HOUSE OF ASSEMBLY

Thursday 7 June 2001

The SPEAKER (Hon. J.K.G. Oswald) took the chair at 10.30 a.m. and read prayers.

CITY OF ADELAIDE (DEVELOPMENT WITHIN PARK LANDS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 7 December 2000. Page 797.)

Mr HAMILTON-SMITH (Waite): I rise to indicate that the government opposes the bill on the ground that it is ill conceived and simplistic legislation. The bill, which comprises three clauses, is quite a complicated one seeking to impose a range of constraints on the parklands which the government fears will make management of the parklands simply unworkable. Because the government values the parklands on behalf of the community of South Australia, and because the government considers the parklands to be an asset of significant value to all South Australians, the government is of the view that a careful and well considered range of measures needs to be implemented to protect their future so that generations to come can enjoy them as we have done.

The government opposes the bill on the ground that the proposals will hinder rather than enhance community responsive approaches to management of our Adelaide parklands. It opposes it on the ground that the provisions are not aimed at protection of future amenity and popular use of the Adelaide parklands.

The DEPUTY SPEAKER: Order! It has been brought to my attention that the member for Waite has already spoken on this piece of legislation. The member for Colton.

Mr CONDOUS (Colton): Thank you, Mr Deputy Speaker. I rise to speak on this issue out of pure passion for and love of the parklands. I was very fortunate in my life to be born in a little street called Liverpool Street at the west end of Adelaide. My playing areas in those days were right opposite the Newmarket Hotel where there is a small granite statue marking the point where Colonel Light inserted the first pin when laying out the City of Adelaide.

I doubt that many members of this parliament would know what that monument is, and nor would the people of South Australia as they drive by it every day, but that is where the first surveying peg was placed when Colonel Light laid out the city. As a young person living in a very small row of attached cottages, I only had the parklands as my playground. The other favourite area of mine was Victoria Square, which in those days was planted with something like 30 Moreton Bay fig trees of enormous dimensions. They had huge roots sticking out and young children would hide in amongst the roots of those trees. In those days the traffic did not flow around the square: it went through the middle. People using the park were not affected by the traffic.

One of the greatest assets of this city is the 1 600 acres of parklands that surround it. People from all over the world admire this city, which is probably one of the finest surveyed and planned anywhere in the world, but their greatest admiration and envy is for the 1 600 acres of parklands which completely surround the city and which provide a recreation area in which people can take their dogs, kick a ball with their children, and do all the things they want to do.

I do not support the bill that has been moved by the member for Hammond, and in a minute I will tell the House why. The parklands are the jewel of South Australia. We can talk about the Barossa Valley, we can talk about the Flinders Ranges, we can talk about Victor Harbor and the Fleurieu Peninsula, but the greatest asset this city has is the magnificent parklands that surround it. But what have we done as governments, both Liberal and Labor, over many years? We have continued to erode the parklands and take more acreage away from what was active parkland designed for the people.

Let me give members some examples. Sir Thomas Playford made a decision some 50 years ago to take up 30-odd acres to create the Adelaide High School on West Terrace. When driving along West Terrace today, the vista on the left-hand side should be the park from West Terrace right through to the Mile End railway yards, not a high school. There is plenty of acreage in this state and city to put buildings on, not on the parklands. They should be built on areas that are designated for development in the City of Adelaide.

Labor governments have created the Festival Theatre, the Hyatt Hotel, the Convention Centre and the Exhibition Centre. The present Liberal government has created a tennis centre, a wine museum and a new Convention Centre on parkland. There is only one solution to this problem, one that will have the admiration of the people of the South Australia for the 69 members who represent them in parliament, and that is for us to realise at long last that the parklands are the greatest asset in this state. There is only one solution to it, and that is hands off the parklands, no more development, not one square inch taken up in the future at all. We must beautify those parklands and encourage people to use them and enjoy them. That is the only solution.

The rape of the parklands has been going on year after year, for too long. All governments see it as free land, as cheap land. When you want a development and you do not have a bit, take a little bit off the parklands; that does not matter. Just take a little bit and do the development you want because it will cost you absolutely nothing whereas, if you have to go and buy acreage in the city, it might cost $3 million or $4 million. What is the cost of $3 million or $4 million as against taking up five or 10 acres of the parklands?

Let me tell members that not one square inch of the parklands that is taken up will ever be returned to the people. It is like anything: god can create babies but he cannot create land. I know from my going to our sister city in Penang in Malaysia and their coming here that every member of council, including the mayor, will say, because the sister city tie-up was that Col. Light was the surveyor of the city of Adelaide and his father Col. Francis Light was the surveyor of the city of Georgetown, Penang, 'How come we got the worst end of the deal?'

Penang is an absolute conglomeration of roads and streets running into each other with no particular grid, whereas Adelaide is a north/south/east/west grid of half chain and full chain widths of roads, which was designed 160 years ago but which today in the modern era with the motor car and the expansion of the city still serves this city very well. Col. Light created six of the most important squares in the city—one in North Adelaide and five in the Adelaide city proper—because he wanted people to go out there and sit in the parks with their families and enjoy themselves. Those areas were the meeting places.

Sadly, over the years, governments of all persuasions have wanted to take them up. I am saying to every one of the 69

members of this parliament that, if they are serious, let us make it an election issue for the next election. Let us get every South Australian involved, because the parklands do not belong to the ratepayers of the City of Adelaide; they do not belong to the Adelaide City Council or the state government; it is Crown land that belongs to the people of South Australia. What we are doing and continue to do is taking away what belongs to the people. So, let us get a policy up.

Let us get a new bill that says there will never be any more bricks and mortar development on the parklands: the parklands will be preserved; they will be put on the national heritage; and they will be respected for being the most valuable amenity and open space that this state has. To do anything less than that is betraying the people of South Australia, and I believe that this must go on the agenda. If it is not passed by this parliament, the next parliament has to stand before the people of South Australia and be judged by those who were not prepared to preserve that acreage.

I am being selfish on behalf of the young children of South Australia, the boys and girls and the coming generations, because I want them to be able to enjoy the open acreage of parklands that I have been privileged to enjoy for the past 65 years in this state. One of the most wonderful experiences that I can go through is simply to get up on a Sunday morning with a pair of sandshoes on and just walk through the parklands. The tranquillity and the beauty of the parklands is unbelievable. Botanic Park is recognised as one of the greatest English parks in the world.

I will not support this: I am going to cross the floor and I do not care who comes with me, but I am voting for total hands off the parklands, no more development, total preservation of the parklands.

The Hon. R.B. SUCH (Fisher): I am pleased to follow the member for Colton and his passionate plea for the parklands. I feel the same way about the parklands. I commend the member for Hammond for introducing this measure. I am not convinced that it is the appropriate answer to what has happened to the parklands. Our parklands are a treasure and something which we should keep. I was reminded of this recently, because on Flagstaff Hill Road (which is in my electorate) a flagstaff marks the spot where Colonel Light undertook some of his surveying for Adelaide, and the plaque says words to the effect, 'I trust future generations will judge me less harshly than my contemporaries.'

As we know, Colonel Light was severely criticised for selecting the site that he did for Adelaide and for the planning that he undertook in relation to Adelaide. Today we can see what a genius he was and we enjoy that legacy of open space, including the various squares which make up the City of Adelaide. Sadly, over time, as the member for Colton has said, governments of various persuasions have taken the easy way out in that they have taken land out of the parklands. It has been built on, and it has been used for all sorts of activities, including car racing and all types of sporting ventures; and sadly, even today, the city council uses the south parklands as a car park during much of the year.

We must appreciate what we have. We keep saying that what we have is the best. Not too many other cities have fantastic parklands, but some do. The city of Dublin has a wonderful parkland area, and I can tell members that they treat their parkland with greater respect than we do. The south parklands seem to be the poor relation and need considerable restoration, including the replanting of trees, and I hope that, in the not too distant future, perhaps the wetlands which have been spoken about so frequently and which, incidentally, may help alleviate some of the drainage problems in the city of Unley, will be developed.

I make the point that we should be passionate about the parklands. I am pleased that the Minister for Local Government is moving to establish a select committee to look at the best ways of protecting the parklands. It has taken a long time for that initiative to come to fruition, but let us all work together so that, in future, we can retain, improve and enhance what is a wonderful gift as a result of the genius and brilliance of Colonel William Light.

Mr MEIER (Goyder): I oppose the bill. I fully recognise that the member for Hammond is endeavouring to come up with a system that will provide greater guarantees for retention of the parklands. However, what really upsets me is the fact that about three years ago—and the member for Colton probably identified how long ago it was—the member for Colton put forward a suggestion for the preservation of the parklands. He was fully supported—and I think it was hand in glove with the member for Adelaide—

The Hon. M.K. Brindal interjecting:

Mr MEIER: —and the Minister for Local Government at the time to have a simple system whereby, if any area on the parklands was built on, another area of the parklands had to be returned to parkland status. In other words, not one square centimetre of parkland would be lost, and for the immediate future it would guarantee that our parklands, at the very least, retained the same square acreage. That bill was put before the parliament. What reaction did we get from the conservationists and from some of the greenies? 'It is a trick to try to build on more of the parklands. No, we will not have a bar of it. Look out, there is a communist in the cupboard—beware.' I could not believe the reaction; it was an absolutely unbelievable reaction. It clearly showed me that there is a political agenda behind the people opposing the government, and they came from a variety of areas.

It was the greatest tragedy that happened to the Adelaide parklands because it has now meant that year after year has gone by—and have we proceeded any further? Absolutely not. In fact, we have probably seen more of the parkland built on during that time yet no compensating effect has been available. To the people who decided to try to play politics and say, 'If the Liberal party is suggesting it wants to preserve the parklands, there must be a trick somewhere,' I say, 'Shame on you, because you have done untold damage to the protection of the parklands in the past two or three years.'

It could have been sorted out in the way in which the member for Colton suggested it and the way which the members for Adelaide and Unley—in fact, all members on this side—endorsed. I know that a few members opposite also said, 'It sounds like a good idea,' but, of course, their so-called experts decided to find some trickery in it. There was nothing at all. It was a nice simple solution to a problem that has been occurring ever since Colonel William Light first surveyed Adelaide and the plans were promulgated and buildings started to occupy parts of the parkland over the ensuing years. Our solution would have put a clear hold on the situation and not let it get out of hand—as has been the case.

