that it would also like the opportunity to brief the Labor caucus as to exactly what the ramifications to its business were. My view is that it is entitled to do that and we as legislators should be prepared to seek that advice and listen to it, so that we can then decide whether we agree or disagree. As I said, the caucus position on our books will be supported here in that we will be opposing the Premier's amendment, which is supporting the member for Hammond.

I am just putting on notice that, if that is defeated, I will be asking for our caucus to reconvene some time later today before this matter goes back to the other place, to give my colleagues the chance to do what I have just explained. It is awfully complicated, not ideal, but it is a fact of life when you are dealing with legislation that is changing every day.

Mr Hanna: What about the consultation process?

Mr FOLEY: That is another matter for the government and Sky City and others to work through. I think that the member for Hammond must accept that he has brought into this place a number of complicated amendments that are by nature difficult to work through and have potentially far-reaching implications and, given that this is a rather substantial piece of legislation, I think that we have to show some caution. As I said, it is not ideal, awfully complicated and a tad clumsy. That is not something novel to this place, and I would ask the member for Hammond to understand the position that the Labor Party is putting here today.

The Hon. G.A. INGERSON: The member for Hammond has not told it as it happened last night, and I think it important that this House understands how it occurred. First, I was advised earlier in the day of the difficulties on this issue as far as the casino was concerned. There are significant technical issues and, as the member for Hart has said, they need to be sorted out. In discussion last evening with the members of the review committee, I advised them of the government's position and said that we would be opposing this clause but that it is the government's position to have this issue referred to the Independent Gambling Authority so that advice on how this issue can be implemented is sent back to the parliament as soon as possible.

The government is opposing only its current implementation, not its long-term position, and the members of the review committee accepted that in our discussions last night. It is accurate for the member for Hammond to say that it was not previously discussed, and I have never said that it was. I think that is important also to put on the record. We want to make sure that jackpot payment by cheque is implemented, but we want to make sure that it can be implemented at the same time across hotels and clubs and also in the casino.

Technically, there is a view that that cannot be done so easily in the casino. The hotels' and clubs' advice to me was that they would also have some difficulty but for a different reason, their reason being one of inability always to have signatories there. Since there are some difficulties, it would be in the interests of everyone to ensure that it is referred to the Independent Gambling Authority. The government has said that it will do that—it said it in the Legislative Council and we are making that commitment here again today—and ask that authority to advise this House and the Legislative Council on any amendments that may be required, but also to advise us on how the technicalities, in particular as they relate to the casino, can be sorted out.

Ms HURLEY: Many members of this House were pleased at the opportunity given by this bill to try to address the issues of problem gambling, and the Labor caucus support for the member for Hammond's amendment about cheques being issued for amounts over $500 reflected that desire to deal in a very practical way with problem gambling and with people who had a tendency to lose far too much money in a day's gambling.

I am very disappointed that a number of these measures have been pegged back bit by bit and, if the government has its way on this one, I hope that the Independent Gambling Authority deals with these sorts of issues expeditiously and finds practical ways to deal with problem gambling.

Mr LEWIS: At the outset I apologise to the member for Hart for maligning him. I had been told quietly that what I reported to the House was as it had happened, because I could not understand how the Labor caucus could have changed its position from the way in which it had voted here to the way in which it voted in the Legislative Council for the Hon. Paul Holloway's amendments. That astonished me, and it further astonishes me that it could have happened in the Legislative Council: that the Labor members there supported the Hon. Paul Holloway's proposal to remove section—

Mr Foley: No, it didn't. It passed on the voices.

Mr LEWIS: They knocked it out? Nobody divided?

Mr Foley: Had they divided, we would have voted on our caucus position.

Mr LEWIS: Then I have been misled otherwise as well. I regret that: I am sorry.

The Hon. G.A. Ingerson interjecting:

Mr LEWIS: I am about to do so. You cannot deny that you have discussed this with the member for Hart?

The Hon. G.A. Ingerson interjecting:

Mr LEWIS: Yes. So to that extent, I was not inaccurate. It may be that you were talking to him on other matters relevant to this bill, and not this particular measure. In any case, I commend again the concern which I know members of caucus have expressed around the corridors and which has been reflected in the remarks made by the Deputy Leader about ways of dealing with problem gambling and helping if not the person going down that slippery slope then at least those who are dependent upon them from being so adversely affected. It can be a sufficiently sobering experience if they take home a cheque for $500 that they would not otherwise have had.

The Hon. G.A. Ingerson interjecting:

Mr LEWIS: You want to try to do it another way? I wanted to say that, whilst I am not an expert in all things, I am sufficiently a 19th century amateur, which really means somebody who knows something about what they choose to talk about, to know that it is not all that expensive or difficult.

Mr Foley interjecting:

Mr LEWIS: These days we call it 'amateur'. The word had a somewhat different meaning in the 19th century when the Liberal Party was in ascendancy in the United Kingdom. I will not go into that now, Mr Chairman, as I see that it is not entirely germane to this debate.

My sincere wish is that this measure is reinstated in the legislation. It is not expensive. All those machines in the casino and/or elsewhere are programmed by downloading from a centrally held handpiece. Some of the older ones simply require a chip to be removed and another one put in it that has already been programmed in the same way, and loaded up, to stop the practice.

As for the argument, it is pretty thin when they say that they might not have all the signatories there at night or a sufficient number of them. That is just simply drivel. Payment being made by cheque does not have to be signed by that same person. It only has to be signed by an authorised person in the casino, hotel or club, and that authorised person under the legislation pursuant to the Licensing Act can be the manager. There has to be a manager on duty on all those premises. We have already said that in the law. If that person is not responsible enough to sign a statement that the wager succeeded in getting such a large dividend, or if that person is not authorised to do it, who the hell would be? That is the person they call out when the amount is substantial, at jackpot, to verify it and to give the cash.

I do not think it is in any sense an impediment or complexity to those of us who have sufficient wit to find our way into this place and for those other human beings who find themselves in management roles in those various businesses, casinos, pubs and clubs. I commend the measure to reinstate the proposed section and trust that the vote will therefore be negatived. I thank the Labor caucus for their good conscience in continuing to support the proposition.

Mr McEWEN: This again should force us all to reflect on how poorly we manage business in the House and reflect on the interjection of the member for Mitchell who actually said, 'Why do we not further consult on this measure?' That was a very reasonable interjection. If further evidence comes to us at the eleventh hour which on balance tends to sway the minds of members of this House, then we ought collectively to seek further information on that matter. But we have no such luxury, because this is the last day that we will have to

actually put in place the extension of the time line to enable any capping to continue.

So, here we find at the eleventh hour that we are not able to give due time to managing all of the issues because we squandered earlier opportunities and now find ourselves at the last minute pressured to make a decision. The advice I take is that the Independent Gambling Authority and the committee looking into this matter will take further advice and will reintroduce another amendment bill should we not find the evidence provided to us by the casino people to stand up to due scrutiny. Again I find myself today allowing this matter to pass through lack of consultation and the bill to proceed because of the necessity to conclude the business today, but I do so reluctantly.

The committee divided on the motion:

AYES (24)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A.	Kerin, R. G.
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.
Scalzi, G.	Such, R. B.
Venning, I. H.	Williams, M. R.

NOES (22)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Key, S. W.	Koutsantonis, T.
Lewis, I. P. (teller)	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
White, P. L.	Wright, M. J.

Majority of 2 for the Ayes.

Motion thus carried.

Amendment No. 11:

The Hon. J.W. OLSEN: I move:

That the Legislative Council's amendment No.11 be agreed to with the following amendment:

Leave out subparagraphs (a) and (b).

The net effect of this is to apply a cap for a further two years without qualification and without exception.

Mr FOLEY: Whilst my colleagues are in the chamber I point out that this is the cap amendment and is a matter of conscience on our side. The events of last night in another place mean, for members following the debate, that (a) and (b) relate to an application made by any other person in prescribed circumstances, (b) being:

A regulation made for the purposes of subsection (2)(c) cannot come into operation until the time has passed during which the regulation may be disallowed by resolution of either House of Parliament.

That amendment was moved by our colleague Paul Holloway in another place and I understand supported by the Treasurer, Rob Lucas, there. The net effect of this amendment means that should a development occur any time during the freeze period that is deemed to be of such significance to the state—such as a major tourism development or hotel resort development—that it is in the state's economic interest, the parliament will have a provision by which it can allow that development to occur. I think that is a sensible amendment, but I respect that others may not think so. The motivation of the Hon. Paul Holloway was two-fold, one being simply to do as it says and allow future developments to occur but also anticipating what may be the ramifications of what I respectfully consider to be an ill-considered freeze which, depending on how long the freeze lasts, may force future governments and parliaments into looking at other measures to deal with a ceiling on the number of machines such as the trading of licences to enable other developments to get off the ground.

As a parliament, we should be very concerned about creating a commodity in poker machine licences, as we see in other areas of regulation in government. I think that would be a dangerous road to traverse but, if freezes are to stay over the medium to long term, governments or parliaments will be forced into some sort of measure such as that. I ask members to consider carefully the merits of the Holloway amendment from another place. I believe that it is a sensible amendment. I should say the Holloway/Lucas amendment. A conscience vote does bring together some interesting people. I cannot miss the opportunity to make the point, of course, that the Hon. Rob Lucas, I thought, was a close mate of the Premier, but so be it.

The Hon. J.W. Olsen interjecting:

Mr FOLEY: I think that the Hon. Paul Holloway and the Hon. Rob Lucas were right: it was worth doing because, without wanting to revisit my entire second reading contribution, a freeze, I think, can do significant damage to our state in the future. I thought that this was a smart move to give some flexibility to the parliaments of the day. As I say, it is a conscience issue on our side, and here we go.

Mr HANNA: We either have a cap or we do not. It seems to me that the majority of the parliament is in favour of having a cap. The only way for it to work properly is to enforce it. It is black and white. You cannot have a cap with a rack of exceptions for which this Legislative Council amendment would provide. It is like having a condom with a hole in it—it will make the cap pretty well useless. Without revisiting the whole debate about the cap, if we are to have whatever protection the cap provides, we must support the Premier today.

The committee divided on the amendment:

AYES (33)

Atkinson M. J.	Bedford F. E.
Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
Condous, S. G.	De Laine M. R.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Hanna K.	Hurley A. K.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Koutsantonis A.
Lewis, I. P.	Matthew, W. A.
Maywald K. A.	McEwen R. J.
Meier, E. J.	Olsen, J. W. (teller)
Oswald, J. K. G.	Penfold, E. M.
Rann M. D.	Scalzi, G.
Stevens L.	Such, R. B.
Venning, I. H.	Williams M. R.
Wright M. J.	

NOES (13)

Armitage M. H.	Breuer, L. R.

NOES (cont.)

Ciccarello, V.	Clarke, R. D.
Conlon, P. F.	Foley, K. O. (teller)
Geraghty, R. K.	Hill, J. D.
Key, S. W.	Rankine, J. M.
Snelling, J. J.	Thompson, M. G.
White, P. L.	

Majority of 20 for the Ayes.

Motion thus carried.

Amendments Nos 12 to 17:

The Hon. J.W. OLSEN: I move:

That the Legislative Council's amendments Nos 12 to 17 be agreed to.

Amendment carried; motion as amended carried.

Amendment No. 18:

The Hon. J.W. OLSEN: I move:

That the Legislative Council's amendment No. 18 be agreed to.

Mr LEWIS: I strongly disagree with this. I have learned in the last few minutes that what in fact happened in the Legislative Council, with respect to this question of payment of all winnings of $500 or more, is that when the call was made by the Hon. Nick Xenophon to support the proposition in the other place, there were no other voices and that when he called 'Divide' nobody, including the Labor members in the other place, voted with him; he was alone. So, the caucus is split and, if that is the case, I retract the apology I made for my earlier remark in this chamber. The Labor caucus members in the other place clearly voted against their party room's decision, and that dismays me.

It is not a problem, or a difficult one at that, to reprogram the machines; it is done in a trice. The manner in which the machines are programmed varies from place to place and they are deliberately programmed by downloading from a hand-held device that carries the program information onto a chip in the machines so that it complies with the requirements of both the management of the institution involved—this is the percentage that is going to be paid out and the manner in which it is to be paid out—and where the law in that location in which the machine is operating determines how it will be paid out. In some places winnings can be paid out in coins if the machine has the capacity to do that, and in other places it has not; winnings have to be paid out in bank notes or by cheque. I will not go into the details of all that: it is just not as difficult as some members would have all of us here believe; it is a pretty simple matter.

As for the argument that was advanced by the member for Gordon that there had been no consultation, what is the ruddy point of it? If you believe in the principle, you do it. And if you do not believe in the principle (and I thank the members of the Labor caucus for supporting this when we tested it on the casino), do not do it.

There is nothing to be gained from consulting anybody. All they will present is a string of arguments making it seem as difficult and problematic as possible to introduce it, and they will cry crocodile tears: I am talking about the casino, pubs and clubs. It was the will of this House that we should require them to pay out $500 plus winnings in the form of a cheque. So, they will cry their crocodile tears, but I bet you, Mr Chairman, and every other member in this place—and I am not much of a gambling man—that not one poker machine will be closed down as a consequence of our introducing this provision. In fact, if we did not put the cap on, as we have just done, they would still be applying for them and hoping that they would be successful. And they would still be knowingly trading in human misery, in the profits that they were making.

The bulk of the winnings these places receive come from people who can ill afford to lose the money. Sure, it is their choice, but my greatest concern is for the welfare agencies that have to pick up the pieces, be they churches or whatever—it does not matter—and even greater than that is my concern for the dependants, especially when they are unable to do anything for themselves, if they are the children or the spouse left to try to make ends meet when there are no means of doing that. For the members of the government to say, 'We must consult,' I simply say in response, 'Crap.'

Mr FOLEY: I do not want to go over old ground except to say that the member for Hammond is wrong, wrong, wrong. With all due respect, it is not for the member for Hammond to be debating in this place the rules of the Labor Party caucus. It is for the Labor Party to decide what its rules are. We have our rules and guidelines regarding how those rules are interpreted. After reading the *Hansard* from last night, I believe the Hon. Paul Holloway did exactly the right thing. He quite openly and honestly indicated that at the last minute we were provided with a serious piece of correspondence, together with telephone calls to me, from the senior management of Skycity Casino wanting the opportunity to consult with the Labor Party and, indeed, the government before this measure was put in place because it could adversely affect its business. Any politician in this place who does not give someone the opportunity for consultation is being derelict in their duty.

Last night, the Hon. Paul Holloway said he had concerns about the matter. He restated the Labor Party's position—and it is in the *Hansard*—namely, that we would support the Lewis/Xenophon amendment. He said in the Council that, if it went to a vote, the Labor caucus would vote with it. It is here in black and white. I wish to make a brief but important point: the Labor party has been very tolerant right through a process where the Hon. Nick Xenophon and the member for Hammond have dumped on us and put in front of us last minute amendments, leaving us little or no time to consider them. Minutes prior to going into a shadow cabinet meeting on Monday and a caucus meeting on Tuesday, I received from the Hon. Nick Xenophon amendments that I had to discuss with my colleagues. I did not have sufficient time to consider and consult on those amendments properly, but I took them into my caucus, and we did the best we could.

The other week, the member for Hammond brought into this House a series of complicated, detailed amendments, dumped them in this place and expected us in the Labor Party to resolve a position immediately. When I asked the member for Hammond to explain a few of those amendments, he said, 'You had better go and see the Hon. Nick Xenophon.' I will not cop those games. We have done the best we can under the circumstances. We have done the right thing according to Labor Party rules, Skycity Casino and this parliament, and we stand by everything we have done.

Motion carried.

Amendments Nos 19 to 22:

The Hon. J.W. OLSEN: I move:

That the Legislative Council's amendments Nos 19 to 22 be agreed to.

Motion carried.

SELECT COMMITTEE ON THE FUNDING OF THE PUBLIC HOSPITAL SYSTEM

Mr McEWEN (Gordon): I move:

That the time for bringing up the report of the committee be extended to Wednesday 25 July 2001.

Motion carried.

PUBLIC WORKS COMMITTEE: BARCOO OUTLET

Adjourned debate on motion of Mr Lewis:

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

(Continued from 16 May. Page 1551.)