While the member for Hammond is endeavouring to make progress here, I would tend to agree with the speakers who have indicated that the select committee that is proposed—

which I believe might be dealt with later today—is a way of considering this issue further. Undoubtedly, there could be some truth in that and, because there was not bipartisan agreement several years ago, it is possibly the only way in which we can continue. With those words, I do not support the member for Hammond's bill

The Hon. M.K. BRINDAL (Minister for Water Resources): I commend my colleagues on their wisdom in perceiving straightaway the fatal flaws that are within this bill. I commend, in particular, the member for—

Ms Key interjecting:

The Hon. M.K. BRINDAL: Before the shadow minister for youth gets too excited over there, let me say a few things about the member for Colton, the member for Adelaide and myself. Some years ago we tried to put before the people of this state a measure to protect the parklands. Unfortunately, because of the nature of public debate, that was not accepted. In absolute good faith, the minute we tried to do something to protect the parklands, as is typical of much of Adelaide, it was not, 'Is this a positive initiative?' but, rather, 'Where are the pitfalls?' There were people out there who worked from the assumption that, because the government was trying to protect the parklands, there must be something wrong: 'What are the pitfalls and what are the things we are doing wrong?'

In a sense we have to move on from there. The member for Adelaide, the member for Colton, I as Minister for Local Government, and every member on this side of the House are to be commended for what we have tried to do. I point out to the shadow minister, in the spirit of the parliamentary debate, that this government has at least tried to protect the parklands. The honourable member's party was in government for 13 years and did three parts of nothing—there is a much better expression than 'nothing' but in parliamentary parlance I will say 'nothing'. It did nothing for 13 years. We have tried to do something, and, admittedly, some of our attempts have not met with the success I think they deserve because we have perhaps not explained it well enough to the people—or they have not been convinced—but at least we have tried. At least with this legislation, the—

Members interjecting:

The Hon. M.K. BRINDAL: If you all interject, I can't listen to you all at once; so please interject one at a time.

Ms Key interjecting:

The Hon. M.K. BRINDAL: The member for Ashford is such a genuinely nice person that it is hard to ignore her when she is trying to be less than nice—because it is so amusing and so out of character for her. The member for Ashford even has trouble with the fruit fly eradication program because I believe she has secret sympathy for all creatures, great and small.

The Hon. W.A. Matthew: It's the member for Hanson.

The Hon. M.K. BRINDAL: Sorry, the member for Hanson, but she wants to be the member for Ashford—I had forgotten that.

Mr Hanna interjecting:

The Hon. M.K. BRINDAL: The member for Mitchell says 'Soon to be.' I do not think that anyone in this place who anticipates the will of the people of South Australia is very wise. In the past they have been known to react in ways that none of us could have predicted. I do not think that any of us here are very safe in counting the chickens before they are hatched; in fact, we might need to count the eggs a bit more carefully.

An honourable member interjecting:

The Hon. M.K. BRINDAL: Yes, I am very worried about him. In fact, the member for Mitchell has contributed greatly to the select committee on the Murray River, and when he turns his attention to it he can be a good contributor to the House and it will be a pity if after the next election he is not be here.

The SPEAKER: Order! I bring the House back to the bill.

The Hon. M.K. BRINDAL: I apologise, sir. I commend the member for Hammond for trying as we have tried to protect the parklands, but I heard the member for Waite being told that he had contributed once. You have to admire the member for Waite's trying to get two or three goes at the same bill; it is unusual. I heard him say that it is an ill-conceived bill, and indeed it is.

The Hon. R.B. Such interjecting:

The Hon. M.K. BRINDAL: The member for Fisher acknowledges that it is an ill-conceived bill. It has been on the *Notice Paper* since October.

The Hon. R.B. Such: That's right; so you can forgive the member for Waite.

The Hon. M.K. BRINDAL: Oh; I misunderstood you. If you actually look at it, you see that the definition of 'parklands' in itself would cause a problem. The definition of parklands is that Adelaide parklands means '(a) the parklands of the City of Adelaide as they exist on 27 October 1999', but I would refer all members to a series of articles, maps and working drawings on the parklands. One of the very problems with the parklands is their definition, and this is why I with the government will oppose this bill. If you were to legislate for this provision, the first legal battle would be what constitutes the parklands at that time. This place exists on the parklands as defined by Colonel Light, and so does every institution—

Mr Hanna interjecting:

The Hon. M.K. BRINDAL: The member for Mitchell stood in this place last night and told me he was a lawyer. I do not pretend to be a lawyer; all I say to the member for Mitchell is that it depends on how parklands are legally defined. If ordinance surveys show this to be parklands and those ordinance surveys were in existence in 1999, then I am sorry; there might be a built form on it but as far as this act is concerned in my opinion they would be parklands. If the maps of the City of Adelaide show them as parklands, this was enacted and that was the case in 1999, then these would be parklands. The member for Mitchell needs to think a bit more about what he is saying before he opens his mouth, because by this definition we could trap not only Parliament House but also the universities, the museum, the art gallery, the library, the Festival Centre and a number of other buildings which I am not sure whether or not the member for Hammond intended to capture.

I agree with the member for Colton on this. I think we need to go down a wiser path in the future protection and enhancement of our parklands. I agree with the member for Colton that they are the crowning glory of this city, and we need to use them more wisely and perhaps abuse them less. We need a more rigid regime, but I do not think that this bill is the answer.

I conclude my remarks by taking up one of the previous speakers' comments and saying that what disappoints me about the parklands is that there appear to be two points of view. One point of view is that the parklands are glorious and somehow should be left exactly as they are: no blade of grass, tree or shrub should ever be changed. That is simply not the historic nature of Colonel Light's vision, nor the historic

practice of the corporation. The parklands have contained tanneries, dumps and all sorts of human activity. The parklands were virtually denuded of trees because the good burghers of Adelaide harvested them and burnt them in their wood fires. In my lifetime licences were issued for cows to roam on the southern parklands. Indeed, all members know that, at show times, the parklands still can be used as a car park. There is nothing wrong with some of those uses, but the use must change and the use must be congruent with the vision of Colonel Light and modern needs.

I know that the member for Hanson will join me in this because it is partly her problem, as I hope will you, Mr Speaker. The Parklands Preservation Society and the Corporation of the City of Adelaide are unable to see that ponding and retention basins in part of the parklands will not only enhance the parklands but help with the preservation of a very important resource, our water, which we waste. They will help protect and increase the quality of the Patawalonga, for which the member for Morphett is responsible, and they will help radically in the prevention of flooding, both in my own seat of Unley and in the current seat of Hanson.

Yet we have a city council and a Parklands Preservation Society which say that Light's vision is such that you cannot put a natural water retention system in the parklands. Well, if you cannot use the parklands in a natural way to enhance the environment I do not know what you can use the parklands for. There are meandering creeks through the parklands as we speak. Simply hollow the sides of one of them to create a grass swale, which would allow, in times of heavy events, for natural rainfall to pond in the basin and which could then seep through the grasses and into the limestone aquifer, which is very shallow below that surface—in fact, it is so shallow that a permanent pond could not be built. But to actually say that waterform, ponding and natural things are not part of the parklands is wrong.

Time expired.

Mr SCALZI (Hartley): I wish to make a contribution on this very important debate. There is no question that the parklands are Adelaide's greatest asset. There is no question that Colonel Light's vision was much more far-sighted in the 19th century than visions in the 20th century and, indeed, the 21st century. Adelaide is unique because of the parklands. It is often said that the parklands are the lungs of the City of Adelaide and, given what the government has done with regard to smoking, Adelaide breathes far more freely than it has. Many members would say that any development on parklands should be limited, and so it should be.

It should be congruent with Light's vision. The problem is how we define that congruency. I do not have any doubts about the intentions of the member for Hammond. I have been a member of the Public Works Committee for about 18 months and I have witnessed first-hand the honourable member's passion to retain the parklands. But having passion and putting forward a proposal, which will ensure that the parklands are protected, are two different things. It seems that we say 'hands off' to parklands, yet we are turning the parklands into a platform for free range political grandstanding and testimonies on which to build one's reputation.

We should spend a lot more time on the issue of parklands. It is an issue that should be seriously looked at, and I know that this government is already doing that. It has already been said that the member for Colton had an excellent proposal, which was backed by the member for Adelaide as the Minister for Infrastructure and which was supported by the member for Unley, who was the local government member. With a triumvirate such as that, you cannot be wrong; there must have been substance in that proposal.

Clause 1 contains a definition of the parklands that is wide ranging and, I suggest, incapable of determination. Has the member for Hammond consulted the Surveyor-General about the practicality of using Light's plan as a definition of parcels and areas of land that will be included in the parklands? Has he considered which plan is to be the so-called definitive version? Has he consulted with adjoining councils who may or may not be content to find parts of their current local government area suddenly transferred into an area controlled by the Corporation of the City of Adelaide? As I have said, the intentions of the member for Hammond are good; he wants to protect Adelaide's greatest gift. The problem is, is it too simplistic and, more importantly, too restrictive? Sometimes, when we concentrate too much on trying to protect something, we do the direct opposite and I feel that this legislation is heading down that pathway.

Clause 2 establishes a joint authorisation process between the Parliament of South Australia and the Adelaide City Council for development and licensing within the Adelaide parklands. At this point, I retract a little from my earlier statement that this bill is a restatement of earlier proposals because it does contain change by proposing a greater specification of building activities but, once again, it fails the test of clarity.

If we think that we can protect the parklands with this bill, we have really not looked at the proposal seriously. As I have said, there is no question that Colonel Light's vision has been well tested for its far-sightedness. It saddens me when I reflect on Colonel William Light, the founder of Adelaide. Members might be aware that, apart from being a surveyor, he was an artist. Sadly, in 1838, when his offices on North Terrace were burnt, he went through a very difficult time and, of course, his opponents at the time did not quite understand what this great man was all about. Another thing that saddens me is Colonel William Light's cottage at Thebarton. What did we do to the home of Colonel William Light in 1926? We bulldozed it and built a factory there. We do not have the cottage of the founder of Adelaide because it was demolished and replaced with a factory at Thebarton in 1926-27.

It is good that all members wish to retain and protect the parklands and Light's vision—but let us do it properly. I do not believe that this bill will ensure that the parklands will be protected even though, as I have said, I have no doubt that that is the honourable member's intention. I cannot support this bill at this stage. It is not only restrictive, in a sense, with respect to the definition of the parklands but it is very restrictive on this parliament because it is prescriptive as to what it can and cannot do, and that really disempowers the very body that should go out of its way to protect the parklands and Light's visions. For those reasons, I oppose the bill.

Ms THOMPSON secured the adjournment of the debate.

SITTINGS AND BUSINESS

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

That standing orders be so far suspended as to enable questions without notice and the noting of grievances to be taken into consideration forthwith.

The SPEAKER: I have counted the House and, as there is not an absolute majority of the whole number of members of the House present, ring the bells.

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

Motion carried.

Mr FOLEY (Hart): I move:

That the period for asking questions without notice be extended by three minutes.

Motion carried.

QUESTION TIME

RIVERLINK

The Hon. M.D. RANN (Leader of the Opposition): Can the Premier explain why he will ask Prime Minister John Howard today to fully fund the Riverlink interconnector, at an estimated cost of $100 million, when the Premier told this House three weeks ago that there was no need to put any government money into Riverlink because (and I quote directly from the Premier), 'TransGrid has already told the government of South Australia that it has the funds in place to build Riverlink'? When Labor produced its comprehensive Directions Statement on fixing South Australia's electricity crisis, which I have to say that the government now seems to be adopting day by day—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The House will come to order!

The Hon. J.W. Olsen interjecting:

The Hon. M.D. RANN: That's right. We are from the opposition and we are here to help. When Labor produced its Directions Statement on fixing South Australia's electricity crisis, the Premier told this parliament:

One wonders why on earth the Labor Party is going to put $20 million into a project that is already funded.

The Treasurer told parliament a few weeks ago that Riverlink was the Rann-Foley-Holloway solution to the state's supply needs. Apparently, he forgot to add the word 'Olsen' onto the end of it.

The Hon. J.W. OLSEN (Premier): I will delete the last comment of the Leader of the Opposition by saying that my position is consistent.

Members interjecting:

The Hon. J.W. OLSEN: Well, the position is that we believe that the federal government, in terms of nation building of major infrastructure, ought to be contributing, not to Riverlink because, as the Treasurer has said, the Riverlink proposal, which has been put before NEMMCO by the New South Wales government subsidiary Transgrid, is a fully funded project—that is according to the New South Wales government. What I am talking about—

The Hon. M.D. Rann interjecting:

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

The Hon. J.W. OLSEN: The Leader of the Opposition's interjection once again indicates that he is simply inaccurate in his assumption. NEMMCO will make the decision about Riverlink proceeding. The South Australian government has said—

The Hon. M.D. Rann: You supported it. Tell the truth!

The SPEAKER: Order! The leader will remain silent and have some regard for the chair.

The Hon. J.W. OLSEN: You have had a painful morning, you must have had a bad night. The position that we have constantly put down is that we will give major project status to Riverlink but that NEMMCO, the National Electricity Market Company, has had the proposal for Riverlink before it for over 18 months but has not given the authority for Riverlink to proceed. That is the fact of the matter. The proposal I have put forward is to look at infrastructure relating to the electricity industry, and there are a number of components to that, one of which is the Snowy scheme—

Mr Foley interjecting:

The Hon. J.W. OLSEN: The inane interjections of the—

Members interjecting:

The SPEAKER: Order! I warn the Leader of the Opposition for continually ignoring the instructions from the chair.

The Hon. J.W. OLSEN: The proposals that I have put forward—and discussions I have had with Premier Bracks—involve the interconnector with Victoria and how that might be upgraded, the gas from the fields to come onshore, and the interconnect between Tasmania and Victoria and, importantly, from the hydro scheme in New South Wales into Victoria. These are the specific proposals I have in mind where the commonwealth government ought to be contributing some funding and support, in terms of nation building of infrastructure.

It is fact that gas supplies are critical and underpin the investment in the generating industry in South Australia. It is fact that the interconnector, on occasions, is not able to carry the capacity that we would like. These are the areas where I believe the commonwealth government ought to have some role and responsibility to assist in the upgrading of the infrastructure. As the Treasurer has said and as I have said, and as I continue to say today, we are advised that TransGrid is a fully funded scheme. It does not require the Leader of the Opposition's $20 million, nor does it require the government's funds. What I am talking about is those projects such as the Snowy scheme where I understand that some $44 million worth of infrastructure is required, to which the private sector has not yet given commitment. These are the projects that I am talking about in respect of nation building.

HOLDEN LIMITED

Mr HAMILTON-SMITH (Waite): My question is directed to the Premier. Could the Premier outline to the House the significance of Holden's milestone today, reaching the production of its six millionth motor vehicle?

The Hon. J.W. OLSEN (Premier): I thank the member for Waite, who I happen to know is a Holden driver—one of those sporty ones. I think the member for Peake drives one of those sports versions. Some of us have to make do simply with an SS Holden, not an HS Holden.

Members interjecting:

The Hon. J.W. OLSEN: No, my lad does in the SS; I do not get a look-in these days. It is, I think, a day of celebration. With the member for Elizabeth, I attended the roll-out of the six millionth Holden in South Australia today. What that underscores is not only congratulations to the work force and management of Holden's, but it is also a celebration for South Australia that we have a company of this magnitude and nature that has been so outstandingly successful in the international marketplace.

I have reported to the House before, and I said this morning at Elizabeth, that when you go overseas and see the Chevrolet badged Statesman roll off a ship, and when the GM manager for Eastern Europe and South Africa says that the product out of Adelaide is better than the product coming out of North America, it is a great celebration for all who have been involved. That capacity in the industry has the opportunity to grow even further in the future. We are hopeful, of course, that Holden in the not too distant future will make the decision to go to a third shift. That will mean that it will have to adjust to continuing international competition.

I also paid credit to Paul Noack and some of the arrangements which were put in place a few years ago and which enabled the company to look at export markets and for Holden to make the investment concerning export markets. Further, I acknowledged the union movement and the way in which it has been prepared to responsibly discuss with the government measures that could be put in place not only to secure existing jobs at Elizabeth but to look at how we might expand investment, expand jobs and ensure greater certainty for jobs.

I am sure that all of us in this House would aspire to that. As a result of discussions with the management of Holdens, I hope that the third shift will be given the green light shortly. Hopefully, we can build on the supply of part proposals eventually and get collocated industry. I note that Ford, for example, in Victoria has moved to put in place a similar policy model to that which we have talked about in South Australia. I note that Mr Thomas, the former government relations officer for General Motors, now heads up Premier Bracks' Manufacturing Industry Advisory Council. The model that we have been developing and working on in South Australia is the model that Ford now has introduced in Victoria. This demonstrates the need to be ever vigilant, to work at it all the time and to never give up focusing on how we might get more investment and more jobs.

But, simply, it is a celebration for Holden—the work force and the management—and a celebration for South Australia. It has the capacity to be an even greater success story in the future. I am pleased that the six-millionth Holden SS to come off the production line will go to the National Motor Museum at Birdwood to join the '48 Holden and the one-millionth Holden Premier EJ to complete the collection. I hope the seven-millionth car to roll off the production line occurs in a shorter space of time than between the five-millionth and the six-millionth.

RIVERLINK

The Hon. M.D. RANN (Leader of the Opposition): My question is again to the Premier. Why did the government formally write to NEMMCO in 1998 and ask for a deferral of the decision to approve Riverlink? Will the Premier now admit to the House that it was because the extra base load power that would be brought into South Australia through this interconnector would have increased competition and affected the sale price of ETSA? In September 1998, prior to the Premier flying out to London to meet with potential buyers of ETSA, he told the media that any attempts to revive the Riverlink project could, and I quote, 'threaten the sale price of Optima Energy'. The Premier said that if Riverlink went ahead, the volume of sales would be reduced—and again I quote directly from the Premier: 'that means dividends reduced; that means asset values reduced'.

The Hon. J.W. OLSEN (Premier): The Leader of the Opposition conveniently forgets in his preamble that he wanted the taxpayers of South Australia to subsidise the taxpayers of New South Wales. That is what he wanted, because that is what the original proposal was. This was a proposal for an unregulated interconnector whereby the New South Wales taxpayers (the New South Wales government) wanted us to underwrite over a 15 year period, resulting in taxpayers having to pay. We now have a proposal by Transgrid in New South Wales, before NEMMCO, which says that it is a fully funded scheme and now does not require the investment of taxpayers' funds in South Australia. For that reason, I think the Leader of the Opposition ought to rethink his foolhardy promise of $20 million of taxpayers' funds when they are not required.

OVERSEAS TRADE OFFICES

The Hon. G.M. GUNN (Stuart): Can the Premier outline to the House how the government is rationalising improving South Australia's overseas trade offices for the benefit of the people of South Australia and particularly industry and commerce?

Members interjecting:

The Hon. J.W. OLSEN (Premier): No, the people who can use the photocopier are those in the Labor Party, because the only policies it has put out are mirror copies of this government's policy direction.

Mr Foley interjecting:

The Hon. J.W. OLSEN: For the benefit of the member for Hart, because he wants to interject so often, the member for Hart released his great innovation statement recently. This innovation statement of the leader—that was a Freudian slip, wasn't it?—the shadow treasurer (the member for Hart) was that he changed a comma and added a word but, in fact, it is a policy that we have operating. In fact, we have an acting executive director of our innovation and business amalgamated policy section of Industry and Trade. It is already in place. The member for Hart packages it, puts an extra word in, takes out an 'and' or puts one in, or puts in a comma or takes one out—whichever it was, and says, 'This is a new policy of the Labor Party.' No ideas clearly demonstrated yet again!

An honourable member interjecting:

The Hon. J.W. OLSEN: I know the member might be a little slow, but I am just making the point to the member that that is a policy that was introduced, is in place and has an acting executive director now and did at the time the shadow treasurer said, 'This is a new policy.' We had put it in place; it was operating.

An honourable member interjecting:

The Hon. J.W. OLSEN: Yes, retrospectively for about a year since we have been putting this process in place.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The chair is getting very sick of the leader's constant interjection. I warn him for the second time.

The Hon. J.W. OLSEN: The leader's other suggestion was that they were going to close an overseas office. Of course, we have been to the Economic and Finance Committee, and we indicated to it that we would be taking this step. On the basis that we were going down there, hurriedly they got together, and they now have a policy—a policy which, as we clearly indicated, we would be putting in place. So stung are they by the no policies, no ideas, no vision, no plan—

Mr Venning: No hope!