Ms KEY (Hanson): I want to comment on this matter today as the Barcoo Outlet is in the electorate of Hanson, the area I represent. Also, the Adelaide Airport is near that area, in the electorate of Hanson. A number of issues have been raised about stormwater, particularly to do with the Adelaide Airport, and its connection to waste and stormwater going out to sea. Today in question time we were treated to the Minister for Government Enterprise's excitement on the part of the government regarding the milk carton regatta. Although I do not want to be a spoilsport and make comments about the milk carton regatta, I would hardly see it as a justification for spending millions of dollars to make the Patawalonga look nice at the expense of Henley and Grange. As someone who uses that beach, since the Adelaide boat harbor has been put in place—and the Barcoo Outlet is also there—it is difficult to use that area without having to avoid trucks carting sand and being in the way of people working on the beach. Although I am not a swimmer, I would still say people who normally run and swim at that beach would have had difficulty in accessing the facility near Henley and Grange.

While it is nice and pleasant for the people of Glenelg to have the Patawalonga sorted out, it is at the cost of Henley and Grange. I do not think that is a good environmental solution. Sure, we need to try to improve that whole area but not at a cost to another area. I went through the disasters that were attached to the Adelaide shores boat harbor, and this is just a bit too much to ask of the people who live in Colton.

The minister also went on to talk about how people should not be critical of the Barcoo Outlet. After all, I understand a prize was won for engineering. Baulderstone Hornibrook and Connell Wagner won the 2001 Eureka prize in the category of innovation engineering. That is commendable. It is great to see that South Australia has a project that is featured in this prize. What the minister did not tell us was that the award was for the venturi valve, which is the valve that controls sea water and stormwater circulation. I congratulate those companies. However, the minister was not entirely forthcoming in what the award was for. It was an engineering award for a valve—not complimenting the project on being one of excellence.

Millions of dollars are being spent on the Barcoo Outlet, and the people in the area do not support that. A couple of years ago, I moved a motion in parliament regarding the need for a more holistic approach to the management of stormwater and waste. Expert advice presented to the Environment, Resources and Development Committee and reports of the Public Works Committee indicated that we needed to take this holistic approach. One of the areas that was identified as being in urgent need of an upgrade was the Heathfield sewage treatment plant. I want to be positive and say that finally the government has realised the prediction that was made a number of years ago about the Heathfield waste water treatment plant, and it will now come to fruition. Judging by the figures I have been quoted today and by the ones given today, there seems to be an enormous blow-out in costs. It will be interesting to hear the minister explain during estimates exactly why there has been a big blow-out for the Heathfield sewage treatment plant.

I also note that Minister Armitage, the Minister for Government Enterprises—or diminishing government enterprises—thinks that the Barcoo Outlet is a product of the cream of Australia's scientific community. I am wondering how we can explain the fact that a number of scientists and eminent people have come to the Environment, Resources and Development Committee and the Public Works Committee and raised severe concerns about not only the Adelaide shores boat harbor but also the Barcoo Outlet. In my view, it does not seem to match the concerns raised. I really do not know how one could call the Barcoo Outlet a product of the cream of Australia's scientific community.

The other thing I note is that, when the Senate Environment, Communications Information Technology and the Arts References Committee conducted its inquiry into the Gulf St Vincent in June 2000, it made a number of comments in chapter three about what was happening to the environment of the Gulf St Vincent. In summary, a number of points were made about pollution. At point 3.3 the report states:

> One of the highest priority marine pollution issues in the Gulf St Vincent is the discharge of excess nutrients into the marine environment from littering, sewage outfalls, stormwater and agricultural run-off.

The report goes on to refer to sewage outfalls and at point 3.4 states:

> Metropolitan Adelaide has four major sewage treatment works (Bolivar, Port Adelaide, Christies Beach and Glenelg) which provide secondary treatment and discharge of 80 000 megalitres of waste water per year to the sea. This waste water contains, on average, 2 736 tonnes of nitrogen and 495 tonnes of phosphorus. There are other waste water treatment plants such as Heathfield, but the volumes of waste water discharged from these is a fraction of what is discharged from the major plants (although the effects on the environment differ only in scale).

Further, it refers to sewage sludge discharged into the sea from the Glenelg and Port Adelaide plants and how this has had to be disposed of on land because of the severe effect it was having on seagrasses. The report also refers to seagrasses and states:

> Seagrass meadows are of fundamental importance to the gulf ecosystems. They bind the sediments and provide nurseries and a safe habitat for marine organisms.

The report goes on to talk about the evidence that was received by the senate inquiry and how there have been real problems of regrowth and recolonisation of seagrasses because the areas have been denuded; and it talks about the problems particularly in the case of Glenelg and Port Adelaide.

The issue of turbidity was also looked at by the senate inquiry. Other issues raised included sediment loss, fishing and the loss of a number of different types of marine environment from that area. I really wonder how the minister could possibly say that this project was undertaken by the cream of the scientific community. I have just referred to one senate report and in my office I have at least a filing cabinet full of information about how disastrous the Adelaide Shores Boat Harbour has been on the local environment, particularly

at Henley and Grange, and that has been almost beaten by the Barcoo Outlet, because it is an environmental disaster.

I am sad to say that, although some very positive announcements have been made about the Heathfield treatment plant, I do not think this will save us. I think that area will be lost and we will have problems and cost blow-outs forever more in that area.

Mr WILLIAMS (MacKillop): The announcement by the minister regarding the Heathfield Waste Water Treatment Plant during question time today has cut across some of the things I was going to say about this report, but certainly I think that the claptrap that has been bandied around with regard to the Barcoo Outlet should be put to bed once and for all. I will go back to the genesis of the Barcoo Outlet and revisit why, how and where it came from. We have the Patawalonga, which I guess before settlement of the Adelaide Plains was a natural waterway, particularly the area adjacent to the coastline.

The Patawalonga would have been a pristine estuarine environment where the water quality, although being good, would have changed from being relatively fresh to relatively salty as the seasons came and went. That happened naturally because of the reed beds and the swamps upstream from the Patawalonga. The Patawalonga would have had a slow flow rate of fresh water after storm events, as would the whole of the creek system upstream. And so, we would have had a much different environment from what we find there today.

Today we find that the upstream areas all the way to Heathfield—through the foothills and indeed into the hills and certainly on all the plains—have been paved or filled with houses and buildings, with stormwater running off their roofs into the stormwater drainage system. Therefore, after any sort of rain event, the water flowing into the creeks and ending up in the Patawalonga enters with a sudden rush. Having built over the catchment area of the creeks, which, eventually, flow into the Patawalonga, it is impossible to recreate what we had previously, that is, an estuarine environment.

We have two choices. We have a choice of either putting up with what we have had for a number of years now (which is nothing more than a cesspool), or returning it to a salt water environment. It is impossible to try to maintain it as an estuarine environment because of the way in which the water now runs into that area after a rain event; it runs in very quickly and then stagnates. If we try to maintain it as an estuarine environment, that is, allow the water to keep running down the creeks after rain events, it would oscillate between a total salt water environment (sea water comprising approximately 35 000 parts per million of totally dissolved salts) and becoming almost a pure fresh water environment after rain events.

Any marine life inhabiting the Patawalonga would find it unsustainable, because, to my knowledge, very few, if any, forms of marine life can stand those great variations in the salinity levels. First, we have to accept that we cannot achieve what was there previously. We have to accept that the only way to maintain the Patawalonga as a body of water which does not turn into a cesspool is to maintain it as a salt water body, and the only way to do that is to divert the rainwater, the stormwater run-off, away from the Patawalonga.

That is exactly what the Barcoo Outlet does: it diverts the stormwater run-off directly into the sea, bearing in mind that all that stormwater run-off always ended up in the sea. What this does is bypass the Patawalonga and allows the Patawalonga to become a pristine salt water environment in which salt water marine life, flora and fauna will be able to survive and indeed abound. Quite a few issues have been raised with regard to the Patawalonga and the Barcoo Outlet. Members opposite and some of the community have been calling for the reduction in the pollutants which flow from the Heathfield Waste Water Treatment Plant.

For a number of years this government has been working on an environmental improvement program and, from memory, I think it is at a cost of some $237 million. I recall saying not that long ago that, in respect of the environmental improvement program which involves upgrading all the waste water treatment plants in the state, it is one of the best environmental works ever undertaken in the state. Obviously we have started with the worst offenders. The previous speaker talked about the outflow of pollutants from our waste water treatment plants into the Gulf St Vincent. The four main waste water treatment plants in Adelaide, namely, Bolivar, Port Adelaide, Glenelg and Christies Beach are all in the process of either having been upgraded or being upgraded.

Ms Key: Are you a greenie?

Mr WILLIAMS: I am a raving greenie. All farmers are greenies. The environmental improvement program is rolling on. But just allow me to quote some figures which came from the Patawalonga Catchment Water Management Board to the Public Works Committee when we were inquiring into the Barcoo Outlet. We picked up a press release which stated that the total outflow of solids from Heathfield was merely five tonnes in a year. We wondered about that and sought further advice.

The advice came from the catchment management board—and these figures are based on data from the years 1989 to 1993—that over those four years the average annual flow from the Heathfield waste water treatment plant was 400 megalitres of water a year, containing a total of 3.8 tonnes of phosphorous per year, and a total of 10.1 tonnes of nitrogen per year. Members should bear in mind that nitrogen, which the main pollutant has been blamed for the degradation of the seagrasses off the coast adjacent to metropolitan Adelaide.

Estimates of nutrient loads from the Patawalonga catchment due to stormwater flows from the urban areas—this is nothing to do with the Heathfield waste water treatment plant, but all the other stormwater that flows into the Patawalonga—are 5.2 tonnes of phosphorous (as opposed to 3.8 tonnes from the Heathfield waste water treatment plant), and 83 tonnes of nitrogen (over eight times the amount that comes out of the Heathfield waste water treatment plant).

I am absolutely delighted that the upgrade of the Heathfield waste water treatment plant has reached the point in time where it will be carried out in the not too distant future. All of a sudden, those who oppose everything that this government has been doing will not be able to point the finger at that. However, I point out to members that there are still a lot of other pollutants running off our streets, parks, gardens and rooves which end up in the Barcoo Outlet and go out to sea. There is absolutely nothing we can do about it.

There are some small areas available where we could have put in reedbeds and swamps, etc., but unfortunately the days are long gone when we could have done it on a major scale to completely solve the problem down there, because the area of land needed to do that has been built on. That is an impossible dream, and we were talking earlier in the day during question time about the dreaming going on by some members opposite. That is an impossible dream. It is all very

well to call for impossible dreams when you are in opposition, but when you are in government you are required to get on and make it a better place in which to live, and that is what we are doing.

One of the other issues was raised by the City of West Torrens concerning potential flooding in its council area. The committee was assured that if there is any flooding within the City of West Torrens (and they were mainly talking of an area quite some distance upstream, their major concern being the city side of the airport), it would be caused by the lack of capacity in the drain which runs along the northern and western boundaries of the airport. The flooding would be caused by bottlenecks well upstream from the Patawalonga and the Barcoo Outlet. Members who read the evidence that came to the committee would be well aware of that.

We were given the following assurance—and in this respect I quote from our report, as follows:

> The committee received an assurance from the minister that 'a major design objective is to ensure that flood protection afforded by the present Patawalonga at the Glenelg barrage gate system is not compromised.'

Time expired.

Mr CLARKE (Ross Smith): I think we ought to get back to basics with respect to this Barcoo Outlet. Let us remember basically why the government is bringing about the Barcoo Outlet: it is simply to accommodate the Holdfast Shores residential development. There is a need, as those developers see it, for the Patawalonga to be pristine and able to have primary contact with humans 365 days of the year. That is an absolute nonsense.

We do not need the Barcoo Outlet. Pat Harbison, an environmental consultant whose credibility has never been questioned in the sense of showing her studies have been less than accurate, has shown that we could retain the use of the Patawalonga as a ponding basin but still allow for a north-south flow of seawater. That would allow for primary contact in the Patawalonga for the overwhelming majority of the year, but there would be some days, particularly in winter, when one would not be advised to go for a swim in the Patawalonga. I do not know about you, Mr Acting Speaker, but swimming in the Patawalonga in June or July is not one of the highlights of my life—and I suspect it is not a necessary highlight in the life of any tourist who ventures to the Patawalonga during our winter months.

Surely it is about time for this parliament to draw the line in the sand, if members will excuse the pun, when it comes to handing over taxpayers' money to the Holdfast Shores developers. Not only have we allowed them to destroy Henley and Grange beaches by interrupting the flow of sand because of the boat harbor at West Beach—and taxpayers will have to replenish that sand at tremendous cost every year for as long as the boat harbor is there—but we have also given them land around Colley Reserve and elsewhere, plus Better Cities money for remediation of the Patawalonga, plus other state government moneys.

We are talking about a subsidy of tens of millions of dollars for a private development, in effect, and it is growing because of the constant need to replenish the sand and dredge the Patawalonga for so-called private industry. It is a huge subsidy to private industry. Liberal Party policy talks about welfare benefits and wanting single mothers to have mutual obligations to go back to the work force, but in terms of corporate welfare and those who can afford to buy the apartments (which are priced in the hundreds of thousands of dollars) we are spending millions of taxpayers' dollars to increase the private value of those properties to the detriment of our environment. The Minister for Government Enterprises said today in relation to the Barcoo Outlet that we are lucky to have these wonderful consulting engineers who have won the Eureka prize, or whatever. I do not doubt that they are probably very good engineers, but the point is that what they are engineering has a fundamental, detrimental impact on our environment. They might be good engineers—they can still foul up our environment very well and be excellent engineers while doing it. We do not want Gulf St Vincent fouled because that is surely what will happen as the stormwater races straight out from Sturt Creek into the gulf near SARDI's aquatic centre, on which taxpayers spent a cool $16 million some years ago.

The Minister for Environment and Heritage casts a wry smile as he signs his letters—no doubt to his electors in Davenport. I notice the letters have a pale shade of green on them, if my eyes are any good from where I am standing. No doubt he is trying to convince the residents of Davenport that he is a greenie, a small 'd' Democrat, to try to resist the infestation of his electorate by Democrat voters at the next election. Only time will tell.

I have been involved in one way or another in this debate since before the last state election. There were, time after time, public meetings which various government ministers had to attend, together with the member for Colton and me, to put the respective views of the political parties. Overwhelmingly, the community voted against, first, the boat harbor at West Beach and, secondly, any concept of whether it be an open channel through the sand dunes for exiting the stormwater, or through and under the sand dunes, as in the Barcoo Outlet which we currently have before us.

I remember only too well the member for Colton saying that he was going to jump into the channel to prevent bulldozers digging a hole through the sand dunes—and I promised to join him at the same time. There is no way any bulldozer could have moved the two of us combined. He has been excused from being speared by a front-end loader because, apparently, the stormwater that goes under the sand dunes is perfectly okay but the stormwater going through an open channel is not okay—according to the member for Colton. That is just not an acceptable option.

The boat harbor has made a fundamental change to our beaches at West Beach, Henley and Grange. Our beaches in metropolitan Adelaide are a tremendous drawcard for tourists into South Australia, particularly those who take advantage of the West Beach Caravan Park. In the main, they are families from around South Australia and Victoria who are here on an affordable, economical holiday to enjoy the I would not say pristine but very good beaches we once had, which we have destroyed and on which we have to replenish the sand.

Surely we have gone beyond the myopic thinking of the 1940s, 1950s and 1960s when we built artificial reefs to interrupt the natural flow of sand. We now incur $250 000-plus a year additional cost to replenish that sand. That money could do so much good elsewhere. The Barcoo Outlet is simply there to enhance the value of property owned by both private owners and the developers of Holdfast Shores.

I missed a point I should have made about an industrial accident at the Barcoo Outlet in January this year which resulted in the death of an employee of Stockport Civil

Constructions. This apparently is the award winning contractor that has won the Eureka award.

I simply say that enough is enough in terms of expenditure of taxpayers' money on, essentially, a private development. If members opposite want to give them corporate welfare, they should take it out of their own pockets, not out of the pockets of the rest of the community of South Australia. Taxpayers' money should be put it into hospitals and schools. I do not want to subsidise those who live in apartments valued at $500 000-plus at Holdfast Shores. I am tired of subsidising their lifestyles. I am sure they do not mind not swimming in the Patawalonga during the winter months; I am sure some of them would not mind if some local residents put their boats in at the old Glenelg ramp rather than having to use the West Beach harbor. I am tired of this corporate welfare.

Time expired.

Mr KOUTSANTONIS (Peake): I endorse the comments of my close personal friend the member for Ross Smith.

The Hon. I.F. Evans interjecting:

Mr KOUTSANTONIS: The minister talks about endorsements. If he wants to talk about preselection, we can talk about preselection, but we will not: we will talk about the Barcoo Outlet and the way in which the government has systematically destroyed South Australian beaches and the environment surrounding West Beach, Henley and Grange. It has removed the beautiful vistas and panoramic views that residents and tourists flocked from throughout South Australia to see. We are one of the rare cities of the world which had pristine beaches so close to the CBD and suburbia.

At the next election I will be the candidate for the seat of West Torrens which takes in West Beach Caravan Park and the suburb of West Beach. The people of West Beach have been loyal supporters of this and previous Liberal governments since the time when the airport was being constructed, in Thomas Playford's time. People in West Beach have voted Liberal year in, year out, by 60 per cent or more. At the next election, we will see how their loyalty to the government will be rewarded, because the people of West Beach have seen the folly of supporting this government.

They have seen what has happened to them when they have taken for granted promises by the government about their beaches, about the Barcoo Outlet and about the West Beach boat harbour, and seen how their beaches, their property values and the homes that they worked so hard to build have been ruined. An election promise by then Premier Dean Brown that he would swim in the Patawalonga was made in 1993 to appease those people who live in the Holdfast Shores development and to appease the developers of Holdfast Shores. And the people of West Beach will be paying the government back in spades, because it has let them down no end.

There are a number of ways in which people have been let down, not only with the Barcoo Outlet and the way their beaches have been degraded and ruined but also the way in which they have been put to great expense in replenishing these beaches that were previously fine. The great tragedy of all this is that nearly 20 years ago the sand dunes at West Beach from Glenelg right down to Henley and Grange and further were quite magnificent, quite a drawcard. In fact, if you go to Holdfast Shores council they have old *Advertiser* news clippings about people picnicking and camping in the dunes off West Beach and Glenelg, and pictures showing how the beaches in West Beach and Glenelg were nearly 500 metres long. That is all gone now: there is just one dune left, if you can call it a real dune, and the whole ecology of the area has been changed for ever because of this government's mismanagement.

That is not the only thing that this government has done to the people of West Beach. With the extension of the Adelaide Airport runway it has dramatically altered—

The Hon. I.F. Evans: What's that got to do with the Barcoo Outlet?

Mr KOUTSANTONIS: Plenty. If he knew anything about the Barcoo Outlet the minister would not be saying that. The important thing is that, with the extension of the airport runway, provisions for stormwater going into the Patawalonga and therefore out the Barcoo Outlet were not made. Where does that stormwater go now? It simply floods. If there is a one in 10 year rain event, homes in West Beach will be flooded; if there is a one in 15 year event, because of the Barcoo Outlet and the extension of the airport runway, homes in Brooklyn Park, Lockleys and West Beach will be flooded; and if there is a one in 25 year rain event, homes in all of Lockleys, all of West Beach, most of Brooklyn Park and West Richmond will be flooded. But the government will not tackle that. Homes in Glenelg North are at risk; homes in Novar Gardens are at risk; but the government will not tackle that because it extended the runway and left the rest for the local council to deal with.

Ms Key interjecting:

Mr KOUTSANTONIS: It is lucky that we have people such as Paul Caica, Steve Georganas, the member for Hanson and me to fight for the residents of the western suburbs, because they will get no relief from Chris Gallus and the other members who represent the Liberal Party in the western suburbs. The important thing is that the government extended the runway, is spending a fortune on the West Beach boat harbour and spent a fortune of taxpayers' money replenishing sand because of the boat harbour, but will not spend basic money on infrastructure around the Barcoo Outlet to ensure that homes affected by its infrastructure spending will not be flooded.

What an absolute disgrace! It has left the problem with the West Torrens council. With all due respect to the West Torrens council and residents of that council area, they cannot afford to deal with this problem on their own. They need government assistance, but they will not get it. Our complaints have fallen on deaf ears. Neither Minister Laidlaw, Minister Armitage, the Premier nor the federal member for Hindmarsh will hear our complaints.

People in the western suburbs are fed up with being taken for granted by this government and, at the next election, it will be punished for this mismanagement, for the way it is polluting and ruining our beaches, and for the way it has put people's homes at risk for a quick buck or a quick photo op. This is a real infrastructure problem: this is about planning for the future. This is not just about looking at the next election but at the next 25 to 30 years, ensuring that residents are not put at risk of flood damage to their homes because of this government's extension to the airport runway and the Barcoo Outlet.

Talking about the Barcoo Outlet, one of the great engineering feats of the Barcoo Outlet is that it does not extend past the groyne. I thought that this was exceptionally talented of the government, because it thought to itself that it could save a bit of money by not going out past the groyne. So, what will happen with the outflow from the Barcoo Outlet? It will come straight back into the groyne, simply because of

the government's commitment to cleaning up the Patawalonga.

The Patawalonga needed to be cleaned up, and I support cleaning up the Patawalonga. I support proper environmental management of our lakes, outlets and rivers, but I have to say that to do it at the expense of a group of residents who do not live in Liberal electorates is a disgrace. It is bad governance any way you look at it but, for some reason, the government will not deal with the local council and the Mayor, the Hon. John Trainer, about fixing up this flood damage. To be quite frank, the flood damage will be caused because of the catchments away from West Torrens flowing down into West Torrens.

Because of the extension to the runway, the stormwater outlets will not be allowed to flow properly and there will just be flooding. It is a simple fix; it will not take much, although it will cost a bit of money. This government should commit itself—and I will be letting my electors know that the government is not committing itself—to this expenditure, because I am sure that it will not be in the budget.

I will be the first to applaud the government if this expenditure is included in the budget, but I doubt that it will be. I am happy to make a quiet bet afterwards with the minister, who has a smile on his face, that it will not be in the budget. If you go down and look at West Beach, it is a shadow of its former self, and the residents deserve better. They deserve better than to be treated this way by the government.

Even 10 years ago West Beach was one of the most popular beaches in Adelaide. Now, for the first time in my memory, there are days when the government puts out health warnings that the beaches are unusable. I just cannot believe that the government is happy with this situation. Where are the Minister for Tourism and the member for Coles on this? On the hottest days in Adelaide our news reports are saying that you cannot use our metropolitan beaches because they are polluted. On other days we have signs saying 'Enter at own risk', because there are trucks replenishing sand on our beaches.

The government made estimates the first time after it built the harbour about how much it would cost to replenish the sand every year. Of course, all those costs have blown out. But the government will not be here to meet those costs: it will be the next Labor government that will have to meet those costs and tackle the issues of infrastructure building around West Beach and the Barcoo Outlet. I just cannot believe that the government has been so short sighted in its approach to the Barcoo Outlet, West Beach and the boat harbour—all for an election promise it should never have made and could never keep. It could have fixed it up without punishing people who do not happen to live in Liberal electorates that are targeted. It is an absolute disgrace and this government should be condemned for it.

Motion carried.

PUBLIC WORKS COMMITTEE: QUEEN ELIZABETH HOSPITAL REDEVELOPMENT

Adjourned debate on motion of Mr Lewis:

That the 138th report of committee, on the Queen Elizabeth Hospital Redevelopment—Final Report, be noted.

(Continued from 15 November. Page 547.)

Ms STEVENS (Elizabeth): On 17 May this year I received a little note from my colleague the member for Florey in relation to the Queen Elizabeth Hospital. I will put on the record the contents of that note. She mentioned that the father of one of her constituents, whom I will not name, had pneumonia and was admitted to ward 8A at the Queen Elizabeth Hospital. She stated:

> He is old and frail and is taking antibiotics. On the eighth floor of the hospital the rain is coming in through a leak at the top of the window onto the beds, and so is the cold wind. Staff said they couldn't turn on the heater because the unit was covered in water. The cleaner said this happens every year and that all the toilets and showers on that floor are affected. Nurses have to move all the equipment and patients out because of the leaks.

This is not the first time we have heard stories such as that about the state of the facilities at the Queen Elizabeth Hospital. During the very hot weather in January, I received reports (and I do not have them in such graphic detail as the one I have just put on the record) of insufferable heat, of fans having to go and of power cuts so that the fans stopped and of airconditioning failing.

I go to a lot of hospitals in South Australia as the shadow minister for health, and in my view this is the worst hospital in our state by a long shot in terms of its facilities. So, it is pleasing at last to be able to speak on a report that deals with the upgrade of the hospital. However, I also point out to the House that we have had seven years of procrastination on this very matter. This was urgent right back when this government took office. In fact, they criticised the former Labor government for supposed inactivity and derogation of its responsibility in relation to the Queen Elizabeth Hospital. They accused us of that in spades. It has taken nearly eight years for them to do anything about it: eight years and seven different plans. They could never decide exactly what they were going to do, and every step of the way, when privatisation came and went, and with amalgamations and cuts, the upgrade of the hospital fell back again and again.

The Public Works Committee has presented to the parliament a report that covers the redevelopment proposal of the Queen Elizabeth Hospital. Unfortunately, it is only stage 1 of a four stage development program that will occur over nine years. I will return to that point later. We are looking only at stage 1, and the cost of this is $37.44 million.

Even the process with the Public Works Committee was a lengthy one, because when we went to the hospital for the first site visit and to take evidence we found that they had no real plan for us to look at in terms of the new hospital's design, about what wards were to be where—nothing at all.

Ms Thompson: Just build a building and see what happens.

Ms STEVENS: As my colleague the member for Reynell, who was with me on that day, interjects: just build a building and we will work it out as we go along. It was very interesting. The government representatives were most keen that we should approve this. Of course, the Public Works Committee, in doing its job properly, cannot do that. Every other project is expected to come to us with a proper plan and drawings for us to question, talk about, ask questions on and properly scrutinise. That was not there.

Secondly, we found when we went to that first briefing that the staff really had no input into the project at all. In fact, they had come along to find out what was happening. There had been no consultation with the staff. They had been left in the dark in relation to the project, what it would look like, what it would mean for them and all of those very important details. As everybody knows, the people who work in any

building are critical in terms of input for redevelopments and facility upgrades.

We also discovered at that time that the community did not know, either. We are not sure who did know. I do not think anyone actually knew. I think we had an announcement from the minister, who is fond of announcements, and off we started to go in the expectation that the Public Works Committee would let something go through with everything unclear.

It was about six months later that we had the proposal that we now have before us presented to us. We were pleased to see that the design had changed. Following the hurried consultation they had with the community (which at least they had; in fact they employed a consultant to communicate with the community), and after allowing the staff to have a say, they came up with a different proposal. That was the proposal which the minister announced in this House out of the blue: that we would see 200 new beds for 200 old beds.

So, the proposal that we have here is for the construction of 200 new beds. The design of a 'hospital in a garden' that was put forward is quite a good one. It was an improvement, so it shows what a little consultation can do. You can get a better result when you do things properly. However, we are still at a loss to know the details of the services that will come out of the new hospital.

I will put a couple of things on the record. Under questioning, the Department of Human Services told us that in the forward estimates of the government this project has been funded until 2002-03, and that is up to $6.5 million short of the $37 million to which I have already referred. I will be interested to see the capital works budget this week, and certainly I will be asking in estimates for the figures for the next year, 2003-04, and whether further funding is scheduled into forward estimates.

We therefore have three-quarters of stage 1 in the forward estimates but stages 2, 3 and 4 are not yet in those estimates. The committee was told in evidence that recurrent savings would result from the provision of all the new works, but until the four stages of the master plan were completed the full operational advantages would not be realised. The whole project, not only for the sake of the community, which has waited so long to get change and better facilities in terms of health care but just to realise the efficiencies and recurrent savings, needs to be completed as soon as possible.

That leads me to focus on our final recommendation. I quote from our report, in which we stated:

> While the Public Works Committee accepts the urgent need and associated benefits of redeveloping the Queen Elizabeth Hospital, members are concerned that this project will not be completed for nine years. As such, the committee recommends that the minister investigate as a matter of urgency the possibility of fast tracking this project to ensure works are completed in a shorter time.

At our last meeting, the committee received a redevelopment project update and we noted no comment whatsoever about fast-tracking. The minister previously told us that he would look into this but, to date, it seems to have fallen off the minister's agenda. The Public Works Committee will be pursuing this matter because we believe that the people of the western suburbs have waited long enough. Nine years is not good enough and the project must be fast-tracked.

Mr WRIGHT (Lee): I also note the final report of the Public Works Committee into the Queen Elizabeth Hospital redevelopment. I certainly do not need to go into the same detail given by our shadow minister for health who has been following very carefully not only the report but also this issue. There is something about this particular redevelopment that smells political. The Queen Elizabeth Hospital has been a proud institution. It was built, I think, in 1952 and it has serviced the western community and beyond, including country areas, assiduously since that time. We have a situation where this redevelopment has been announced in seven budgets without our seeing the commencement of any work.

The way in which this project has been handled as a political exercise is totally cynical. People in the western suburbs know well and truly the credentials of this government, not only in terms of health but also in terms of public hospitals and servicing the western suburbs. Whether it be hospitals, schools, the environment or the coast—about which we previously spoke in another motion—the people of the western suburbs know full well how this government will treat them. The government does it time and again. The way in which the government has handled this particular issue and the way that it has used political one-upmanship—I guess, is one way of describing it—has been a totally cynical exercise.

Who would believe that there would have been budget announcements on seven separate occasions only for those announcements to fall over. We have seen, only in the past few months, some work finally commenced with regard to the redevelopment of the Queen Elizabeth Hospital. This is an absolute shame and it is an indictment on this government. The Minister for Human Services, who has told us day in and day out what would take place since he became the minister responsible really has no credibility with respect to the Queen Elizabeth Hospital.

When one talks about the Queen Elizabeth Hospital one is talking about an institution for which people in the western suburbs have great empathy. They feel proud about it and they see it as their own institution. What we need to ask about this redevelopment—despite the cynicism and the protracted way in which this government has used it as a political exercise—is: how long will it be before the redevelopment work commences? The shadow minister has outlined the detail with regard to that. How can anyone believe this government, after I have just outlined to the House the way in which it has treated this particular issue, when stages two, three and four are not even in its forward estimates.

How can anyone trust this government with anything because we know its track record. We know the government's track record when it comes to making promises: it breaks them without the blink of an eye. That is the type of government we have on that side of the chamber. We are very cynical about whether any private development will take place on this site. There is still a lot of doubt about the detail and finalisation of this project. I note that the committee's report talks about 'the fragmented development'. I note that the report also talks about car parking being fragmented.

If one looks at some of the detail in the report one quickly learns of the committee's cynicism about the way in which this is being handled. I would like to draw to the attention of the House tonight the fact that an action group has been working very hard in the western area. The group is called the QEH Community Alliance Group which, I might say, includes a broad cross-section of the community. The group has held a number of public meetings in the local community and it is about to undertake a full week of consultation with the local community running from 18 June to 22 June.

It will provide information to the local community about what has taken place. It will provide information about its

aims and objectives and what it believes the future of the Queen Elizabeth Hospital should be. That consultation process will, ultimately, result in a public rally on 24 June at the Woodville Town Hall. I understand that a number of members of parliament will be invited to that rally. I would hope that representatives of all political parties would attend. I am sure that a number of people on this side of the House will be attending and supporting the QEH Alliance Group and, more importantly, supporting the Queen Elizabeth Hospital.

Also, we need answers from this government, this seedy government, and from this minister about its model for health care delivery to the western suburbs. There is no plan. Nothing has been put before the committee or this House in terms of the government's model for the delivery of health care in the western suburbs. What is the reason? The government just does not care. It does not care about the western suburbs; it does not care about the Queen Elizabeth Hospital; and it has no intention of providing the quality of service that is required for a public hospital of this nature.