The Hon. J.W. OLSEN: Very good! The member for Schubert is spot on. So stung are they with this no idea, no plan and no vision, they got to the point of actually photocopying our policy, changing a word or two—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I warn the leader for the third time. It is the third warning. If he interjects again, it will be automatic naming, and the House will then decide his fate; it will be out of my hands.

ELECTRICITY, SUPPLY

Mr FOLEY (Hart): You can copy all our policies, John; they are good policies. Given the Premier's Riverlink backflip and given that his Government's policies have locked South Australian businesses into electricity contracts, and increased costs by as much as 100 per cent over the next five years, will he now admit that the government was wrong to write to NEMMCO in 1998, asking for approval for Riverlink to be deferred?

The Hon. J.W. OLSEN (Premier): The Leader of the Opposition has asked a couple of questions; I have answered that component of the question. He should just read the *Hansard*.

AGRICULTURE INDUSTRY

Mrs PENFOLD (Flinders): Will the Minister for Primary Industries and Resources advise the House on the likely impact of the current seasonal conditions on the agricultural sector?

The Hon. R.G. KERIN (Minister for Primary Industries and Resources): As members would know, the past few days have been fantastic for South Australia, given the amount of rain that has fallen over a broad area. A couple of weeks ago, there were good opening rains across Eyre Peninsula and a few other areas of the state. Overall, apart from Eyre Peninsula, most of the state was still looking for more rain. Not only has the rain been extremely widespread in the agricultural areas but also there have been very good falls at Oodnadatta, Marree and through the Flinders. That will set up the pastoral areas for a good year—and hopefully without any locusts. As far as both water and feed go, there is no doubt the pastoral areas will be grateful for what they have received over the past 48 hours. Hopefully, there are still a few showers hanging around.

The agricultural areas that have previously missed out, including the Mid North and the South-East, have received good falls. Yesterday afternoon some of the Mallee received rain, and hopefully the rain they received overnight and the rain they will receive today will allow them to catch up and get on with the season. While it is a little late, it is a terrific boost. There is no doubt that overall these rains will be worth hundreds of millions of dollars to the state economy—

An honourable member interjecting:

The Hon. R.G. KERIN: Yes. It will be a big boost for exports across a whole range of industries. It is worth noting that for the grain industry alone the rains over the past couple of days could be worth in excess of $100 million. That is terrific not only for primary producers but also for regional communities and ultimately for the whole of the South Australian economy.

RIVERLINK

Mr FOLEY (Hart): My question is again directed to the Premier. Given that the Premier is now seeking commonwealth funds to build Riverlink, was his Treasurer (Hon. Rob Lucas) wrong to say that Riverlink was inferior to the alternative Murraylink, and will the push to get Riverlink set the Murraylink proposal back? On 26 April 2001, the Treasurer said that the Murraylink upgrade of the New South Wales-Victoria interconnector flowing into South Australia was a superior alternative to Riverlink. He also said that he expected an announcement on this project within weeks.

The Hon. J.W. OLSEN (Premier): I answered that question in my answer to the first question from the Leader of the Opposition. If you are not quick enough on your feet to change the question, and you are going to embarrass yourself by repeating questions, then that is up to the shadow treasurer. Let me read out of the Melbourne *Age* of 23 May what the New South Wales Labor minister had to say.

Mr Foley: No, what do you say?

The Hon. J.W. OLSEN: See, he wants to distance himself already, because he knows what the New South Wales Labor minister had to say. He criticised the national electricity market for not ensuring adequate interstate power connections, and claimed that the inadequate workings of the NEM had prevented construction of the interconnector between New South Wales and South Australia. The New South Wales Labor minister is saying exactly what we are saying. It is only the member for Hart who cannot understand the reality.

Members interjecting:

The SPEAKER: Order! The House will come to order!

GREENHOUSE EMISSIONS

The Hon. D.C. WOTTON (Heysen): Can the Minister for Environment and Heritage update the House on the important and proactive measures being taken by government to reduce greenhouse emissions in South Australia?

The Hon. I.F. EVANS (Minister for Environment and Heritage): The House will recall that in two answers previously I have outlined two measures in relation to environmental improvements, one regarding a clean fuels policy which is all about controlling the emissions out of our vehicles and trying to control the introduction of benzenes, sulphurs and the like from vehicle emissions into the air. As a result, we introduced our clean fuel policies three or four months ago.

As a secondary step, this week we talked about the air quality index in a previous answer to the member for Heysen in relation to developing an air quality index so that people can gauge what type of air they will be breathing that day. As a complementary policy to that, and trying to be proactive within government, we in the Department of Environment and Heritage have decided that the whole of the passenger car fleet will go over to LPG gas. Over the next two years, the 115 cars involved in the policy will transition from petrol onto LPG gas. That will be a proactive step. That does a number of things. With the price of petrol compared to the price of LPG, we expect it will produce some considerable savings to the department long term.

Secondly, it will reduce a number of the polluting emissions when the pollutants coming out of a petrol-driven car are compared with those from a gas-driven car. We are doing this as a trial for government to see exactly the effects

because you have to consider things such as the payout prices on the leased cars. We turn over government cars every two years or at 40 000 kms.

We believe that the value of a gas car will be retained as against the resale value of a petrol car. In fact, there may be some bonus on that. That may result in a quite significant benefit to government. We understand that we are the first government department in Australia actually to go whole of gas with our car fleet. It will be interesting to see the result in one or two years when we can actually measure the effect of what we have done.

The Australian Liquefied Petroleum Gas Association tells us that running a vehicle on auto gas results in between a 30 to 40 per cent reduction in tailpipe emissions that will cause smog, so there is a very good benefit there. Secondly, it also reduces carbon monoxide emissions and also has a very good potential to produce no emissions in relation to toxics and sulphur oxides.

We see that as a very positive step. Another advantage to the policy is that, because we turn the cars over every two years or after 40 000 kilometres, there will be more second-hand cars in the market that will automatically be on gas, so more cars will be available to the consumer that are factory fitted and carry a warranty in relation to the installation of the gas unit. We see this as a proactive step. I am delighted that the department has agreed to go across to LPG and I look forward to being able to update the House at some time in the future about the progress of the policy.

NATIONAL POWER

Mr FOLEY (Hart): Given that it was announced some time ago that National Power would increase its power plant from 500 megawatts to 800 megawatts and that the government has already given this expansion planning approval, will the Premier's visit to London do anything to speed up the gas supply needed to power the extra generating capacity which will take at least two years to build?

The Hon. J.W. OLSEN (Premier): What the member for Hart overlooks is that the Australian board of National Power has made a recommendation to the international board based in London. The international board in London has not made a decision in relation to the investment and that is what I wish to pursue and encourage, to ensure that that extra generating capacity is put in place.

WATER RESOURCES LEVY

The SPEAKER: The member for Gordon.

Mr McEWEN (Gordon): Thank you, Mr Speaker.

Members interjecting:

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

Mr McEWEN: My birthday greeting is to the Premier and my question is directed to the Minister for Water Resources. Given that the minister advised the South-East Catchment Water Management Board that he was extremely disappointed that it had not recommended a water holding levy in its annual review, and furthermore that the minister advised he wished a water holding levy at least as high as a water taking levy, will he advise the House of the present status of the catchment board's annual review and the levy proposal?

The Hon. M.K. BRINDAL (Minister for Water Resources): I thank the member for Gordon for his question and confirm the basis of it. The honourable member would be aware that that letter resulted from a recommendation from the board that it did not think that a levy on taking licences was appropriate in this year. That is what caused me to write the letter to the board. However, as a minister with a board, which is an expert community advisory group that works with me and with the community, while that was not my decision it was the board's decision. Therefore, as I believe I should, I passed on to the Economic and Finance Committee the board's recommendation that there should not be a levy.

On 30 May, the Economic and Finance Committee, as it has a right to do, resolved to refer the South-East Catchment Water Management Board's levy proposal back to me seeking my agreement on an amendment. That was a week ago. Since then I have had some informal discussions with the Presiding Member of the Economic and Finance Committee because I have had some advice to suggest that the only role of the Economic and Finance Committee should be to consider the amount of the proposal—of the levy—and not to involve itself in the quantum.

While I do not want to diminish the role of the Economic and Finance Committee, I am in the process of writing back to the Presiding Member of that committee, asking him to have the committee look at my advice to see whether they agree with it. Following that, I will take the Economic and Finance Committee's decision on board. I will then have to formally respond and, in formally responding to the committee, I will propose the government's future actions on this matter.

NATIONAL POWER

Mr FOLEY (Hart): I again direct my question to the Premier. Did the Premier receive a formal invitation to visit National Power board members and executives in London or did he request the meeting himself and will he now admit that next week's trip is little more than a publicity stunt, given that National Power has already announced an expansion of its power plant? I have spoken to National Power senior executives today and they have advised me that it was the Premier's office that contacted them requesting a meeting in London and that discussions would centre on regulatory matters such as National Power's opposition to price caps.

The Hon. J.W. OLSEN (Premier): The assumption of the member for Hart is not right. The international board of National Power has not signed off on this major new investment.

Mr Foley: Who asked for the meeting?

The Hon. J.W. OLSEN: I'll get to that in a minute.

Mr Foley: You did!

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

The Hon. J.W. OLSEN: Members opposite are an irrelevant opposition trying to be a spoiler yet again. They are simply frightened that we will secure something good for this state and politically that might not be to their advantage. They are about politics and they are not about the best interests of South Australia. That is what the member for Hart is: he is about politics, not about this state's best interests. The Australian board of National Power has committed and asked for endorsement, support and a recommendation from the international board. As I am advised, that has not been made.

Members interjecting:

The Hon. J.W. OLSEN: No, three or four weeks prior to the discussion to which the honourable member is referring, I had a discussion with a representative from National Power at a function on a Saturday afternoon.

Mr Foley: Who?

The Hon. J.W. OLSEN: I am not telling you who that was.

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat. I warn the member for Hart. I will refresh his memory: it is now for the second time.

The Hon. J.W. OLSEN: At that function it was indicated that I would be there and that it would be an appropriate forum in which to have a discussion related to the Australian board's recommendation to the international board. The member for Hart can laugh: the member for Hart can be a spoiler—

Mr Conlon interjecting:

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

The Hon. J.W. OLSEN: The member for Hart can play politics and have as a second rate agenda the interests of South Australians, but I can assure members that, despite—

Mr Wright interjecting:

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

The Hon. J.W. OLSEN: —his chortling, I will pursue the best interests of this state. It is important that we get that extra generating capacity. That is why we have pursued a gas pipeline between Melbourne and Adelaide, something that the former (Labor) administration did not do.

ELECTRICITY, PRICE

Mr FOLEY (Hart): What a hoot of an answer that was! Met a friend: met someone at a party. My question is directed to the Premier. Will the Premier now tell the House whether the government supports the call of the Electricity Industry Independent Regulator (Lew Owens) for a cap on the wholesale price of electricity charged by generators, and will the Premier ask tomorrow's Council of Australian Governments meeting to consider allowing an interim wholesale cap on the price of electricity in South Australia? On 14 May this year Mr Owens wrote to the Premier's electricity task force asking it to consider as a matter of urgency the introduction of an interim wholesale price cap to prevent generators gaining super profits at South Australia's expense. The cap would be called a jurisdictional derogation agreed to by other national electricity market states. Will the Premier be pushing for this proposal at COAG?

The Hon. J.W. OLSEN (Premier): Consistent with my reply to a question of the Leader of the Opposition yesterday, I will today release the interim report of the task force to him and to the media to look at those issues that have been referred to us. As the question relates to the proposal put forward by the member for Hart, he would know full well that, prior to that being able to be considered, further detailed work needs to be undertaken. That was the recommendation of the other task force members.

LIBERAL PARTY PREFERENCES

The Hon. M.D. RANN (Leader of the Opposition): Given that the Premier has told multicultural leaders that One Nation will be put last on Liberal Party how-to-vote cards, will the Premier now publicly in this House give an assurance that no preference deals will be made between any of his party's candidates and One Nation in the upcoming state election? The Premier is on record in this House as describing Pauline Hanson as someone who will 'wreck our economy'. The Prime Minister and Liberal leaders in other states are on the public record—all of them—regarding ruling out preference dealings with One Nation.

The Hon. J.W. OLSEN (Premier): I have been consistent on the public record on this issue and, so that the leader has it, I will cut out my last press conference and statements in relation to that matter and send them to him.

Members interjecting:

The SPEAKER: Order!

The Hon. M.K. Brindal interjecting:

The SPEAKER: Order, the Minister for Water Resources!

SCHOOL COMPUTERS

Ms THOMPSON (Reynell): Will the Minister for Education advise whether all schools in low socioeconomic areas have one computer for each five students? Recently the minister proudly announced that the target ratio of one computer for each five students had been achieved, yet schools in my area have told me that they do not have computers in this ratio.

The Hon. R.L. Brokenshire interjecting:

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): The member for Mawson has correctly said, 'There is an awful lot more than whatever there was when the Labor Party was in office.' What I said was that across South Australia there is an average of one computer for every five children. That is a long, long way—

Mr Conlon interjecting:

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

The Hon. M.R. BUCKBY: —from where the Labor government was when it spent just $300 000—

Mr Koutsantonis interjecting:

The SPEAKER: I warn the member for Peake.

The Hon. M.R. BUCKBY: —in its last year of office on information technology for our young students. We have spent $85.6 million in DECStech 2001 since 1995 and, what is more, in this budget we have committed a further $15 million a year to the e-education program for a further five years. There is a further $75 million; add that on to the $85 million and we have about $160 million that this government will have spent on information technology for our students over a 10 year period.

The Hon. R.L. Brokenshire interjecting:

The Hon. M.R. BUCKBY: I am sure that the member for Reynell will not put that in a newsletter—far be it. The point is that we are continuing the program of subsidy for our schools across South Australia. Our parents and our school councils have done an excellent job in working with the government to ensure that our young people have computers and are able to walk out of school with information technology under their belt. In the new SACSA framework, this information technology is even further embedded.

As from next year, our year 10 students will attain an Australian qualification framework, level 2 certificate, in information technology; year 11 students will attain a certificate 3; and year 12 students, a certificate 4, so that when they leave school and go to an employer looking for a job, they will have a recognised certificate anywhere in Australia that they have achieved a level of information

technology expertise. That is something that has not been done in this state previously and, to my knowledge, has not been done in any other state of Australia.

Ms THOMPSON: Mr Speaker, I rise on a point of order. The minister has not answered my question.

The SPEAKER: Order! There is no point of order. Has the minister finished?

The Hon. M.R. BUCKBY: Thank you, Mr Speaker. As I said, young people who get this certificate will now have a significant advantage over others. It works in very well with the government's IE 2002 package, in terms of bringing information technology across all levels of government and it ensures that this state keeps pace and in front of many other states in terms of our students' knowledge of information technology.

MARION DOMAIN SITE

Mr HANNA (Mitchell): My question is directed to the Minister for Recreation and Sport.

Members interjecting:

The SPEAKER: Order!

Mr HANNA: My question is directed to the Minister for Recreation and Sport.

The Hon. D.C. Kotz: Do something: don't just stand there.

The SPEAKER: Order! The member will continue with his question.

Mr HANNA: Thank you for your protection, sir.

The SPEAKER: I am not protecting: I am asking you to complete your question.

Mr HANNA: When I asked the minister last Thursday about how soon the government would secure the Marion domain site, why did the minister tell us that all would be revealed in the budget when, in fact, the budget papers revealed nothing at all about this crucial question?

The Hon. I.F. EVANS (Minister for Recreation, Sport and Racing): The member for Mitchell himself is in the paper saying—

Members interjecting:

The SPEAKER: Order! The Minister for Police will contain himself and stop displaying material in the House contrary to standing orders.

The Hon. I.F. EVANS: The member for Mitchell himself is in the local Messenger newspaper talking about the very budget announcement to which the question refers. It is a pity the Labor Party could not commit to it. The poor old Labor Party. We have gone out and committed; we have gone out and put the pressure on; and we have gone out and met with Marion council. The one time that members opposite are put on the spot, they drown in indecision. They cannot make a decision. The honourable member asked two questions last week—two questions about the pool. He beefed himself up to talk about the pool—the fact that he wants the pool—but, when the media put the pressure on, put the light and the microphone in front of him, he cannot commit to it. Labor's shadow spokesman says that Labor cannot commit to it.

If members read the shadow treasurer's speech the other day, they will see that he says that the Labor Party will go through every line and every program to make savings. Then in the paper, the shadow spokesman says that he cannot 'guarantee the pool'. The message from the member for Mitchell to the people in Marion is, 'Bye, bye pool.'

Mr Hanna: Well, that is what you have done.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

ELIZABETH TAFE CHILD-CARE CENTRE

Ms WHITE (Taylor): How much money will the Minister for Education and Children's Services commit to the Elizabeth TAFE campus child-care centre to ensure it can continue to operate? In 1998 there was an attempt to close the centre; in 1999 there was an attempt to close both the Regency and Elizabeth TAFE campuses child-care centres. The Regency TAFE campus child-care centre did close. However, after many questions in this House, speeches and motions of this House, the Elizabeth TAFE child-care centre was granted a reprieve. This year the centre was again reviewed for closure. The minister has a fund that can be used to assist centres. How much will the minister commit?

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I think I got the question. I have had discussions with the CEO of the department regarding this centre and we are having ongoing discussions about it. Child care is an important area for our TAFE centres. Other centres, including a council centre, for instance, are supplying child care for TAFE students as well but I know that most child-care centres around the area are at full capacity. It is a matter on which I am having ongoing discussions with the CEO.

TRAINEESHIPS

Ms KEY (Hanson): My question is directed to the Minister for Employment and Training. If I read the budget papers correctly, there have been cuts in the next financial year to the youth traineeship scheme and also the public sector graduate scheme. Can the minister explain the rationale for cutting these two successful schemes?

The Hon. M.K. BRINDAL (Minister for Employment and Training): I thank the shadow minister for what must be her first question on employment. I want the House to be quite clear on this.

Members interjecting:

The SPEAKER: Order, the member for Waite and the member for Elder!

The Hon. M.K. BRINDAL: What we have done in this year's budget is pursue what we started in last year's budget. In last year's budget we were criticised for dropping the number of government trainees from 1 200, announced in the budget last year as 500. By revamping the scheme slightly, we actually produced 613, not 500, trainees last year. We put that money into training for young people in particular, because we changed the rules of user choice. We were criticised at the time in this House by this opposition and outside the House by a number of welfare lobbies, who said this was the wrong thing to do. Government traineeships produce seven out of 10 long-term job outcomes—and they do. We said that we must take a risk here; there are people who want to employ skilled people, so we have to put the money into training—and we did.

What has happened? Well, I will tell you. Eight out of 10 graduates from TAFE colleges get long-term jobs. Seven out of 10 trainees get long-term jobs. We were employing 1 200 trainees with a seven out of 10 success rate. We are now employing 613 trainees with a seven out of 10 success rate. For every one of those positions that were lost we are training three TAFE students. So, instead of getting fewer than 1 000 full-time equivalent job outcomes, we are getting more than

2 000 full-time equivalent job outcomes. In other words, we have changed the levers and produced some success. Where are you? You criticised us for changing the levers and, when it is working, you are silent. You are still back two or three years ago, pulling the wrong levers at the wrong time. If it was left to you, this state would be going down the gurgler.

The proof of the pudding is always in the eating. The question that the shadow minister did not ask was what happened with the employment figures released at 11 a.m. today. The answer is—

Members interjecting:

The Hon. M.K. BRINDAL: Well, why didn't you ask the question? Because it did not suit you. The answer is that we have consolidated, and employment in this state remains steady despite a rise in unemployment interstate and despite an increase in the participation rate and the number of jobs in South Australia. So, more South Australians are working today than worked last month. There has been consistent improvement under this government.

Ms KEY: I rise on a point of order, sir. My question was with regard to training, both in the graduate scheme and also the traineeships scheme, not the employment figures, which I have in front of me.

The SPEAKER: Order! There is no point of order. Has the minister finished?

The Hon. M.K. BRINDAL: I am answering the question on training. I apologise to the House if I was irrelevant, but I thought the Leader of the Opposition had described jobs as the most important thing for the opposition. Training and jobs are linked. I have answered the question on training; as they do not want to hear the good news on jobs, I will sit down.