I do not need to take my full time tonight. Suffice it to say that this government's track record on health is abysmal. This government's track record with respect to the Queen Elizabeth Hospital is just an absolute sham and it should be shamed for the way in which it has behaved. As a local member of parliament, the one issue that has been most raised with me—certainly on a weekly basis—is the future of the Queen Elizabeth Hospital. I would not want to exaggerate and say that it has been raised with me every day, but it is raised in the local electorate office on a weekly basis and, I might say, on most days of the week.

I am sure that some of my colleagues in neighbouring electorates would share that assertion with me. It is a very important issue, it is a critical issue and it is something about which people in the western suburbs feel very strongly and passionately. I would also like to draw to the attention of the House tonight the great sympathy I have for the staff. They do a wonderful job and, in a moment, I will cite a particular case to the House that happened to me just last night. The staff, under great pressure and under-resourced, do a fabulous job. It is amazing that even with the lack of resources they are given by this government, they are still able to provide the quality of service to patients and to the families of patients as they go about their challenging duty day in and day out.

It is just amazing how shabbily they have been treated by this government. Last night, during the dinner break, I received a telephone call from my wife who had received a telephone call at home from a constituent. As a result of that telephone call, I needed to follow up on behalf of the constituent. Obviously, I will not go into detail of the person's name, but a couple of hours earlier her husband had been taken to the Queen Elizabeth Hospital. She was not able to get through to the hospital and she was not able to get the details of what had been transpiring. I called the Queen Elizabeth Hospital and the staff could not respond quickly enough.

They could not take enough care in getting me the detail and making sure that the wife had the right numbers so that she could go direct to the appropriate section in the emergency services area to provide all the detail of the critical information that was required in such a situation. That is the quality of people that you are dealing with at the Queen Elizabeth Hospital. Why those people would not be properly resourced by this government, and why people in the western suburbs would not be properly resourced by this government is beyond me. You would think that any government of any status, of any standing, would want to provide quality health care to any particular region of the state—to any particular part of the metropolitan area and to any particular part of the country. You would think that health would be right at the top of the list of the type and quality of service that any government would want to provide to the community.

Let me say that, when it comes to this government, it has squibbed it. It has squibbed it on seven occasions when it has made announcements about the Queen Elizabeth Hospital, and when it comes the government's time to go before the people in the western suburbs it will be treated just the way it deserves to be treated.

Ms THOMPSON secured the adjournment of the debate.

APPROPRIATION BILL

The Hon. R.G. KERIN (Deputy Premier): I move:

That on Thursday 31 May standing orders be so far suspended as to enable—

(a) the Premier to have leave to continue his remarks on the Appropriation Bill immediately after moving 'That this bill be now read a second time';
(b) the Treasurer (Hon. R.I. Lucas, MLC) to be immediately admitted to the House for the purpose of giving a speech in relation to the Appropriation Bill; and
(c) the second reading speech on the Appropriation Bill to be resumed on motion.

Motion carried.

The Hon. R.G. KERIN (Deputy Premier): I move:

That a message be sent to the Legislative Council requesting that the Treasurer (Hon. R.I. Lucas, MLC) be permitted to attend at the table of the House on Thursday 31 May for the purpose of giving a speech in relation to the Appropriation Bill.

Motion carried.

FIRST HOME OWNER GRANT (NEW HOMES) AMENDMENT BILL

The Hon. M.R. BUCKBY (Minister for Education and Children's Services) obtained leave and introduced a bill for an act to amend the First Home Owner Grant Act. Read a first time.

The Hon. M.R. BUCKBY: I move:

That this bill be now read a second time.

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

Leave granted.

On 9 March 2001, the Prime Minister announced an additional $7 000 First Home Owner Grant ('the grant'), as a measure to provide short-term stimulus to the housing sector, an initiative that this government supports. This enhancement to the existing scheme means that a total grant of $14 000 will be available to eligible first home buyers purchasing or building a new home.

This is a targeted response to the current circumstances of the housing sector, and will build upon the positive confidence effects arising from recent reductions in official interest rates. In particular, it will bring about direct benefits for first home buyers, home builders and building suppliers, as well as flow-on benefits to a broader range of industries in South Australia.

The Prime Minister has requested that the States and Territories administer the additional grant, together with the existing grant which was introduced on 1 July 2000.

On 23 March 2001, following extensive consultation between Commonwealth, State and Territory Treasuries and Revenue Offices, the Federal Treasurer issued the settled eligibility criteria for the additional grant.

To be eligible for the additional $7 000 grant, applicants must first satisfy all of the eligibility requirements for the existing $7 000

grant. Under the existing grant requirements, an applicant must be a natural person, and if more than one applicant, at least one of the applicants must be an Australian citizen or permanent resident. At least one applicant must occupy the home as their principal place of residence within 12 months of settlement or construction. An applicant or an applicant's spouse or de facto partner must not have previously received a grant under this scheme anywhere in Australia and must not have owned, before 1 July 2000, any residential property in Australia, including an investment property. An applicant or an applicant's spouse or de facto partner must not have owned, on or after 1 July 2000, any residential property in Australia, and occupied that property.

Applicants are eligible for the additional $7 000 grant if they enter into a contract to buy or build a new home, between 9 March 2001 and 31 December 2001 inclusive. From 1 January 2002, the grant in respect of new homes will revert to $7 000.

The home must not have been previously occupied as a residence.

In respect of the construction of new homes, construction must commence within 16 weeks of entering into the contract, with the contract specifying a completion date within twelve months of the date of commencement, or if a completion date is not specified in the contract, completion must occur within twelve months of the commencement date.

Owner builders will be eligible for the additional $7 000 grant if they commence building between 9 March 2001 and 31 December 2001 inclusive, and complete construction by 30 April 2003. Similarly, applicants who purchase new homes 'off-the-plan' will be eligible for the additional $7 000 grant if the contract to purchase is entered into between 9 March 2001 and 31 December 2001 inclusive, and the contract provides for completion of construction by 30 April 2003.

Home purchases and constructions which do not meet these time frames may nevertheless qualify for the existing $7 000 grant.

Since the introduction of the grant in July 2000, the South Australian Government has paid approximately $82.5 million in grant assistance to approximately 11 778 first home owners.

Although the Commonwealth separately funds the additional grant, it will effectively be an extension of the existing scheme. From the public's perspective, there will be a single grant scheme, with a grant of either $7 000 or $14 000, depending on whether the applicant satisfies the additional eligibility requirements. Applications, processing and payment of the grant will continue in the same manner as the current scheme, regardless of the amount of the grant. Applications for the additional grant are already being received and are being paid in anticipation of the amendments in this Bill.

The grant is in addition to the South Australian Government's First Home Concession Scheme, which provides a concession equal to the full amount of stamp duty otherwise payable where the property conveyed does not exceed $80 000. The amount of the concession is reduced when the value of the property exceeds $80 000, with the concession ceasing when the property value exceeds $130 000. The combined effect of the existing grant, the additional $7 000 grant, and the First Home Concession Scheme, is that new home buyers in South Australia could qualify for as much as $16 130 in State and Commonwealth grants and concessions.

In addition to these amendments, the Bill imposes an age restriction of 18 years and over on applicants for the grant, which is consistent with the *Age of Majority (Reduction) Act 1971* (SA). This will restrict specious applications in the names of persons under 18 years of age, and facilitates the administration of the grant in circumstances such as where there is a need to recover the grant if incorrectly claimed and paid. The Commissioner of State Taxation is, however, able to exempt an applicant from this requirement if satisfied that the home to which the application relates will be occupied by the applicant as their principal place of residence within 12 months after completion of the eligible transaction, and the application does not form part of a scheme to circumvent limitations or requirements affecting, eligibility or entitlement to the grant. This age requirement relates to both the existing and additional grant, and is to be effective from the date of introduction of this bill into parliament.

RevenueSA is administering the additional grant in South Australia.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides that the provisions of the amendment Bill except clause 4, will be taken to have come into operation on 9 March 2001 (thus it has some retrospective force). Clause 4 is specified to come into operation on the day on which it is introduced into Parliament.

Clause 3: Amendment of s. 3—Definitions

This clause inserts the definition of 'new home' in the Act. A new home means a home that has not been occupied or sold as a place of residence.

Clause 4: Insertion of s. 8A

8A. Applicant to be at least 18 years of age

This clause imposes as an additional criterion for eligibility for a first home owner grant a requirement that the applicant be at least 18 years of age (with provision for the Commissioner to grant an exemption from this requirement when satisfied as to the genuineness of the transaction). The Commissioner may grant an exemption from this requirement if satisfied that the home will be occupied as the applicant's principal place of residence within a certain time and the application does not form part of a scheme to circumvent eligibility or entitlement requirements.

Clause 5: Insertion of s. 13A

13A. Special eligible transaction

This clause states what a special eligible transaction is, namely:

- a contract to buy a new or substantially renovated home if the commencement date for the contract falls between 9 March 2001 and 31 December 2001; or
- a contract to build a new home if the commencement date for the contract falls between 9 March 2001 and 31 December 2001 and the building work starts within 16 weeks after the commencement date (or such longer period as the Commissioner may allow) and is completed, or the due date for completion is stated in the contract to be, within 12 months;
- the building of a new home by an owner builder if the building work starts between 9 March 2001 and 31 December 2001 and is completed before 1 May 2003.

Subclause (2) sets out what a substantially renovated home is, namely:

- the sale of the home is, under *A New Tax System (Goods and Services Tax Act 1999* (Cwth), a taxable supply as a sale of new residential premises within the meaning of section 40-75(1)(b) of that Act; and
- the home, as so renovated, has not been occupied or sold as a place of residence.

Subclause (3) specifies that only if certain time constraints are observed will a contract to purchase a new home on a proposed lot in an unregistered plan of subdivision of land (ie an 'off the plan' home) qualify as a special eligible transaction, namely, the contract must be completed before 1 May 2003 or, if no completion date is stated, the contract must be completed before that date.

Subclause (4) allows the Commissioner to deny certain contracts the status of special eligible transactions, namely, where the contract replaces a contract made before 9 March 2001 that was a contract to purchase the same home or a comprehensive home building contract to build the same or a substantially similar home.

Subclause (5) sets out when building work commences and is completed for the purpose of this new provision.

Clause 6: Amendment of s. 18—Amount of grant

This clause provides that the increased maximum amount of $14 000 is payable in respect of special eligible transactions.

Clause 7: Amendment of s. 25—Objections

This clause replaces subsection (3) of section 25 of the Act and provides for a time limit in respect of objections to decisions made in anticipation of a provision that operates retrospectively.

Clause 8: Amendment of s. 46—Regulations

This clause sets out that a regulation made for the purposes of a provision of the Act that has retrospective force may itself operate retrospectively provided it does not do so to the prejudice of any person.

Ms STEVENS secured the adjournment of the debate.

The Hon. R.G. KERIN: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

REAL PROPERTY (FEES) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 29 May. Page 1644.)

Ms HURLEY (Deputy Leader of the Opposition): The opposition is very interested in this bill because the Attorney-General has been, in the past, very scathing, one might say, of retrospective legislation. Yet we see here that this legislation will be made retrospective to 1 January 1975. During the period of the previous Labor government, the shadow Attorney-General, as he then was (Hon. Trevor Griffin), objected strenuously to any retrospective legislation and made life difficult—

The SPEAKER: Order! There are too many conversations on the floor of the chamber.

Ms HURLEY: It is therefore interesting to see that, in government, the Attorney-General finds that there are indeed times in government when it is necessary to have retrospective legislation, and that the realities of life and the practicalities of existence are such that retrospective legislation sometimes becomes necessary, as it appears to have become in this case.

Members interjecting:

Ms HURLEY: I will sit down. The opposition will support this bill, but I will leave it to our shadow Attorney-General, the member for Spence, to go through the intricacies of the bill.

Mr ATKINSON (Spence): The opposition is happy to expedite the passage of this government bill which arrived in the House only yesterday. It is nearly always—

The Hon. R.G. Kerin: Always cooperative.

Mr ATKINSON: As the Deputy Premier says, the opposition is nearly always cooperative in expediting government business in the House, and this is yet another example. What the government seeks to do is allow fees for registration of real property transfer to be calculated on an ad valorem basis. There is a statutory authority for the government imposing—

Mr Lewis interjecting:

Mr ATKINSON: —a fee on a registration of transfer, and as the member for Hammond says, yes, it is imposing that fee on an ad valorem basis and has been doing so since January 1975. But, I gather that the government has legal advice which indicates to it that there may not be a perfect statutory authority for imposing that fee on an ad valorem basis.

Mr Lewis interjecting:

Mr ATKINSON: Is that right? A High Court decision?

The Hon. R.G. Kerin: Parliamentary counsel.

Mr ATKINSON: Right, parliamentary counsel's advice. For the benefit of the member for Hammond, it is parliamentary counsel's advice that the Real Property Act needs to be amended to give perfect legislative authority for imposing the fee on registration of a transfer on an ad valorem basis. The government proposes to do this retrospectively for more than 25 years.

Mr Lewis: Not collect any more money?

Mr ATKINSON: No, not collect any more money.

Mr Lewis interjecting:

Mr ATKINSON: No, as the member for Hammond says, the government is not proposing to collect any more money. It is proposing to keep the money that it has acquired by levying a fee on an ad valorem basis for that 25 years. At the outset, let me say that the opposition will agree to this legislation. However, it is very interesting to look at the record of certain government ministers on retrospective or retroactive legislation. My view on that kind of legislation has been stated at some length in debate on the local government bill, and members have heard me more than they would wish to on the question of what I regard as justifiable retrospectivity in legislation. A similar view to mine—I think exactly the same view—has been expressed by the Hon. Nick Xenophon in another place. If you ask, 'What is the attitude of the shadow Attorney-General on retrospective legislation?' you could find that by reading debates of this place. I will not reiterate those views tonight. I want to run through the record of the Attorney-General, the Hon. K.T. Griffin, whose bill this is. In respect of legislation on wills debated in the other place on 28 June 2000, the Attorney said:

> . . . the Law Society has recommended and urged that the amendment be made retrospective. I have given consideration to the representations by the Law Society. I am not persuaded that we ought to be making the amendment retrospective if only for the reason that, if rights have accrued under the law as it is, then it seems to me unreasonable to legislate in a way which will take those rights away.

That is what the Attorney had to say on that bill. On 25 May 2000, the Attorney said:

> . . . if we pass this amendment, it will deal specifically with hotel premises adjacent to a kindergarten, primary or secondary school as from 21 October 1999—seven months ago.

He went on:

> It could well create injustice, particularly for the future. If there happens to be a hotel near a school or adjacent to a school and if the licence is to be transferred, this may operate to prevent the transfer of that licence. It has a retrospective effect.

And the Attorney went on to oppose the clause for that reason. On 29 June last year, the Attorney said:

> In general as a matter of public policy, it is considered that legislation should be prospective in nature wherever possible. It is only in the most rare and exceptional case that retrospective legislation is enacted.

Rare and exceptional! Given that the Deputy Premier has carriage of this legislation in the House, I would like him to explain what is rare and exceptional about this bill. I would like to know how it fits within the Attorney's very narrow exemption for retrospective legislation. I would also like to know how he justifies a 25-year retrospectivity. That is really something. It seems to me that the Attorney is managing to fit a camel through the eye of a needle here. He had a narrow exemption but he is willing to have a 25-year retrospectivity bill.

On 12 October 1994, in response to private members' legislation moved by an opposition member, the Hon. Ron Roberts, on shop trading hours, the Attorney said:

> The government does not support the bill. It has retrospective effect. Its effect would be to eliminate all certificates issued previously.

By this bill the Attorney is eliminating a residual right which transferors have to recover some of the fee they paid, because there was not statutory authority for levying that fee. Of course, since the Attorney has been in government, his condemnation of retrospectivity is nowhere near as strident as his criticism of retrospectivity when he was in opposition. If one goes back to 12 October 1993, one can read in the *Hansard* the Attorney accusing the Hon. Mike Elliott of being a party to supporting retrospective legislation to take away accrued rights.

On 12 April 1995 when he was Attorney-General, the Hon. K.T. Griffin said:

It—

and he is referring to the amendment—

is really designed to protect against any sort of retrospective application.

The opposition is not inconsistent on retrospectivity. You can work out what our view is, and we stay with it. The Attorney is being absolutely inconsistent on this; nevertheless, we will support the bill.

[Sitting suspended from 6 to 7.30 p.m.]

Mr LEWIS (Hammond): The remarks I wanted to make on this bill are now to be extended somewhat as a consequence of the remarks made by the shadow Attorney-General, the member for Spence. I thought, whilst he is normally a rational fellow—

The Hon. G.M. Gunn: Not always.

Mr LEWIS: Hardly any of us are ever regarded by the rest of us as rational all the time. I thank the member for Stuart for reminding me of that paradox. Notwithstanding that, the comment the member for Spence made gratuitously about the conduct of opinion by the current Attorney-General was not very charitable, to say the least. The current Attorney-General has diligently maintained and religiously argued for legislation which is not retrospective or retroactive, and that is to his credit, because prior to his arrival here other members of the Legislative Council had maintained that view, quite sensibly, but here in this chamber members thought it a matter more of convenience. Indeed, government ministers saw it as a matter of convenience that, if they said something and wanted others to believe that they meant something which might have been better said using other words—in other words, their meaning was ambiguous—they later tried to rectify the mistake of their utterances by enshrining the opinion they believed they were stating when they chose words badly in legislation which had retrospective effect and which was very detrimental to the confidence which investors had in South Australia.

That happened during the Dunstan era, and it happened during the period that John Bannon was Premier, and I was in here seeing it happen and realising the damage that it was doing. No-one, of course, was saying anything whatsoever about it, because, more often than not, those affected by it were too polite to do so. It still had those detrimental consequences, and in no small measures contributed to the malaise we suffer in South Australia now where we find ourselves bogged down with excessive regulation and unable to attract investors who would prefer to take their money to other places where less complicated procedure is involved in conceding the notion and turning it into a business reality, whatever that business may be.

In this instance, this bill sets out to rectify a problem that has not been created so much by the legislation, although perhaps that might have been foreseen. It needs to be remembered, might I remind the member for Spence and other members, that the legislation amended by this bill (should it pass) is legislation introduced by the Dunstan government in 1975. I am almost certain it was introduced by Len King, former Attorney-General and more recently the Chief Justice. The need to amend it now arises out of the fact that the Labor Party nationally on winning office during the 1980s appointed people to the bench of the High Court who, quite unashamedly, regard themselves as having a responsibility to legislate rather than interpret the law. They want to make law.

I think they have been foolish in the extreme—not just foolish ordinarily or foolish seriously, but foolish in the extreme—to have embarked on that course of action. It is not their prerogative; it is not their domain; it is not their responsibility. Indeed, it is not anything expected of them by the Australian Constitution (as it stands) to make law. No-one ever suggested that during the course of the discussions leading up to Federation and no-one has since espoused that in any way seriously other than their lordships since they obtained the high office they now enjoy as judges on the bench of the High Court, and we all suffer as a consequence of their idiocy.

Let me repeat that in other words: they honk like geese and with about as much sense in the process. They are extremely difficult to provide guidance or direction and they do not understand the consequences of their decisions on the Australian society either in the immediate and real context as it affects that society, or in the way in which it is affecting the relationship between the courts and the legislature. They were always and ever only intended to interpret the law, yet they choose to do otherwise, and they can get away with it because there is no power—indeed in 100 years, almost, no instance in which it was ever found necessary to question whether judges were doing what they were appointed to do on the bench of the High Court, but now that arises as a very serious possibility the parliament of this nation will have to deal with it.

They have changed the role of the legislature and changed the role of the court and the relationship between the two institutions forever during the last decade or so. If only they had understood, if only they had been better instructed, if only they had had half the wit of the people who preceded them, we would not be confronted with the need to amend this legislation brought in by the Dunstan government—and brought in properly drafted and dealing with the circumstances of the law as it was then understood. It is not that any explicit judgment of the High Court compels us to now consider this legislation, but that in general, because of their utterances one way or another about a whole range of topics but particularly the one on excise, it can now be inferred that, with their willingness to make legislation rather than interpret it, they will do so unless we address the problem before they have the chance.

It is for that reason that I say to the member for Spence that it was not necessary to attempt to castigate the current Attorney-General; nor is it necessary to reflect upon the competence of previous Attorneys-General, both Labor and Liberal; nor is it justifiable to suggest that the advice that has been received from the South Australian Crown Law Department on this matter only arises out of the decision, in recent times, of the High Court judges to participate consciously, deliberately and vocally in legislating instead of interpreting the law.

Mr Speaker, I know that you understand the role of parliament and the concept of the separation of powers, and I know that whatever offence I may give by making these remarks will not be to you. However, I invite, indeed urge, you, sir, to defend me and my right as a member of this place, should I ever come under attack for having referred as I have this evening to the background of the need for this legislation, because I do so realising that it probably will raise the ire of some judges who are most guilty of the offence of doing what they were never asked to do and have never been paid to do.

The Hon. G.M. Gunn interjecting:

Mr LEWIS: And should never have embarked upon; the member for Stuart is quite right to say so. I trust that he will make a small contribution on the measure accordingly. I also invite other members to do likewise, and I thank the House for its attention.

The Hon. R.G. KERIN (Deputy Premier): I thank the two members for their indication of support for the second reading of the bill. I appreciate the defence of the Attorney-General by the member for Hammond, who has semi-addressed some of the issues raised by the member for Spence, who in turn queried why the Attorney-General has considered that in this case it is justified to make this bill retrospective. As the honourable member knows, the Attorney-General is always somewhat uneasy about retrospective legislation, and he has made that very clear on many occasions. Generally, he does not support retrospectivity unless it provides a benefit retrospectively or it confirms what the law has always been believed to have done.

The question has been raised by parliamentary counsel as to whether the regulation making power in the Real Property Act supports a charging of fees on an ad valorem basis. As the member for Spence is aware, the charging of registration fees on this basis was introduced in 1975 by the Dunstan government. Various governments, not just this government, have had the benefit of revenue from those fees over a 25 year period. Retrospective operation protects against a challenge to the validity of the regulations, however. The reason why it was decided to make the bill retrospective from January 1975, in particular, is to make it clear that on the face of the legislation that there is a sound basis for charging the registration fees introduced in 1975 and for the revenue enjoyed by various governments since that time.

There has been no challenge or court case. However, now that the issue has been raised it makes sense to address it. In any event, we must make a change in order to enact a regulation which parliamentary counsel will certify. If we were not able to apply the amendments back to 1975, as was a question from the member for Spence, even though no challenge has been initiated or even suggested, it would now offer an invitation to someone who may have, perhaps, paid a large fee to mount a challenge. That possibility should be avoided. In the government's view the issue has now been identified publicly, and I thank members for their support of the bill.

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

FOOD BILL

In committee.

(Continued from 17 May. Page 1626.)

Clause 3 passed.

Clause 4.

Ms STEVENS: I move:

Page 7, after line 2—Insert:

'Committee' means the Food Quality Advisory Committee established under Part 9;

'council' means—

(a) a council under the Local Government Act 1999; or

(b) a body established by a council or councils under the Local Government Act 1999;

This amendment inserts a definition of 'committee' which means 'the Food Quality Advisory Committee established under Part 9.' We are inserting at this point the definition of that committee to be established later.

The opposition noted that in this legislation no advisory committee had been appointed to formally monitor the implementation of this act. We are aware that in the current act there is such a committee, even though, I must say, I was fairly alarmed to find out that it had not met for 10 years—which is a bit of an indictment. However, this is an extremely complex piece of legislation, and many issues will arise in relation to its implementation. We think it is absolutely critical there be some sort of mechanism in the act to monitor that implementation. This is not an unusual thing to do, and it is certainly not an unusual thing to do when embarking on a whole new structure, as of course this is.

The committee is called the Food Quality Advisory Committee and it has 10 members appointed by the Governor, as follows: one nominated by the minister; an officer of the department of the minister, nominated by the minister; two persons nominated by the Local Government Association; one person who, in the opinion of the minister, is an expert in a discipline relevant to production, composition, safety or nutritional value of food; two persons who, in the opinion of the minister, after consultation with Business SA, have wide experience in the production, manufacture or sale of food from a business perspective; one person nominated by the United Trades and Labor Council; and two persons who, in the opinion of the minister, are suitable persons to represent the interests of consumers.

Then there is the usual stipulation about at least one being a woman and at least one a man. The functions of the committee are to advise the minister on any matter relating to the administration, enforcement or operation of this act; to consider and report to the minister on proposals for the making of regulations under this act; and to investigate and report to the minister on any matters referred to the committee for advice.

To sum up, we believe that this is a significant new area in the regulation of the food industry. We all know, and most of us who have already spoken on this bill have commented on the fact, that there are many unknowns and many issues that will need to be worked through on an ongoing basis. For that reason, the opposition believes that such a committee will be an important addition to the legislation.

Mr McEWEN: On a point of clarification, we are dealing with clause 4, to which we may need to add some further definitions as a consequence of the potential successful movement of the amendment to 95B. Surely we would deal with that after we have debated the tabled amendments to 95B as a consequential amendment, rather than having a long and tortuous debate now about some hypothetical definitions?

The CHAIRMAN: The problem is that the honourable member is talking about introducing a new clause 95A. That cannot even be considered if we do not consider the amendments that we are currently debating.

Mr McEWEN: With due respect, many other times in this place we have debated an amendment that has other consequential amendments, earlier in the bill, and the process has then been to further amend or add definitions.

The CHAIRMAN: The chair understands the predicament that the committee is in. If the member for Gordon is of the opinion that the rest of the bill or other sections of the bill need to be debated before this particular section, then he would move to have clause 4 postponed.

Mr McEWEN: I am happy to so move. I would have thought that we could do it at the direction of the chair but, if you would prefer a motion, I am quite happy to so move.

The CHAIRMAN: It is difficult for the chair to make such a direction.

Mr McEWEN: I am quite happy to move that the amendments to clause 4 as registered by the honourable member be deferred until such time as we debate clause 95B.

The CHAIRMAN: The honourable member is suggesting that debate on clause 4 be deferred?

Mr McEWEN: No, I am moving that those foreshadowed amendments to clause 4, which are part of the registered amendments of the honourable member, be so far deferred until we have the debate on new clause 95B.

The CHAIRMAN: If that is the case, the chair would suggest that we deal with clause 4 but that we come back at a later stage to deal with the amendments thereto, which would mean that the clause would need to be reconsidered.

Mr McEWEN: Absolutely.

The CHAIRMAN: Then we continue to deal with clause 4 but not the amendments. Does the honourable member wish to speak to clause 4 other than the amendments?

Ms STEVENS: I wanted to be clear about the definition of 'sell'. A concern has been mentioned to me that this definition in its present form may not adequately cover food given away for the purposes of charity. Will the minister respond to that, and then I will perhaps give some examples?

The Hon. DEAN BROWN: I think that is right. If the honourable member refers to paragraph (m), it provides 'give away for the purpose of advertisement or in furtherance of trade or business'. If it were to be given away in charity, it would not be covered by this legislation. Therefore, if I have surplus apricots on my tree or something like that and I make a neighbourly gesture and take a pie to my neighbour, it would not affect that food.

Ms STEVENS: I accept that example, but what about Meals on Wheels, for instance, and also the Salvos at a day centre, giving out free food to perhaps 50 or 100 people who come into their centre?

The Hon. DEAN BROWN: Meals on Wheels are caught by the legislation and Meals on Wheels people understand that (I have had numerous discussions with them), because there is a payment there. In terms of, say, a soup kitchen, such as the soup kitchen that pulls up in Gawler Place each night, run by St Vincent de Paul, it would not apply to that.

Ms STEVENS: What about in a charitable organisation's premises where they might be giving out food free but quite a large number of people are all seated in the dining room?

The Hon. DEAN BROWN: Many of those do charge a simple fee of $1. There may be some exemptions. I have been into a number of them and in fact looked at one fairly recently and found that they ask for and expect a contribution of $1 or something like that. In that case therefore I believe they are caught. If they are caught for one meal, then they are caught, even though they may occasionally give away some of their food without any donation at all. The majority of them would be caught because in most cases they ask for some contribution. In some cases they say to the person, 'If you have nothing, you don't have to pay'; or, if they ask if a person can pay and that person does pay, then they are caught.

Mr McEWEN: I have some problems with the definition of 'food transport vehicle'. I have a number of problems with transport vehicles through the bill and we will deal with them as the night unfolds. I need to seek advice from the minister before foreshadowing two alternative amendments to the definition of 'food transport vehicle'. The problem at the moment is that, as the definition stands in clause 4, it is a vehicle for the use and transport of food for sale. Unfortunately, often within the chain that vehicle will be used for purposes of transporting food other than for sale. It will be food for packaging or further processing. Either we need to amend the definition to read 'food for further processing or sale' or, as an alternative, to simply delete the words 'for sale', because in clause 5 the definition of 'food' captures the broader meaning I am alluding to. I will not yet move the amendment as I seek advice from the minister before so doing. The definition as it stands is not appropriate.

The Hon. DEAN BROWN: The definition of 'vehicle' also includes any vehicle where there is handling of food which is intended for sale. For example, in the case of a factory in the South-East that has processed potatoes, they then go from that factory to another factory, still in the same ownership, so there is no formal sale in the transport process. It is then going to another factory still owned by the same person and eventually it will be sold. It is then caught by this legislation, as is any food that is intended for sale.

Mr McEWEN: If that is the case, then the definition here poses some difficulties. If we simply deleted the words 'for sale' so that 'food transport vehicle' means 'a vehicle used for the purpose of transporting food', you will be safe because 'food' is defined further on in the bill. I hear what the minister is saying, but I think there is a flaw in the definition, because we transport food from time to time for a purpose other than sale. Ultimately some time down the track after some processing or packaging the food is to be sold, but that is not the purpose of the transporting during the chain. I see no downside but a lot of upsides to amending that definition at this time.

The Hon. DEAN BROWN: I understand why the honourable member has come to the conclusion he has: he is looking at the definition of 'food transport vehicle', which means 'a vehicle used for the transport of food for sale'. However, if he looks at the definition of 'handling' and at clause 6—Meaning of 'food business'—he will see that it states:

> In this Act, *food business* means a business, enterprise or activity (other than a business, enterprise or activity that is primary food production) that involves—
>
> (a) the handling of food intended for sale; or
>
> (b) the sale of food,

You have to read that definition of 'vehicle' in conjunction with the definition of 'handling' and clause 6. Whilst without those clauses the honourable member could come to such a conclusion, if he takes clause 6 into account he will see that that changes the impact of that definition.

Ms WHITE: I flagged a question in my second reading speech that cuts across the questions of the members for Elizabeth and Gordon. The minister said earlier that transportation or handling of food on the way and for the purpose of being sold further down the track is caught. I refer to a situation in which I and a number of others find ourselves when donating food to charities. In my case I receive very kind and sometimes anonymous gifts from growers in my area of huge quantities of caulies, cucumbers and all the rest, and out of politeness I will take one or two and usually donate the rest to Meals on Wheels.

There is also the scenario of food banks, and I imagine that a number of organisations donate food to charitable organisations. The issue that interests me in relation to the discussion we have just had with the other two members who

have posed questions relates to the implications of this bill for the transport and handling of food by individuals or organisations that then donate that food to a charity that may or may not ask for a donation in return for the supply of a cooked meal or sale of that food. What are the implications?

The Hon. DEAN BROWN: Parliamentary counsel can correct me if I am wrong, but my assessment would be that, because it is going to either a food bank or Meals on Wheels, the food ultimately will be sold, so there is an obligation on the person, even though it may have gone from one person to another as a gift, because eventually the food will be sold (because both the food bank and Meals on Wheels sell their food). There is an obligation for safe handling as required under the act.

Ms WHITE: What is the practical implication of that in terms of educating the community and potential liability donors of food would have, given that they are caught up, perhaps unwittingly, in these food handling measures? What are the full implications for the community and those donors?