TRANSPLANTATION AND ANATOMY ACT

Mr SNELLING (Playford): Does the Minister for Human Services believe that the Transplantation—

Members interjecting:

The SPEAKER: Order! Members on my right will remain silent so that the minister can hear the question.

Mr SNELLING: Thank you, sir. Does the minister believe that the Transplantation and Anatomy Act 1983 adequately protects people from having tissues removed after death without their permission or that of their next of kin for reasons other than establishing cause of death in the event of a post-mortem? Part 4 of the Transplantation and Anatomy Act 1983 gives authority to medical practitioners to perform a post-mortem to establish cause of death if permission can be reasonably obtained from senior available next of kin. However, section 28 gives authority under the act to retain tissues for 'therapeutic, medical or scientific purposes'. These purposes go beyond merely establishing cause of death.

The Hon. DEAN BROWN (Minister for Human Services): I am delighted that the honourable member has raised this because it is a very important issue indeed. It is an issue that has raised a lot of comment and speculation as a result of what has occurred, particularly in New South Wales. South Australia has required medical consent for the removal and retention of any tissue or organs. I think we must differentiate that: there are tissues and there are organs. I have asked for some issues to be clarified nationally in terms of what are the definitions of 'tissues' and 'organs', and I have asked the department to prepare me some material on this.

I have asked the department now to go ahead and ask for this to be clarified nationally so that there is a clear understanding and so that medical practitioners, particularly pathologists, have a very clear understanding of what are their rights and what are not. Medical consent required since 1990 has changed quite dramatically. I think that we can give a clear statement that practices within this state were modified in 1990 and that a higher level of requirement was put in place. I believe that is still operating; in fact, unless someone is breaching them, the stated requirements are clearly operating in South Australia at present.

I will look at the issues raised by the honourable member, but, in fact, I think that they are already covered in initiatives I have asked the Department of Human Services to take up, particularly in terms of definitions of 'tissues' versus 'organs'. The other issue, of course, is that the Coroner has a legal right to require that an autopsy be taken. I might add that my understanding in South Australia is that the next of kin are notified that, as part of an autopsy, certain tissues have been removed. It is important that we ensure that the appropriate procedures are in place so that when those tissues are removed, and if they must be held for some time (and invariably they do if there is a coronial inquiry), what happens with those tissues in six or 12 months' time.

The further issue is about what happened prior to 1990 where, I believe, organs or tissues were removed for autopsies. A process is in place where we are trying to work with any of the next of kin in terms of how to deal with that issue if anyone should raise concerns with the department. I am delighted that the honourable member has raised the issue. It is a very pertinent issue indeed, and one which the medical profession must look at with outside guidance, I think, from governments—and we have done that in this state—about what their practices have been in the past and to make sure that those unsatisfactory practices of the past are not repeated in the future.

I would be happy to discuss the matter further. The honourable member will appreciate that he has asked me the question without notice. I do not have all of the material in front of me here. I would be happy to supply further information, if I can, to the honourable member.

TOTALIZATOR AGENCY BOARD

Mr WRIGHT (Lee): Will the Minister for Government Enterprises guarantee the taxpayers of South Australia that the South Australian TAB will not be sold unless the taxpayers of South Australia make a profit from the sale? The government has already announced that, conditional on the sale, the racing industry will receive $18.5 million; that redundancies have been budgeted for up to $17.5 million; and that consultancies will be several million dollars.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): We have addressed all of these issues in the sale bill. I have addressed that particular issue. The member for Lee made a number of guesses at potential values and I was quite clear about those matters in the debate.

YOUTH, UNEMPLOYMENT

Ms KEY (Hanson): My question is directed to the Minister for Employment and Training. Given his earlier comments on employment, how does the minister intend to deal with the fact that, in today's announcement of employment figures, 30 per cent of South Australia's youth are unemployed and there has been an increase of 6.1 percentage points above the national rate of 23.9 per cent?

The Hon. M.K. BRINDAL (Minister for Employment and Training): Yes—

An honourable member interjecting:

The Hon. M.K. BRINDAL: The member for—wherever she is the member for—says, 'Cut off the answer'. I am trying to look for the figures.

Members interjecting:

The Hon. M.K. BRINDAL: It is an offence, I believe, sir, to mislead the House, so I am looking for the figures so that I am accurate. The—

Members interjecting:

The SPEAKER: Order!

The Hon. M.K. BRINDAL: The youth unemployment rate rose from 23.9 to 30 per cent, which is a rise of 6.1 per cent. Yes, it is a shame and we are not pleased with it. However, of more concern is the fact that the youth full-time unemployment to population ratio (the more important statistic) rose to 6.7 per cent. That is an increase on the 4.9 per cent, which is very heartening, but at 6.7 per cent it means that only 6.7 per cent of our young people are actually out there looking for a job: that is the percentage of youth unemployment to population ratio. That is higher than it was last month and we need to do something about it. It is interesting that the number of unemployed young persons rose all around the nation—with the exception, I think, of two states—so we share this problem with the rest of the nation. Yes, it is a problem but we are making inroads, and we have shown progressive improvement; for many months there has been continual improvement. Our lead is up—

Ms Key: It has gone up.

The Hon. M.K. BRINDAL: It has gone up for one month; it has gone up and down and up and down, as we say every month. If you followed it carefully from month to month, you would realise that this is part of a trend. We are concerned but we are trying to address it.

STORMWATER CATCHMENT SCHEME

Mr CLARKE (Ross Smith): My question is directed to the Minister for Water Resources. Will the minister restore last year's 50 per cent reduction in the state government's contribution to the stormwater catchment scheme? If he will not, will he allow me to issue his mobile telephone number to constituents affected by the flooding so that they can explain first-hand to him the effects of stormwater flooding to their homes and businesses following last night's heavy rainfall in Unley and Enfield, to name but a few of the affected areas? In last year's budget, the minister cut the stormwater catchment scheme by 50 per cent effectively delaying capital works programs by local government to mitigate stormwater flooding by at least five years or more.

The Hon. M.K. BRINDAL (Minister for Water Resources): It is a pity that the shadow minister is not present to hear clearly whether you will reinstate the scheme. That is the first point: will you put the money back and where will you take this out of the budget? The second point, and it is this—

Members interjecting:

The SPEAKER: Order!

The Hon. M.K. BRINDAL: Since the rain event in Unley in May, my department, the City of Unley, and the water catchment management board have been working together to see whether in modelling Unley we can come up with better solutions for metropolitan Adelaide, and that includes the City of Enfield. So, we have been constructively working on this since May. I suggest that, before honourable members opposite make accusations, they look at the applications that have been put in for the catchment management subsidy scheme and see which schemes have been missing out. If the member for Ross Smith checks, I think he will find that very few, if any, from the City of Enfield have been applied for and have missed out, and even fewer from the City of Unley have been applied for and missed out. So, if we are cutting the scheme and those two cities are not applying for works under the scheme, the two matters are disjointed and not connected. Before the member comes into this House saying that because we have—

Mr Clarke interjecting:

The SPEAKER: Order! I warn the member for Ross Smith. He has asked his question: he can remain silent and hear the answer.

The Hon. M.K. BRINDAL: Before the member comes in and says that, because we have undone A, B is a consequence, he should get his facts right. With respect to the question of whether we will restore that scheme, the answer is that we are looking for new ways to properly manage stormwater as a resource. We can no longer afford to have stormwater gushing down into our gulfs as if it were a waste product. It is this state's most valuable product.

Mr Koutsantonis interjecting:

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

The Hon. M.K. BRINDAL: The member for Peake asked why we installed Barcoo Outlet. The answer is, for the member for Peake's benefit, to get an entrance and exit of seawater into the basin. Ideally, when we have finished works such as the Morphettville wetlands, which have been announced, to which funding has been committed and which are about to be built—

An honourable member interjecting:

The Hon. M.K. BRINDAL: —I will get the answer to the member on that question; I do not have the details in front of me—there will be very little water, we hope, entering the Barcoo Outlet. It will be like West Lakes—a system that allows a tidal flush of water into the basin. Before the member flaps his gums, why does he not find out a few facts, instead of sitting there just proving the point that he had one of the best gas-powered taxis in Adelaide: it was self-powered.

GOVERNMENT RADIO NETWORK

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.L. BROKENSHIRE: In July last year, the new government radio network commenced paging operations in its Region 1, which covers Adelaide, the Fleurieu Peninsula and Kangaroo Island, permitting agencies to migrate from the existing Telstra commercial paging network and other paging services. This target date was set because of the announcement by Telstra that its commercial paging service was to cease operation on 30 June 2000. The rollout of Region 1 has been completed, and there have been many

positive incidents highlighting the success of the network so far.

The first major fire incident of this past season at Cudlee Creek is a good example of this. Around 100 CFS and forestry fire fighters were involved in fighting the fire. The GRN worked well during this incident, with the Gumeracha group being able to do simultaneous responses to all brigades and notification to the regional headquarters. Previously, this would have required multiple separate phone calls to various paging systems. The police have also had positive results using the GRN, during the bikies incident in the South-East and also during the recent Tour Down Under. In fact, on 18 January I was fortunate enough to be involved in stage 3 of the Tour Down Under in the police command car, and saw first-hand how well the GRN system worked.

SES is also seeing positive results with the GRN, with full operational status being given to them for Region 1 on 16 December 2000. The results have been outstanding, with coverage of all the major highways and towns being exceptional. This has not been possible under the previous system. In addition, the GRN is covering some 30 kilometres into Victoria, and will permit cross border coverage. To achieve full operational capacity for SES, terminals will be placed in Victorian SES vehicles to remove any barriers to communications on cross border activity.

An amazing situation took place on Kangaroo Island on 1 May: the Kingscote Hospital lost all telephone contact with the outside world when the coaxial cable linking the island to the mainland was accidentally cut. The SES on the island provided the hospital with hand-held radio access to the GRN and the mainland by establishing a phone line via the hand-held. Hospital personnel used the GRN line many times, including during one urgent patient transfer to the mainland. Without the GRN this would not have been possible. There have been some comments, however, on the performance of the pagers used by the Country Fire Service.