The Hon. DEAN BROWN: If the food is for sale then there is a requirement for the safe handling, transport, processing and storage of that food right through. The honourable member asked about the implication of that. Say, for instance, you take a bag of potatoes from one of your growers and you take that bag of potatoes to the food bank: as long as you are handling that in a safe manner, you are okay. You are not receiving reward for it, so you are not required to be audited. The only obligation on you is to do it in a safe manner, and that is exactly the sort of emphasis that there should be. For instance, it would be wrong for you to knowingly put a bag of potatoes in the boot of a car with a four gallon can of dieldrin, some insecticide, or something like that, knowing that there was likely to be contamination in the boot of the car. That would be an offence under the act, but you are not receiving reward, so there is no requirement for an audit, for instance.

Mrs MAYWALD: My question relates to disability services that provide accommodation and household assistance to disabled persons and whether or not they would be considered as a food business under the act. A number of services in the community go into people's homes and provide assistance to help disabled people to cook food within their houses. They do it for a fee for service as part of the accommodation provision that is provided. I am just concerned that if they are caught by this legislation they would have to put in place a food plan. How would that be audited and what are the implications for auditing within private homes?

The Hon. DEAN BROWN: I am not quite sure. Perhaps the member for Chaffey could clarify her question. Is the honourable member talking about a domestic home?

Mrs Maywald interjecting:

The Hon. DEAN BROWN: As I understand it, the honourable member is indicating that they would prepare a very small quantity of meals. Perhaps the honourable member could explain her question in more detail.

Mrs MAYWALD: The type of service providers about which I am talking are the supported accommodation organisations which support disabled people in private accommodation. Those organisations not only support the accommodation and collect a rental for the housing but also provide services within that house to support the disabled person for whom they also collect a fee. Part of that service is to provide assistance with the preparation of meals.

The Hon. DEAN BROWN: I am sorry; I was not quite sure. If the honourable member is talking about supported residential facilities, yes, they are caught because they are charging a fee for accommodation and a meal.

Mrs Maywald interjecting:

The Hon. DEAN BROWN: Because they are charging an overall fee, which includes a meal, they are caught by this legislation.

Mrs MAYWALD: I now turn to the second half of my question. If they are caught by this legislation, what are the implications in terms of auditing activities happening within individual homes? A food business can be audited by an independent private auditor under a food plan, whether they are, as I understand it, rated as low, high or medium risk, and the number of audits that are undertaken is based on that classification. If there is, for example, a risk factor that requires two audits per year, how does that correlate with auditing what happens in the homes of individuals rather than the business operation of the supported accommodation business?

The Hon. DEAN BROWN: They would be assessed as a medium risk and therefore audited once a year. They would be caught by the provision. They would be audited once a year and they would have to have a food plan. I know the sort of facilities about which the honourable member refers. In fact, I was with a group of operators of those facilities on Sunday and, invariably, they would have 25 or 30 residents—some would have fewer and some would have more. They would supply a meal and, invariably, take somewhere between 75 per cent and 85 per cent of a person's pension, and that would cover accommodation, a bed, washing and showering facilities and, in most cases, three meals a day.

Ms WHITE: What is the principle behind this legislation in terms of how food businesses are treated in the sense of different sectors of the same industry? I mentioned in my contribution that concerns have been raised in the childcare sector—and, conversely, in the aged care sector—where you have different types of child care. At one end of the scale you have highly accredited and regulated child care. You have a different type of regulation in, say, family day care. So, you have the long day care, formal day care and family day care right down to creches, occasional care, and everything in between. How will this Food Bill treat those businesses?

They are all businesses and so charge for a service, whether it be in the client's own home, the operator's own home, a formal day care centre, a creche at a shopping centre or something informal, such as a one-off sort of creche for an event—all those sorts of things. Under the Food Bill, will all these businesses be treated on the same footing and have the same food standard requirements and, if so, there are other regulations about which I see no mention in this bill. I refer to the regulations that regulate long day care centres, which appear in the Education Act and other acts, and family care. It may be the same with aged care; I am not sure.

I do not see any repeal of any of those regulations or standards or even reference to them. How are different sectors of the one industry treated as far as food standards and food safety are concerned under this bill? That really has not been explained. Is it the minister's intention that there will be some repeal of all the regulations under, say, the Education Act that regulate some forms of child care and then all the sectors will come under the same standards; or will there be a layer of regulations under the Education Act, plus those that may be complementary, or contradictory, and then some sectors of the industry having less regulation? What is the intention and

how does the minister intend to handle different forms of, say, child care, which perform exactly the same function in terms of serving food?

The Hon. DEAN BROWN: First, they are selling a service, which includes the provision of food, and all of them would be caught by this legislation. If they were a very small operation, say, someone who had one or two children—

Ms Stevens interjecting:

The Hon. DEAN BROWN: If it is a very small family day care situation and its total turnover for the year is less than $25 000, it is not required to go through the audit process.

Ms White interjecting:

The Hon. DEAN BROWN: It would apply to them all in terms of the broad food safety standards.

Ms White interjecting:

The Hon. DEAN BROWN: I will come to that. I understand that some have fairly general regulations. These requirements are much more detailed and they would fit comfortably under that. We will obviously have to check whether there are any regulations that would be ultra vires to the regulations here but, to our knowledge, there are not. With respect to food, they are very general and, in most cases, non-specific, so these new standards would fit comfortably below that without being in contravention of them or contradictory to them.

So, it simply does not matter whether you have a large childcare facility or a small childcare facility, the food safety requirements apply. The only variation would be if it were a very small business worth less than $25 000 per year and the formal audit would not be required. That would refer to a family occasionally taking in children for child care for perhaps one day, but it is unlikely that the turnover would exceed $25 000 a year.

Mr McEWEN: I will have one final attempt tonight. Perhaps the minister will have a look at this between here and another place. The food transport vehicle definition is quite clear in terms of transport of food for sale. I appreciate that transport is included as part of handling but not vice versa. Again, the meaning of 'food business' talks about the handling of food for sale. I do not think that it is clear in relation to the whole chain of events where further processing and value-adding can occur and where the transaction may not include sale along the way, but this definition could actually exclude from the act a whole lot of food transport vehicles. I want the government at least to have a look at it between here and another place because that is a very restrictive definition of 'food transport vehicle'. The explanation of handling, including transport, and, again, a food business including handling does not necessarily capture my concerns.

The Hon. DEAN BROWN: I am only too happy to make sure that we look at that issue. I have been assured by parliamentary counsel that that definition is appropriate and would catch what I think the honourable member is talking about. We will check after the House adjourns and I invite the honourable member to have a more detailed discussion with someone. I am not a lawyer and I do not profess to be a lawyer or a parliamentary draftsperson. I invite the honourable member to speak to the parliamentary draftsperson on the matter. If he wants to have still further discussion, I am happy to arrange for someone from Crown Law to speak to him.

Amendment negatived; clause passed.

Clause 5.

Ms STEVENS: I am intrigued by clause 5(c) and I would like the minister to explain it.

The Hon. DEAN BROWN: The type of substance to which that might refer is perhaps an anti-foaming substance in a cooking oil that comes into contact with food but is not finally part of the food.

Ms STEVENS: I notice that in clause 5(d) chewing gum has its own special mention. Why is that, please?

The Hon. DEAN BROWN: It is talking about what is food and food includes chewing gum. It is as simple as that.

Ms Stevens interjecting:

The Hon. DEAN BROWN: Probably because chewing gum is a little different from most other forms. It could be argued that it is a grey area of definition because it is not finally ingested. You ingest it, you chew it but you do not swallow it. There are not too many other foods that you do that with.

Ms STEVENS: In clause 5(3), what does 'live plant' refer to?

The Hon. DEAN BROWN: Which clause is that?

Ms STEVENS: Clause 5(3) says, 'To avoid doubt, food may include live animals and plants.'

The Hon. DEAN BROWN: Off the top of my head, I cannot think of any live animal that you would consume.

Ms Stevens: Oysters?

The Hon. DEAN BROWN: Yes, oysters are probably a good example—you just don't feel them squirm. 'Live plants', of course, is common.

Ms STEVENS: What is the difference between a live plant and a dead plant?

The Hon. DEAN BROWN: A plant that is still growing at the point it is put in your mouth.

Ms STEVENS: The point of death?

The Hon. DEAN BROWN: No, an apple is not alive because it has been removed from the plant. There are plenty of examples where something could be consumed when it is still alive.

Clause passed.

Clause 6.

Ms STEVENS: I want to pursue the issue of 'other than a business enterprise or activity that is primary food production'. Will the minister provide an explanation as to the meaning of the consultation document on this act at page 6 at the beginning of the summary section, which states in relation to primary industries:

- primary industry would be included on the same basis as already agreed in a national context between ANZFSC and the Agricultural and Resource Management Council of Australia and New Zealand (ARMCANZ) and the Ministerial Council on Forestry, Fisheries and Aquaculture (MCFFA). This agreement lets primary industries achieve equivalence through existing specific regulatory systems, or through industry or market-driven systems and will synchronise with the national timetables.

I am presuming that, because primary food production is excluded from this act, it is covered in some way by what I have just read. Will the minister explain why, and if that is not correct, how is primary food production covered elsewhere?

The Hon. DEAN BROWN: The honourable member is not right in saying that primary food is excluded from this act. It is not. It is excluded from some provisions under the act but it is not excluded from the act. Therefore, the assumption the honourable member has made is incorrect.

Mr HAMILTON-SMITH: My question is in relation to the application of this clause to aged care services and

children's services. I remind the committee once again that I have no financial interest of any kind in the childcare industry, although I once did. The clause says that a food business is any enterprise or activity that involves the handling of food intended for sale or the sale of food. In relation to a childcare centre, its primary function as a business is not to sell food. Its primary function is to sell to the customer care for a day or part of a day. The service of food is coincidental to its primary business, which is the provision of care: it is not selling food. Could a childcare centre or aged care service claim that it is exempt on the basis that its business, enterprise or activity does not involve the sale of food, in that it does not charge separately for food or a meal but, rather, it is coincidental?

The Hon. DEAN BROWN: They are selling a service, and that service includes food; therefore, it is caught by this legislation. It would include food in a nursing home, a childcare facility or a hotel. If one bought a package at a hotel or a guesthouse and that package included breakfast free of charge, it would be deemed as being part of the service and would, therefore, be caught by the legislation.

Ms WHITE: That leads to a very important point. The childcare industry will tell the government—and I am sure it has already said this—that margins are tight. Most long-day care centres provide food as part of their service to parents. They cook the food and provide lunches, morning and afternoon teas. As part of the service, they might serve food that has been provided by the parent. At present, some of these childcare centres are considering not providing food. That would be a pity, because in general the quality of food provided for children by most childcare centres is good; in some cases it could be even better than they would otherwise be getting during the day.

A childcare centre may provide as part of its service cooked food or may prepare food and serve it to children. On the other hand, a service may not provide to children food it prepares but it could provide packed lunches that parents have brought. The centre could—and most childcare centres do this—serve baby's formula that parents might supply—or it could even be expressed breast milk. As a new parent, I have found it hygienically important that bottles of milk are stored and handled correctly. Food may be prepared by one childcare centre and sold as part of the service, but another centre may serve children food that it does not buy or prepare. Are those two centres treated differently under this bill? This has an implication for schools as well, where children are supervised at lunchtime eating lunches that have been packed by their parents.

The Hon. DEAN BROWN: Yes, they are different. In one case the parent has provided the food, and in the other case the centre has provided the food. If the children were eating food prepared only by the parents, the organisation would not be classed as a food business.

Ms WHITE: So the childcare centre could mix up a tin of formula and serve it to a child? Alternatively, a parent could bring in a bottle which is put in the refrigerator and then served to a child by the care workers. Those two scenarios are treated totally differently under this bill. One meal has been bought by the centre and provided as part of the service and the other meal has been provided by the parent. The centre's duty of care requirements would dictate that the bottle brought in by the parents would have to be stored correctly. Will the minister comment on that difference?

The Hon. DEAN BROWN: In one case the parent was supplying the food and in the other case the centre was providing the food. There is still a duty of care in terms of how that food is stored; it would be a duty of care under common law if nothing else. The legislation is not designed to deal with parents who prepare food and give it to their own children. It was not planned for that to be part of this legislation. They are two quite different scenarios. Some centres may serve to children food prepared by their parents as well as selling food. If it served the food it would be caught.

Ms WHITE: That indicates a quite different treatment of these two scenarios under this bill. Given that childcare centres are proposed to be high risk businesses, the highest end of food standards will apply to those who sell that service. However, those centres that simply serve up food provided by the parent are not classified under the bill. There is a fair gap in the treatment of the centre that serves the food brought by the parent and the one, for instance, that mixes up the formula itself. It is a fair disincentive, given that one is deemed to be high risk and one does not come under the bill at all. Given the business margin, will that have an impact on a centre's willingness to serve food?

The Hon. DEAN BROWN: The parents' providing the food would be classed not as high but medium risk in terms of food auditing requirements. There should not be a major problem there at present, because this already applies, and other duties of care apply to child care. The honourable member is trying to create a differentiation and perhaps a problem.

Ms White interjecting:

The Hon. DEAN BROWN: I am just highlighting the situation. First, general duties of care are already there; secondly, these provisions already apply. I do not think anyone in those circumstances has reported any problems, and I do not see that there will be any problems.

Mr HAMILTON-SMITH: The member for Taylor pointed out that there may be a competitive advantage for a home-based family day-care service provider in that they do not have to comply with the audit requirement because their turnover may be under $25 000 and it involves a small operation. Of course, they are in competition with the childcare centre, which will be a target because it is bigger, more visible and has to comply with audits and all their associated costs. That is a regulatory issue in terms of competitive advantage to one service provider over the other. However, the minister has answered that question, so I will not ask him to repeat it.

Could a childcare centre seek to escape this disadvantage (which will be imposed upon it relative to family day care) by arguing that the turnover of the food component of its business is less than $25 000, and therefore the audit requirement should be exempt, because, although, in a sense, its turnover may be greater, the food component is smaller and therefore its business turnover does not warrant auditing?

The Hon. DEAN BROWN: The position is that they could not escape it. We are dealing with the turnover of the total business, not the turnover of just the food component side. Therefore, even though their food turnover might be well less than $25 000, if their total turnover is more than $25 000 they would be caught. Once again I need to highlight the fact that both scenarios are caught by the legislation. There is simply the exemption from the audit provision for the very small business, the micro business, that is—

Mrs Maywald interjecting:

The Hon. DEAN BROWN: Yes, and for a business such as that the actual cost incurred might be $100 (or something similar), because you are dealing with a medium to low risk area and therefore you are dealing with something that has to be audited only once a year. Therefore, the cost is likely to be $100, $120, or $150 at most. It is not as if you are suddenly saying that this will put the larger day care centre at a huge disadvantage compared to the micro business. That would not be the case.

Mrs MAYWALD: I want to pursue the disability services line again in relation to the food business meaning under clause 6. My original question was along the lines of supported accommodation and food, but there are other businesses, disability service providers, that go into the private homes of disabled people and provide household assistance in relation to how they manage their homes, and that would include the preparation of food. The minister has indicated that those types of businesses would be included in the auditing process.

I fail to see how we would have the right to audit a business that carries on the activity in a private home. How would we get around the privacy issues in relation to entering the private home of someone who has invited a person in to provide a service in that house?

The Hon. DEAN BROWN: In relation to all the planning on this legislation regarding a person coming into a private home (and I am differentiating between a private home and the supported accommodation facility), as would occur under our HACC programs and a number of programs such as that, and working in the person's own kitchen, in fact the legislation does not apply.

Mrs MAYWALD: Does that mean that the legislation would also not apply to people who operate catering businesses where they supply dinner party facilities in private homes?

The Hon. DEAN BROWN: The first case would not apply because the person who comes into the home is using food within the home and preparing the food. In the second case (and this is well known), some people who can afford it might invite a well-known chef to come into their home to cater for a big dinner party; it might be for eight people or it might be for 50 people, but it is in the home. However, because that business would bring the food with them, they are caught. If they do not bring the food with them, they are not caught. The majority of people who do door-to-door catering on an occasional basis in most cases prepare some of the meals and supply at least part, if not all, of the food, so they would be caught.

That is one group to whom I gave thought because they might do it only five or 10 times a year. It might be for a few small dinner parties. I know some people who do that: they just love cooking, they love putting on dinner parties and they do it for other people almost as a hobby, but it is commercial. Although they are caught by the legislation in terms of food standards because they are supplying the food, they will not be caught by the audit provision because their business will turn over less than $25 000.

Mr HAMILTON-SMITH: I am interested in the member for Chaffey's question and also this line of inquiry regarding the small home based business versus its competitor. I am not sure whether I am making a comment or seeking the minister's response. However, I make the point that, if one takes family day care as a case in point, this is a business run for money; it does not have to apply for childcare accreditation; it does not, by and large, have to comply with childcare regulations; and, by and large, it does not have to comply with the Food Bill, yet it is a for profit business being run from home, dealing with children and serving them food. I am concerned that, if we are to have a measure designed to protect people from becoming ill as a consequence of consuming food, we ought to apply a common standard across the board.

The minister has explained that the common standard is there, but not the audit provision. I am not sure whether I am seeking the minister's response, but I am simply putting on the record that we need to address this issue with our regulatory arrangements. We provide a financial disincentive for a couple who, say, run a childcare centre; and we create an advantage for the same couple who happen to run a family day care business at home because it happens to be home based and a little smaller. There is a little more red tape for the childcare centre as distinct from the family day care business. I think that was the same point that the member for Chaffey was making about catering services.

The Hon. DEAN BROWN: I understand what the member is saying, but if I turned around and imposed an audit provision, a training provision and a food plan provision on a business that was turning over $10 000 a year, I bet you I would be the first to be stood up, mocked and criticised for threatening the viability of those businesses. Therefore, we have decided that some realism has to be brought into this, and that is why the micro business is allowed to be exempt, not from a provision of having to provide, say, food and the other provisions—the general standards under the act—but at least from the audit and the food plan aspects.

Ms WHITE: A point of clarification, earlier I noted that the minister described childcare centres as being medium to low risk. A couple of weeks ago, one of the peak associations wrote to me, and at that time they were definitely under the impression that they were high risk. Will the minister clarify whether they will be classified as medium risk and not high risk?

The Hon. DEAN BROWN: It depends partly on the nature of the food they serve. If they were serving seafood, which tends to be a high risk area—

Ms White: Fish is common.

The Hon. DEAN BROWN: But there are certain types of seafood that are riskier than others. It depends slightly on the nature of the food served but, generally, in that area it would probably be low to medium sort of food they would be serving to children.

Clause passed.

Clause 7.

The Hon. DEAN BROWN: I move:

Page 10, line 26—After 'caught' insert—

, or on premises that are associated with the premises on which the food was grown, raised, cultivated, picked, harvested, collected or caught

Page 11, after line 5—Insert—

(ab) the packing or treating of food on premises that are associated with the premises on which it was grown, raised, cultivated, picked, harvested, collected or caught if carried out by a person who has purchased the food, or who is carrying out the packing or treating under contract (not being a contract of employment); or

Page 11, after line 8—Insert—

(e) For the purposes of this section, premises are associated with each other if they form part of a single enterprise.

This amendment was raised with me by the member for Chaffey. We have looked carefully at the definition and have agreed to amend the definition. Clause 7(1)(b) provides:

the packing, treating (for example, washing) or storing of food on the premises on which it was grown, raised, cultivated, picked, harvested, collected or caught.

The member for Chaffey raised with me a case in her home town of Waikerie where a producer has some orchards on one side of the river and facilities on their land on the other side of the river to do the packing. The fruit is picked on the northern side, transported to the southern side and packed in their own facilities. It is not on the same piece of land as is required under the present clause 7(1)(b) because it is not on the premises on which it is grown, but it is still on premises owned by the grower and there has been no sale in between.

Therefore, I have drafted an amendment to ensure that that is clearly understood. We are proposing to insert after the word 'caught' the words 'or on premises that are associated with the premises on which the food was grown, raised, cultivated, picked, harvested, collected or caught'. In other words, they are associated because they have the same ownership and they are part of the same operation. Clause 7(3) provides that:

For the purposes of this section, premises are associated with each other if they form part of a single enterprise.

If a person owned two different companies and they were not part of the same enterprise, they would be caught. I can think of one particular case in the Riverland—also in the member for Chaffey's home town or down the river a bit—where there is an operation to grow fruit but they put it through a juicing plant which is owned by the same family but which has other shareholders. Even though it is on the one property, it is a different enterprise. Therefore, it would be caught—as it should be caught.

Mr McEWEN: The minister is right when he indicates that the member for Chaffey pointed out one set of circumstances, which I understand he has attempted to address. In the same discussion I pointed out another set of circumstances which I am not convinced are captured here. Often in the potato industry, the potato grower leases land to grow potatoes. He has a central facility where he grades and packs potatoes. I am not sure that we have captured that situation here.

Equally, it is the one individual who is running his own operation and moving around in rotation, growing on different land, sometimes owned by him and sometimes leased. Obviously, the premises on which he packs the potatoes is not the same premises on which he grows them—so we have caught that bit—but he does not necessarily own the land. Have we gone that far in terms of this amendment?

The Hon. DEAN BROWN: I refer the honourable member to the other part of the amendment which is designed to clarify that circumstance as well, that is, 'the packing or treating of food on premises that are associated with the premises on which it was grown, raised, cultivated, picked, harvested, collected or caught if carried out by a person who has purchased the food, or who is carrying out the packing or treating under contract (not being a contract of employment)'. Clause 7(2) provides:

However, primary food production does not include. . . '

If a farmer had some land that he leased out to someone to grow a potato crop under contract, then in fact they are caught by this provision because there is a specific contract for the growing of that crop with a different body.

Mr McEWEN: I am not sure what you mean by 'caught by this provision'. Are they exempted because it is an individual growing and packing his own product (which is the intention of the exemption); or are you now saying he is caught within the act and therefore is not exempt simply because the land on which he was growing the crop he did not own but, rather, leased? I am not sure you have explained to me what you mean by 'caught'.

The Hon. DEAN BROWN: I misunderstood. I thought it was a different circumstance about which you were talking. If the farmer is leasing the land—

Mr McEwen: Do not worry about the farmer who is leasing land: worry about the farmer who is growing the crop.

The Hon. DEAN BROWN: If the farmer growing the crop is leasing the land but then putting the product through their own processing facility, they are exempt. Therefore, they are classed as a primary food producer.

Ms WHITE: On the issue of primary producers, I understand that you are not caught if you treat a primary product. What happens a lot on the Adelaide Plains is that one grower will grow the crop and another person will treat the crop in some way—wash it, prepare it, fumigate it, and so on. Under this provision they are not primary producers if they are treating the crop, but how does the $25 000 exemption apply? Is it $25 000 over the whole process chain? What often happens on the Adelaide Plains, for example, is that one grower has some sort of facility to treat crops and that grower will treat their own crops as well as neighbouring crops. On the one hand, if they are treating their own crops they are primary producers and exempt but, if they are treating neighbours' crops, they are not primary producers for that business. If that is the case, how does the $25 000 apply?

The Hon. DEAN BROWN: What the honourable member has outlined is very common in the citrus industry with small packing sheds. The Citrus Board of South Australia generally gives them a licence that says that they are only allowed to pack their own citrus or they are allowed to pack citrus for others. In some cases they might have a significant operation of their own. Vitor is a classic example. Vitor, which is the Yandilla Park packing operation, have substantial orchards of their own.

They pack that but they also pack very substantial quantities for other people. Because they pack for others they are caught by the provision. In terms of the $25 000, it would be a minute business if a fruit grower were producing less than $25 000 worth of crop per year.

Ms WHITE: If they are a primary producer for their own crop but they also treat their neighbour's crop, does the $25 000 apply to all of their business plus the business generated by virtue of treating their neighbour's crop or is it just what they charge their neighbour that comes under the $25 000, because that can be under $25 000?

The Hon. DEAN BROWN: The $25 000 relates not to what they do for their neighbour but to the total turnover of the enterprise.

Ms STEVENS: My question relates to the definition in clause 7(2) of 'substantial transformation of food'. I note that 'manufacturing or canning' is cited as an example in the legislation, and I wonder how we are going to determine whether something has been substantially transformed. Is it just by people bringing examples and your saying yes or no? How are people to work out whether something has been substantially transformed? For example, is drying apricots 'substantial transformation'? How do people know what that actually means?

The Hon. DEAN BROWN: Some work has been done in trying to identify that sort of significant transformation. Basically, cooking, pasteurisation, desiccation, chopping or

cutting (that is edible parts), bottling or canning, cracking open, peeling or crushing are the types of activities that the honourable member is talking about.

Ms STEVENS: Most of the things the minister listed are not here, so I presume that they will be in the regulations.

The Hon. DEAN BROWN: They are not in the act and not intended to be. It is not intended to put them into the regulations: they will be in guidelines put out in terms of the operation of the act.

Ms STEVENS: What about the dried apricots? The minister did not answer that one.

The Hon. DEAN BROWN: Yes, I mentioned that one: that is desiccation. In fact, you do not dry apricots by just drying them: you dip them in a sulphur mix or treat them in sulphur gas to form a sulphur dioxide, so there is not just the desiccation but also the treatment.

Mrs MAYWALD: With the likes of cracking, any process that involves the cracking of almonds, for example, if that is done on site, would not be considered part of the primary production; is that right?

The Hon. DEAN BROWN: That is right. For instance, Almondco is your classic example and a major business in the Riverland at Renmark. It is a superb facility. It basically cracks open almonds but then in many cases processes them further. That would definitely be caught and should be caught—and it would want to be caught.

Mrs MAYWALD: I agree that Almondco does have significant processes involved and should be caught, but I was referring more to an organisation such as Lindsay Almonds, for example, which actually grows the almonds, cracks them on site and then transports them to other places for further processing. It seems to me ludicrous that someone who can put an orange through the process of washing it, treating it, oil treating it and putting it in a box is not included yet someone who cracks an almond and puts it in a truck to transport it somewhere else is.

The Hon. DEAN BROWN: They would not be caught, because they would be a primary producer. In the example given, they are growing the stuff themselves. In preparing the guidelines, we would want to be out there consulting with people so that we can be very careful about what is decided should be caught. Hulling is a classic example and probably a better example; therefore, a huller, because it does not specifically affect the food, I would not think would be caught. But they are some of the grey areas that need to be worked through and will be in terms of preparing the broad guidelines.

Amendments carried; clause as amended passed.

Clauses 8 and 9 passed.

Clause 10.

Ms STEVENS: This relates to the application of the act to primary food production and the fact that parts 5, 7 and 8 do not apply. In the minister's second reading explanation he said that the provisions of the bill in relation to notices, auditing and notification do not apply to primary food production and there are limits on the exercise of the inspection and sampling powers in relation to primary food producers. Why are there limits?

Can we be assured that those functions, limited though they may be, according to the minister, will in fact ensure safe food production? I am asking that in particular because of the Nippy's orange juice issue where, from memory, the contamination occurred through the washing of oranges with water that had faecal material in it, which then contaminated their food process. I want to know what the limits are and whether we can still be assured of safe food with those limits in place.

The Hon. DEAN BROWN: Parts 4 and 6 relate only where there is believed to be or has been an offence. In the case of Nippy's, we had the food poisoning outbreak and then, to be able to try to track back to the primary producer the source of that outbreak, they could then go into a packing shed, even though the packing shed was owned by a primary producer and was only packing fruit from the primary producer. That is there for protection, and the Nippy's case is a classic example of where that power would be and was used. We went into two packing sheds that were supplying oranges to Nippy's, and that is where we found the primary source of the salmonella.

Ms STEVENS: The minister has said that there are limits on the exercise of the inspection and sampling powers. What limits would they be?

The Hon. DEAN BROWN: This gives them the power to investigate and prosecute for offences against the act or the regulations.

Ms STEVENS: The minister stated in his second reading speech that there are limits on the exercise of the inspection and sampling powers. What limits are there, and why are there limits?

The Hon. DEAN BROWN: The limits are in clause 10(2). I refer the honourable member to clause 10(2), which is the answer she is looking for.

Mrs MAYWALD: Clause 10 refers to parts 5, 7 and 8, which do not apply in respect of primary food production. I refer to part 5 relating to improvement notices and prohibition orders, and I will use the Nippy's example. If a problem is found and there has been a complaint, is prosecution the only course of action that can be taken against a primary producer, or is it because they do not have an auditing process in place? I understand that if a food business has an auditing process in place an auditor will determine that there is a problem at the premises and will work with the premises to rectify that problem before any prosecution may occur, whereas with the primary producer there is no provision: it is one strike and you are out. The only provision under the act is to prosecute. Is that correct?

The Hon. DEAN BROWN: No. I assure the honourable member that we can, we would and we do go in and work with them to improve their food hygiene standards. It does not have to be a prosecution. I recall in one case (and I will not give the name for reasons of commercial confidentiality) where we worked with the primary producers and systematically tried to track down the source of a salmonella food poisoning case. We worked for some time with those primary producers.

I can think of another case as well where a salmonella outbreak occurred with a primary producer. We worked with them and have not prosecuted them. This would continue under the new Food Bill as well. Personally, I believe—and it is the view of the department as well—that it is probably more important to get in there, unless there is a malicious breach of the act, work with them and identify why they have a food poisoning problem and have salmonella on their premises, rather than prosecute them. In my view prosecution should occur only where there has been a deliberate, obvious or continued breach of the act.

Mrs MAYWALD: Clause 10(2) provides:

The functions conferred on authorised officers by parts 4 and 6 may only be exercised in respect of primary food production—

(a) to enable the investigation and prosecution of offences against this act or the regulations; or

(b) in connection with the making or enforcement of emergency orders. . .

As I read that, it means that authorised officers have authorisation under this act only to go in, inspect and seize, or, under part 6, to take samples, if they are looking to investigate for prosecution.

The Hon. DEAN BROWN: They can go in and take samples to identify the source of the contamination and, if they find the source or suspected source of contamination, they can work with them. They do not have to prosecute; it does not require them to do so. Their entry is based on trying to identify the source, but that does not mean that they then have to prosecute. I indicate that invariably with these things it is only after some work is done that they may eventually find the source. Invariably we find that there is goodwill on the part of the people involved, and naturally so.

Clause passed.

Clause 11.

Ms WHITE: I seek clarification about which suppliers are caught under this and exactly what is caught by supply of water for human consumption. SA Water is obviously a water supplier. I am thinking particularly of the water delivered via pipeline from the Bolivar facility and SA Water, is transported along the pipeline, delivered at the other end and becomes part of the vegetable growing process. Will the minister clarify whether the supply of water for human consumption exempts all parts of that process?

The Hon. DEAN BROWN: Water supplied for the irrigation of crops through Bolivar, to which the honourable member is referring, is not water supplied for human consumption.

Clause passed.

Clause 12 passed.

Clause 13.

Ms STEVENS: The opposition is pleased to see the increase in penalties under this section.

The Hon. Dean Brown interjecting:

Ms STEVENS: That is right; we are pleased to see that. That undertaking was given back in 1995, so long ago, but we are pleased, at last, that they are here. I want to ask a general question. As I said, the opposition is pleased to see that there are increased penalties throughout this section; however, I want to return to a quote I read into my second reading contribution. I quoted the former Minister for Health when he made remarks on 12 October 1995 about amendments to the Food Act. The first part of the quote relates to penalties but, in my second reading contribution, I said:

Further in his speech, the then minister said:

As I indicated yesterday, I am keen to explore amendments to the Food Act to allow the institution of proceedings in a more realistic time frame.

I would like the minister to comment on that quote. I have not seen any sign of that. I am wondering whether it does, in fact, appear in this legislation and, if so, where and what are the details.

The Hon. DEAN BROWN: I point out to the honourable member that, under clause 29, there is, in fact, the chance to deal with it as an indictable offence. So, yes, that is covered.

Clause passed.

Clause 14.

Ms STEVENS: Minister, I did go through this section with the two annexures A and B so that I could trace them through. I made a little note on my own copy that the penalties under this clause of $500 000 for the body corporate and $100 000 or imprisonment for four years were stronger penalties. Those penalties did not appear in either annexure A or B. I am not sure how that relates to the others, but the minister has, obviously, generally followed the annexure A and B penalties, or has he also diverted from that in other cases?