As I outlined to the parliament in November last year, functionality issues were identified with the pagers. These were dust on the screen display of the pagers and the rear pager label showing the subscriber number rubbing off. These issues have been resolved with the manufacturer and they are working through a process to replace the existing pagers with modified versions correcting these initial faults. However, the issue of the sensitivity of the pager not being strong enough in some areas was identified in February this year. It has been reported that the government has been aware of this issue since July last year, which is not correct, and I think that the way that this issue has been identified needs to be explained. It was not possible to establish the cause until earlier this year.

During the roll-out of pagers, the CFS identified receipt of some corrupt messages and incorrect alerts being received on the pagers. These were few and of a random nature. Given that it was not possible to identify whether the receipt of these messages was attributable to the pager or the coverage of the network, it was decided to immediately undertake some testing. Link undertook a comprehensive pager field trial with results being available on 28 September 2000. These tests contained over 12 000 test messages sent by Link to 80 pagers distributed throughout region 1 to assist in identifying problem areas. The results of these tests were inconclusive with only an insignificant number of problems being identified.

Notwithstanding the Link report, the Department of Justice and GRN remained concerned about sporadic reports from the field regarding corrupt pager messages. Although the number of reports received by SAGRN was comparatively small, it was jointly decided by GRN and the Department of Justice to promote the use of incident reporting by CFS staff to the GRN help desk. This information was essential to identify locations where garbled messages are being received. The promotion of the use of the help desk for this specific information gathering exercise occurred in November 2000.

In December 2000/January 2001, the Department of Justice appointed expert telecommunication and pager technical consultants to undertake laboratory testing of a range of preferred pagers to verify their sensitivity and suitability for use on the SAGRN. The results of the pager tests were received by the Department of Justice at the end of January 2001. This data then needed to be considered in conjunction with pager field strength maps, which were obtained by SAGRN through its contractual arrangements with Telstra.

The first of these field strength maps became available on 20 February 2001. These maps focused on field strengths in areas identified by the help desk incident analysis. It is important to recognise that the corrupt messages account for only a small percentage of all the messages dispatched. For example, out of the 280 000 dispatches in December, approximately 350 were reported as corrupt. In the instances where corrupt messages are occurring, this has resulted primarily because of the topography of the land. Indeed, the topography of the land in areas such as Montacute, Mount Lofty and Mylor adversely impacts all communications services such as mobile telephones, television and pagers.

Following the analysis of all available information in conjunction with detailed plots of signal strengths, it was identified that the sensitivity of some of the existing Samsung pagers may not meet the operational requirements of the CFS at the boundaries of the paging service's coverage. The government has been working expeditiously to develop an effective, long-term solution to this issue. As an interim solution, the CFS has worked with the small number of brigades affected to implement immediate solutions to their local needs. This has included the installation of local paging systems in the Montacute, Hamley Bridge and Echunga areas and the adoption of dual paging services by brigades such as Stirling.

With regard to the long-term solution, a significant effort has been put into a very rigorous process of laboratory and field tests on a range of SAGRN compatible pagers. It has included the analysis of thousands of individual test messages and input from agency representatives, paging experts and the SAGRN unit of the Department of Administrative and Information Services. This testing is now complete, and I am pleased to be able to inform the House that on Monday 4 June 2001 I signed a letter to Link Communications placing an order to replace the existing 6 000 pagers and purchase a further 6 500 pagers.

The new pager provides significant enhancements over the previous model. Its technical performance within the South Australian GRN environment is equal to or exceeds the performance of all other pagers tested. We have also taken steps to ensure that the new pagers and also their holsters are better able to stand up to the physical demands of emergency services. The 6 000 replacement pagers will be delivered for no additional cost under our arrangements with the suppliers.

The purchase of the additional 6 500 will represent some cost increase over the price of earlier pagers. The new pager

represents very good value to government when compared to the price and performance of the other pagers tested.

It needs to be recognised that largely because of the topography of some areas of the state no paging network can provide 100 per cent coverage 100 per cent of the time. The practical reality is that some small areas within the outer boundaries of the SAGRN network may need to be addressed with localised solutions. Nevertheless, as an expected and continuing part of the SAGRN's rollout processes, the SAGRN Unit is working with Telstra to optimise network coverage in critical areas.

In conclusion, I think it is important to note that the cooperation of the volunteers during this process has been nothing but excellent. Volunteers from the Mount Lofty Region have been assisting with the evaluation and testing process and I, as their Minister, would like personally to thank all volunteers for their patience while this matter is being resolved.

GRIEVANCE DEBATE

Mr FOLEY (Hart): Make no mistake, Labor is driving the agenda to fix this state's electricity crisis. Labor produces the policy solutions, John Olsen copies them. Make no mistake, Labor says jump and John Olsen asks, 'How high?' Labor has put down a plan to fix this state's electricity crisis. What has the Premier done? He has grabbed our plan and he will now implement it. Well, Labor says, 'It is about time,' because the Premier's decision to abandon Riverlink, to abandon our state's electricity industry to the private market and to privatise electricity has locked our state's companies and families into price increases of between 40 and 100 per cent. That is John Olsen's legacy: his legacy is price increases of between 40 and 100 per cent. We have policy panic from John Olsen; we have policy backflip from John Olsen; and we have policy on the run by this Liberal government.

The Premier himself worked against the Riverlink interconnector into this state three years ago. This Premier and this government, in a failed attempt to boost the value of our privatisation, deliberately frustrated the building of an interconnector with New South Wales. The result is that consumers in this state are paying up to 100 per cent more for electricity.

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

Mr VENNING: I refer to standing order 104, which says quite clearly that the member should address the chair and not the member.

The SPEAKER: Technically, the member is correct. The member for Hart.

Mr FOLEY: I make this statement again: when this Premier privatised our electricity assets, he deliberately chose a policy that has locked our state users of electricity into 100 per cent price increases in many cases. But now we have a policy backflip; we now have a policy panic. Labor welcomes any moves, as late as they are, to address our state's electricity crisis. The tragedy is that it is too little too late. The Premier's decision has come at the expense of massive price increases locked in for five years.

Now we see that the Premier is going to fly to London to talk to National Power—another publicity stunt by John Olsen, the Premier who loves to get on a plane and fly somewhere in an awkward attempt to be seen to be coming up with policy solutions. The last time the Premier tried this stunt was when he flew to Hong Kong to save the Alice Springs to Darwin railway line. What happened? The taxpayer had to foot the bill. That was a failed trip and it caused more trouble than it was worth. It was nothing more than a publicity stunt. But today we find out that the Premier was not formally invited by the board of National Power: the Premier's office clearly misled the *Advertiser*. We find out today that the Premier bumped into somebody at a garden tea party on a Saturday afternoon four weeks ago and that person said, 'It would be a good idea, if you are in London, to drop in to National Power and say hello.' What a nonsense! The upgrade of the National Power plant in Adelaide has already been agreed to: the opposition has already been briefed on it: planning approval has already been given. It is nothing more than a political stunt to be seen to be trying to do something to fix the massive electricity crisis that this Premier created.

We in this House have been calling for it: the member for Chaffey and the member for Gordon have been calling for it; in the other place, the Hon. Nick Xenophon has been calling for it—everyone but this arrogant and out of touch Premier has been calling for interconnection with New South Wales. Had he acted sooner, families and businesses in our state would not be facing the potential 100 per cent price increases. His failure, his mistakes and his late conversion to an interconnector have cost our state dearly.

What does this say about the Treasurer of this state? What does it say about Rob Lucas, who has been totally humiliated and totally discredited by this Premier? Everything that Mr Lucas has stood for and announced in relation to electricity has been totally repudiated by this Premier. This Treasurer has been shamed by John Olsen. Rob Lucas has been shamed by John Olsen—as he should have been.

Time expired.

Mrs MAYWALD (Chaffey): Today I rise to congratulate all the award winners at the inaugural Murray River Catchment Water Management Board environment awards. In particular, I congratulate Mr Jack Seekamp—Salty Jack, as he is known locally. He is a tremendous advocate for the Murray River and his dedication and commitment to progressing the cause of our ailing river is unsurpassed. Jack has been an inspiration to me and many others in the region and continues to be so. He deserves this award and I offer my congratulations, along with that of the rest of the Riverland community.

Another award winner is the Mallee Sustainable Farming Project and I congratulate Dean Wormald and Allen Buckley on their efforts in championing the Mallee Sustainable Farming Project in often difficult circumstances: they have kept South Australia in there battling. They have now been rewarded with funding through NHT and the project, at last, has been recognised for its good work. The Mallee Sustainable Farming Project is looking at many different ways of managing crop rotations to reduce recharge in the Mallee area and also to increase productivity, as well as ways in which soil management can increase productivity and reduce environmental impacts. It is another award that was certainly well deserved.

Glossop High School teacher Mike Schultz was also recognised for his contribution to improving community awareness of issues in relation to the river. This goes beyond just the school community: it concerns the wider community. I also congratulate Mike on his continuing efforts.

Tammy van Wisse was also recognised at the awards: her effort in highlighting the plight of the Murray River is tremendous. I remember standing on the banks of the Murray River watching Tammy swim past: she must have seen, from

the corner of her eye, the small group of people standing on the cliff top. She broke stroke, looked up, waved at us, gave us a huge smile and continued on her way. I think that Tammy's achievement is extraordinary. She swam the Murray River in an attempt to highlight the issues that we face.

I also congratulate the Qualco-Sunlands irrigation community which officially launched its groundwater control scheme on 24 May. It is fitting that 24 May was chosen to officially launch this project because it was exactly eight years after the date of the first meeting of the community to look at ways in which they could address issues which they were facing because of rising water tables and salinity problems.

The Qualco-Sunlands project is a $7.2 million government-funded project. It is funded 50 per cent by the federal government through NHT and 50 per cent by the state government with contributions from the River Murray Catchment Water Management Board and the primary industries and water resources departments. The project has a 55:45 cost benefit ratio, and the ongoing operation and maintenance of the scheme will be the responsibility of the irrigators in the area. This project has not been without its hardship. Over eight years—

The Hon. R.L. Brokenshire interjecting:

Mrs MAYWALD: Of course, they are growing very good wine right now, minister: thank you for that interjection. The hardships that have been faced in getting this scheme off the ground should not be overlooked because it epitomises what we are facing right across the Murray-Darling Basin. It has taken eight years from the first meeting until now to have that scheme operational, and it demonstrates just how difficult it is to spend money on salinity rehabilitation. What we have seen happen in the Riverland is just a small example of what is being played out right across the nation. We have state against state, community against community, catchment area against catchment area and local land-holders against local land-holders. Nobody really wants to take responsibility, nobody wants to have the blame pinned on them, and nobody wants to have to pay. These issues have to be worked through to get a scheme such as this to come to fruition.