The Hon. DEAN BROWN: Yes, we have generally followed the annexures A and B. In one case where we did not, we linked the imprisonment to the $100 000 fine, which is the South Australian standard.

Clause passed.

Clause 15.

Ms WHITE: This clause talks about the false description of food. Is a food falsely described if the person selling it, or causing it to be sold, fails to declare on a food label or food packaging that the food contains a quantity of an ingredient, no matter how small, or that the food has been treated with some chemical or process if there is evidence that suggests that some portion of the community could be allergic, say, to that ingredient or treatment process.

The Hon. DEAN BROWN: The answer is, yes, and some of those could have serious consequences. For instance, a claim might be made that the food contains no peanuts and, in fact, it could contain peanuts. I invite the honourable member to look at a Mars Bar.

Ms Stevens interjecting:

The Hon. DEAN BROWN: I do not have a Mars Bar here: the honourable member will get one in the kitchen.

An honourable member interjecting:

The Hon. DEAN BROWN: Perhaps the honourable member should go to the bar and get a Mars Bar and we will get on with the act. If the honourable member looks at a Mars Bar she will see that the wrapper reads, 'This may contain peanuts.' The inference is that a Mars Bar is produced on a production line and it does not, as such, contain peanuts, but it may accidentally pick up a contamination of peanuts. That is a classic example of the sort of responsibility that is required because we know that some people are allergic to peanuts. There are also other food ingredients and, if there is a risk of cross-contamination, in fact, they should say so. It must also be read in conjunction with clause 21. There are standards that apply and, clearly, if someone deliberately breaches those standards these penalties would apply.

Clause passed.

Clauses 16 to 20 passed.

Clause 21.

Ms STEVENS: This clause deals with compliance with the Food Standards Code, and considerable concerns about this compliance have been expressed by various sectors of the industry. I would like, first, to refer to the commitment given to the Australian Hotels Association by the minister, which I have already mentioned and to which the minister referred earlier in the debate: that industry groups will be provided with funds to allow them to run courses and other training programs to help businesses develop and implement food safety programs. What is the extent of those funds—people are very keen to hear about them—and when will they be available?

The Hon. DEAN BROWN: The desperation of the member for Elizabeth to find out what is in the budget is incredible. However, I can assure the honourable member that there is a significant allocation of funds in the budget, which will be revealed tomorrow, and it is a very significant amount. Those funds will be available as from 1 July this

year. In just 30-odd days time we will have the funds available to be able to start those programs. I have been a keen supporter of ensuring that this is done working with the industry associations. I believe that the federal government has also allocated money for the preparation of food plans and working with industry associations. The funds have been allocated over a two-year period and if it needs to be extended for a third year that can be looked at. The funds that have been allocated are very significant. In fact, it is not only in my area that funds have been allocated: money has also been allocated to the primary production area. So, funds have been allocated to two ministries for the purpose of this legislation.

Ms STEVENS: That is excellent. We will wait and see what happens tomorrow. In relation to the process of implementation of the food safety plans and training, the minister might remember that in my second reading speech I put on the record information provided by Food Training SA relating to their assessment of the vocational education and training implications. There were a number of points relating to having a coordinated approach. Last Friday, I had the opportunity with the Small Retailers Association to visit a coffee shop in a small shopping centre. I sat down with the proprietor of that shop and talked about how this would all happen. There is an obvious need for an overall coordination strategy with either individual businesses or their peak bodies that will enable this process of implementation to occur in a way that will help businesses do what they have to do and allay their fears that it will be very difficult or costly, so that they can do the right thing and end up with the appropriate plans. They need to understand what they have to do and feel confident about it. What will be the implementation process for this clause, and how will it be managed?

The Hon. DEAN BROWN: First, it is intended to try to work with the peak bodies—the Small Retailers Association, the Hotels Association, the Restaurateurs Association, the Retail Traders Association and a significant number of other organisations—and to establish the key principles in their area and jointly establish standardised food plans for those types of businesses. Significant work has already been done in some areas. The butchering trade has already done substantial work and completed training programs as well, and so that type of area can be dealt with fairly quickly.

It is intended to develop the plans and roll those plans out. Obviously, we will need to test them but we have time on our side. We have plenty of time over about a two-year period to (a) develop the plans and (b) look at ensuring that they can be adequately implemented by a small business. That has been my intention throughout: to ensure that the small delicatessen, the coffee shop, small businesses in particular—because they are the ones that need the most help—do not have to pay a consultant $2 000 over several days to develop these food plans. They will have existing food plans prepared and, with their own commonsense, be able to implement them. If they sell smallgoods, they will be involved, as will those who sell seafood, while others may not be involved. I imagine they will be very broad and flexible plans that will allow people to pick out the components that relate to them.

There will also be advice on how to set about ensuring that staff understand the key features. There may well be some pretty standard sort of material we would prepare. I can imagine perhaps some videos, general workshops and such things that these people would be able to pick up relatively easily and use. The small business sector has already started work on that, and a number of companies are already fairly extensively involved in the Food Safe program. I have talked to the honey industry about three times, and other people from the department have talked to them as well. These different sections of the industry have already started to think through the issue. Certainly, I see no difficulty in implementing it over a two-year period. In some cases, of course, a medium risk business has four years and a low risk business has six years. So, time should not be a factor.

The high risk businesses should already be thinking about many of these issues, and I believe many of them are. I can give examples of where I have been to significant food operations involved in the serving of food such as the restaurant trade and I have been extremely impressed. They have already gone through the HACCP procedure, they understand the requirements, they have food plans and staff training in place and, in some cases, they even have an audit in place. It has been my experience that the vast majority involved in food manufacturing—perhaps the bigger operations—are already doing this. As an example—and I became aware of this in connection with the Nippy's situation—the citrus industry had an Australia-wide standard prepared for the industry based on HACCP, and they have guidelines and plans already in place. I think that virtually all the major fruit juicing companies in Australia already have these procedures in place. One where some difficulties were found was not part of that area.

It is interesting that a lot of those who are not part of those industry standards at present have standards, which would be quite satisfactory, and are applying them. The standards might need some slight modification, but in most cases they would be quite satisfactory. Invariably, when an outbreak occurs it is because they are not part of standards that have already been adopted for their industry. I know that the unknown and uncertainty create fear for people. We want to help them through that, but I think they will find that this will be relatively easy. The bigger operations are already doing this—or should be.

Ms STEVENS: I have been impressed with the number of people in this sector, from the trainers to the owners to the producers and so on, who have a lot of good ideas about this and who have done some thinking, particularly, as the minister has said, the larger ones. What people say to me, though, is that they believe that there has not been a lot of leadership from the minister's department in pulling it together. They say that a whole lot of people have a lot of good ideas and are willing to do things but there has been no leadership in focusing that effort towards the required result. That is said to me quite commonly, and that is something that must be done. The sections of the industry that would have most difficulty are the small concerns. By way of example, I went to a little place on Friday that had a transitory work force which turns over quite often, and it had to undertake training many more times than other businesses.

Also, the proprietors of a number of small restaurants, delis and coffee shops do not speak English as their first language. For them the whole issue of communicating these requirements, understanding food safety plans and all the food standards, and ensuring that they can get it up to scratch requires a lot of thought, as do special measures to overcome the language barriers that exist.

The Hon. DEAN BROWN: In relation to the member's first point, a lot of people out there have their own ideas, and many have raised them with me. We deliberately have not yet focused on that, and there is a good reason for that. First, there was the need to get the legislation through; and,

secondly, there was some other fundamental parts of this that we have been trying to put in place nationally. A huge amount of work has been done on those. People would not realise this, but there have been nutrition information panels, where South Australia has been somewhat of a leader in arguing the case federally. I am delighted to say that the case I argued got through.

We have been a leader in the area of the labelling of genetically modified foods, and the case I put there has now been adopted nationally. A number of areas have been building blocks. This is very much about a building block, because we are almost creating from afresh the standards for Australia. One standard we are working on involves the source and country of origin of the product. Another area is where health claims are made on the product and dealing with those.

We have been putting in place those building blocks. The building block that relates to the audit, the plans and the training of the staff is further up still. We will be getting to that shortly, and that is the time to bring it altogether to provide the leadership and to collect those ideas. I can assure the honourable member that we would want to make sure that we use those ideas. I have been to Regency TAFE, and a number of different groups there have passed on different ideas to me. A lot of other people have raised points with me as well and suggested how this could be done. Equally, I might add, some work is being done nationally, and the federal government is saying that that work needs to be done in conjunction with the states and is applicable to individual industries.

I do not think the honourable member should be too concerned at the fact that this has not been brought together yet. However, very shortly, once the legislation has been passed, then is the appropriate time. There is a time lead, and we have always known that there is this time lead.

I can give an assurance that we need to deal with different cultural practices and languages, and a range of other issues, and we recognise that. All those points will be picked up before this becomes operative and specific requirements are put on the operators of the food businesses.

Ms WHITE: The minister touched on food labelling as it relates to the food standards code. The minister mentioned two hot topics of interest in the community with regard to food labelling, the first being the identification of genetically modified food, and the second being identification of product as being Australian made or Australian owned, or being produced by Australian owned companies. The minister said that some work was being done nationally. Will those two aspects of food labelling appear in the food standards code that accompanies this legislation?

The Hon. DEAN BROWN: The labelling for genetically modified foods is already in the code. We worked on that very extensively for about 2½ years. I stress that Australia is seen as a leader in setting those standards. No other country in the world has done the work that Australia has done and carried out two very detailed studies—although we questioned the value of the first study—and implemented them. That is in place. In terms of country of origin, there are already requirements under the code covering that. However, they are inadequate, and they are currently being reviewed. The food ministers have discussed this and have asked for new drafts to be prepared that are much more comprehensive than the requirements already in the code. The code already has requirements in both those areas.

Clause passed.

Clauses 22 to 24 passed.

Clause 25.

Ms STEVENS: Will the minister provide some examples of what he is referring to in clause 25(1)(b)?

The Hon. DEAN BROWN: If a manufacturer in Australia is producing a food specifically for another country and it complies with the standards to which that food is going, that is a defence. A classic example might be the amount of meat that must be present in meat pies. In Australia, we require that meat pies contain 25 per cent meat, but it may be that the meat pies are being exported to another country that requires only 23 per cent meat. There is a defence for manufacturing meat pies with containing only 23 per cent meat, provided that the meat pies are going to another country.

Clause passed.

Clauses 26 to 28 passed.

Clause 29.

Ms STEVENS: No specific details are provided as to the expiation of offences under this clause. Presumably these would be set through regulation. A comment sent to me from the Australian Institute of Environmental Health says that presumably these would be set through regulation and they further say:

> It is considered important that enforcement agencies etc., have effective expiation powers under any legislation that eventuates, given that the vast majority of enforcement issues are and will continue to be dealt with by this means.

Will the minister comment on their comment?

The Hon. DEAN BROWN: We are referring to clause 29(3), which comes under the Expiation Offences Act, and so the amounts would be the same as those specified under the act. The amounts are in clause 29(3), but the scheme is under the Expiation Offences Act.

Ms STEVENS: What does that mean?

The Hon. DEAN BROWN: What does what mean?

Ms STEVENS: Does that mean how it will be administered?

The Hon. DEAN BROWN: How it operates, the administration of the—

Ms Stevens interjecting:

The Hon. DEAN BROWN: Yes.

Clause passed.

Clause 30 passed.

Clause 31.

Ms STEVENS: Is 'the relevant authority' the minister?

The Hon. DEAN BROWN: Yes.

Clause passed.

Clause 32.

Ms STEVENS: In relation to a nature of an order under the emergency powers section, paragraph (a) provides:

> require the publication of warnings, in a form approved by the relevant authority, that a particular food or type of food is unsafe.

Has that already been established? Are those forms already in use, or are they a new thing that has to be developed as a result of the passing of this act; and also will they be consistent across the country? I know that this comes from annexure A, so is it consistent across the whole country?

The Hon. DEAN BROWN: We are not talking about specific format; we are talking about the means by which people are notified. It might be through a newspaper or things such as that. In fact, I think we have shown with the Nippy's case that it works reasonably well. What we are referring to is the publication of warnings in a suitable form which would depend on the circumstance. If it is, say, in a small local

community, it might be that we require them to publish it in the newspaper and announce it on the local radio station, or something such as that; or put up notices in the shop window if it is a product that is being sold particularly in one shop. It would vary from circumstance to circumstance.

Ms STEVENS: All those points are good and I do not have a problem with any of them. The most important issue is that it is done in a timely manner. That was the concern before.

The Hon. DEAN BROWN: Having administered the Nippy's case with the CEO of the Department of Human Services, Christine Charles, and all the staff involved—starting at about half past eight in the morning and going right through the whole procedure—I think that the Nippy's case has set a benchmark for how that can be done very effectively indeed. After the Nippy's case was over, we did a review of it to find out whether there were any weaknesses. There were one or two weaknesses. One problem, for instance, is that we continually find that GPs do not tend to have fax numbers and very few GPs are on email, or they were then. That will change with time, and therefore the standards will change in relation to what you will expect.

In fact, as a result of that problem, we have asked the medical board to get more details so that we can ascertain contact numbers for GPs and put out warnings very quickly indeed. The Nippy's case was a very good example. The results did not come in until about 9 o'clock in the morning. We knew laboratory tests were being done at the IMVS, but we were prepared and waiting for the results. We had lawyers and everyone waiting for those results to come through. They were all in my office, and the moment we had a direct confirmation, we put everything into action immediately.

As a result, we were able to notify everyone immediately. Even before we had finished discussing this, we had the owner of Nippy's on the telephone. I talked to him on the telephone, as did our lawyers and Christine Charles as the person with the authority. However, before we did that, we automatically contacted the Minister for Education and we sent notices to all school canteens, because we regarded orange juice in small containers in school canteens as being a crucial area. As I understand it, we had the notices in schools before recess time.

Ms Stevens interjecting:

The Hon. DEAN BROWN: We had one group of people still discussing this and notifying the company involved, because you could imagine the alarm at this stage. This was a manufacturer who up until then had not suspected anything at all, and then suddenly he was confronted with what would be a huge crisis in terms of the operation of that business. I feel for someone going through that sudden trauma. We immediately sent people to the factory and they arrived whilst, I think, we were on the telephone to the person.

It is issues such as this that have to be dealt with. I think that day we handled the situation very effectively and the public notices were circulated very quickly as well. They are the sorts of strategies that must be worked through very clearly.

Progress reported; committee to sit again.

SITTINGS AND BUSINESS

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.

STATUTES AMENDMENT (GAMBLING REGULATION No. 1) BILL

The Legislative Council agreed to amendment No. 11 made by the House of Assembly without amendment.

APPROPRIATION BILL

The Legislative Council granted leave to the Treasurer (Hon. R.I. Lucas) to attend in the House of Assembly on Thursday 31 May 2001 for the purpose of giving a speech in relation to the Appropriation Bill, if he thinks fit.

FOOD BILL

In committee (resumed on motion).

Clause 32.

Ms STEVENS: I want to pick up on one point that the minister made about being able to contact GPs because they often do not have faxes. From memory, that was an issue with the Garibaldi saga, too, and I cannot remember whether one of the recommendations of the Coroner was to improve those communication mechanisms with GPs. Is the minister saying that we still have a way to go with that one?

The Hon. DEAN BROWN: Work was done after Garibaldi and further work was done after the meningococcal scare, because we were putting out warnings to GPs then. We have moved though to now require the medical board to get details. We have found one effective way of dealing with GPs who have practices is to do it through the pathology services, because virtually every GP uses a pathology service and uses a fax stream from a pathology service. So we use that mechanism as well.

We are constantly moving to try to improve the services. There are several ways: the fax stream from the pathology services; direct faxes to the GP practices for those who have them, and not all of them do; and there is an increasing number on email. Clearly that will be the ideal technology in the future, because it will be so quick and so instant and so cheap to cover everyone. We are constantly working on trying to upgrade that, but I think it is fair to say that with Nippy's we had a marked improvement in performance compared with what had occurred previously.

Clause passed.

Progress reported; committee to sit again.

ADJOURNMENT

At 10.03 p.m. the House adjourned until Thursday 31 May at 10.30 a.m.