The original Qualco-Sunlands drainage district committee needs to be commended for the fact that, through all the difficult issues it had to face, it kept its eye on the bigger picture, and it saw this project to fruition. Not everyone has been a winner out of this project, but the majority have, and in particular the River Murray has. It is an unfortunate thing that, if we sat back and waited for everyone to agree that everything was being done in their interests, we would do nothing. I am afraid that 'do nothing' is not an option. I congratulate the state government, the federal government and in particular the communities of Qualco-Sunlands for their commitment to this project.

Ms RANKINE (Wright): In recent days I have asked the Premier a number of questions about the Westpac mortgage centre. In the vicinity of $30 million has been provided by the state government as an incentive for Westpac to establish its mortgage centre in South Australia, and the promise was lots of jobs—900 jobs with the prospect of more. According to the Premier, it was 900 jobs with the promise of more. Indeed, the Premier tells us there are more. On 29 May he told this House that there are between 1 400 and 1 600 full-time employees at the mortgage centre. These are fairly rubbery figures, I must say, but on the surface it sounds pretty good. However, we are now seeing Westpac moving towards outsourcing the mortgage centre. The decision on this is not months away, as the Premier keeps telling us: Westpac is due to sign any agreement in mid-July. So why outsource? According to its own correspondence and an employee bulletin put out by Westpac, it is a cost effective means of upgrading its technology. However, at the same time that it has been assuring the Premier that its focus is on increasing job opportunities, Westpac is moving towards this upgrade, moving towards outsourcing, as a means of cutting jobs. Indeed, documentation from Westpac's head of secure lending confirms this.

However, the Premier tells us that Westpac has a contract it has to honour. It has to ensure 900 jobs or suffer claw-back provisions. On his own figures, that would mean between 500 and 700 fewer jobs than there are at present in South Australia. We have now discovered that Westpac has advised in excess of 300 employees interstate that they are employed by the mortgage centre, that is, more than 300 workers who are not working in South Australia. Are they part of the deal? When the crunch comes will they be included in the 900 contracted jobs? I will read to the House correspondence I received this week from the financial sector union in relation to this matter and also the entitlements of South Australian workers the Premier has told us would be protected. This letter is from the Secretary of the South Australian/Northern Territory branch, and she states:

> FSU is extremely concerned to receive reports that some departments have plans to reduce their workforce by one-third.

By one-third! She continues:

> If applied across the Centre, this number of job losses would be devastating.

This is more concerning when we consider that Westpac and the mortgage centre have stated that no severance pay will be available to those who do not accept a job with the new provider.I repeat: no severance pay will be available to those who do not accept a job with the new provider. The letter continues:

> The FSU has also been informed that Westpac's Mortgage Company has included 200-210 employees located outside of South Australia, that were existing positions within Westpac, in the 1 200 staff to be outsourced.Already we have a contradiction with the Premier's 1 400 to 1 600. There are 1 200, and when you consider that, in addition to the 200 to 210 quoted in this letter, another 90 workers are employed in another section who have just recently been identified as working with the mortgage centre.

So, how does this affect the contract requirements? Will Westpac get away with having 300 plus employees interstate while reducing the work force here in South Australia? Will they get away with not providing redundancy for employees who end up not having a job, and will the government allow this to happen while at the same time allowing Westpac and whoever takes over the running of the mortgage centre to receive taxpayer subsidies? When I asked the Premier yesterday to assure this House that the 900 jobs required under the agreement with Westpac would be South Australian jobs, he would not do it.

When I asked the Premier on 29 May about guarantees for workers' entitlements should the outsourcing go ahead—and I stress that this is not an unreasonable request, being that EDS, one of the companies being considered recently sought and won a ruling that it was not required to honour existing awards and conditions of workers it picked up through outsourcing—he said:

I can only go on the goodwill and advice of the chief executives who have had discussions with me on this matter, one of whom is Mr David Morgan from Westpac.

It would seem that Mr Morgan has given assurances to the Premier that there was not to be any change of circumstances for employees. Let me state here and now that that gives me very little comfort.

Time expired.

The Hon. D.C. WOTTON (Heysen): This afternoon a very important meeting will be held, a meeting I would very much like to have been able to attend if parliament had not been sitting. It is part of the public comment into the draft ministerial plan amendment report for the Mount Lofty Ranges watershed. As most members would be aware, this particular PAR grapples with a number of very challenging tasks, some of which include the need to set a clear planning framework for sustainable balanced development in the watershed, one of the state's most sensitive regions in terms of conservation consideration and development pressures.

I am sure the House would also be aware that the area serves as the water catchment and storage area for up to 60 per cent of the water supply for metropolitan Adelaide and the southern Fleurieu, but it also has unrealised potential as a very special wine and food production and tourism area for the state. The meeting has been called to discuss a number of issues that have been raised by people throughout the Mount Lofty Ranges who are concerned about the ramifications of this PAR being brought down if it is not sympathetic to those special needs to which I have just referred—the special wine and food production and tourism areas for the state of South Australia.

At the outset, can I say that I doubt that there would be anybody who recognises the sensitivity of the catchment more than I do. As a previous minister and as a resident of the Adelaide Hills for all of my life, I realise the responsibility that we have in protecting the catchment for those who rely on the water. But can I also say that I recognise the importance of the wine and food production and tourism in the hills as being absolutely essential.

What concerns me more than anything else in this debate is the lack of very much reference to the necessity for developments that relate to special needs to be considered on their merit. Given the achievements that we have made in technology in getting rid of waste, I would have thought that we would be in a position to be able to say that, if the waste can be removed appropriately without there being any ramifications on the catchment, the development should proceed.

We are all conscious of three things as far as the Adelaide Hills are concerned. The first is the catchment, the second is the need to retain good agricultural land, and the third is the need to consider the aesthetics of the area. They are three very important matters. As I said, I would not want to see any development approved that would be detrimental to the catchment, nor would I want to see any development approved that would be detrimental to the aesthetics or to the need to retain good agricultural land. However, many of the applications that are being put forward could proceed if it could be proved that they would not be detrimental to these three areas.

I hope that, when the minister responsible considers the final outcome and determines the direction of this PAR, she takes those issues into account. I confess that, as Chairman of the Adelaide Hills Tourism Marketing Committee, I have a particular interest in tourism but, as far as tourism is concerned, it is essential that we get this PAR right, as we should for those who wish to develop appropriately.

Mr CLARKE (Ross Smith): I rise in response to the answer from the Minister for Water Resources this morning as to whether the government will restore the 50 per cent funding cut to the water catchment subsidy scheme. Last year that subsidy scheme was cut from $3.9 million to $1.9 million. Today, the minister did not answer my question and, in a sense, I suppose that was an answer. If they were going to restore funding, no doubt he would have been forthright in saying so. The fact that he dodged it means that he has not. What saddens me is that he did not openly and honestly admit it to a direct question put to him in this House.

A few minutes ago I spoke to the Director of Technical Services of the Port Adelaide Enfield council who, only this morning, in response to inquiries to his office from constituents of mine in Enfield about flooding problems, telephoned Transport SA to find out whether the funding level of that subsidy scheme was to be restored. A public servant in Transport SA was able to inform the Port Adelaide Enfield council quite directly that there was no increase, that the funding of around $2 million that was awarded last year would stay this year.

If a public servant in Transport SA can be open and honest with the Director of Technical Services of Port Adelaide Enfield council, why could not the Minister for Water Resources give a direct answer to a question asked in this chamber by a member of the House of Assembly? That is what saddens me more than anything else, that the minister could not answer a direct question, yet a public servant in Transport SA could give a direct answer.

The minister also waffled on today about having to conserve the stormwater, that we just cannot let it gush into the gulf, which is a good idea, and his department and others are working with local government on ways in which it can be used. For example, I believe that the SAJC is to use it to help water the tracks at Morphettville and Cheltenham. That is a good idea. The only thing is this: you have to actually get the stormwater out of the affected built-up urban areas into open space. The flooding that is occurring in my Blair Athol-Enfield area around Darlington Street and the like is all in built-up urban areas. You have to have the basic infrastructure that will allow the carriage of that stormwater quickly into the Barker Inlet. From the Barker Inlet, which is a big open space area from which stormwater can be tapped into for later use (whether it be for watering race tracks or even for storage in the aquifer), it is a slow process, as members can imagine, to recharge the aquifer.

It takes far longer than the time taken for the stormwater to accumulate in built-up urban areas. In a matter of a few minutes with a heavy deluge of rain you could flood an area, so you must have the infrastructure in these areas to carry the stormwater out into large open spaced areas, whether they be wetlands or whatever else, to allow the water to be recharged into the aquifer or to be reused and recycled for watering various public gardens and the like.

You cannot run away from the fact that the flood mitigation work for which this water catchment subsidy scheme was established many years ago still has to proceed, no matter what you do with respect to recharging the aquifer or using the stormwater for other productive purposes. It has to be got out of built-up urban areas, and the minister knows that. He is an intelligent man, even if he does waffle in his answers.

That subsidy scheme must be reinstated, at least to its former level.

People in my electorate will have to wait at least another 10 years before some of the funding programs for flood mitigation works will be able to be absorbed fully by the council itself. One of my constituents in Whittington Street whom I spoke to today has been affected by the flooding. He has lived there for 48 years and is still waiting for the flood mitigation scheme.

Time expired.

Mr VENNING (Schubert): It is with much pleasure that I speak about yet another success story in my electorate of Schubert. I speak of AQ Australia, the Barossa's famous wine label printer, winning Australia's highest award for environmental responsibility in manufacturing which was presented at the Banksia Environmental Awards 2001, of which the Prime Minister is the chief patron. These awards were mentioned in this House yesterday I think, by the member for Heysen, and also last Thursday by the member for Kaurna. The Prime Minister, in his congratulations to AQ Australia, said that he would encourage all Australians to follow their example and help make our environment the best it can be.

AQ Australia was awarded the top manufacturers award for 'outstanding achievement in the design and manufacture of a product that minimises total environmental impact through all stages of design, manufacture, use and disposal.' Mr Gerald Viergever, the General Manager of AQ Australia, who is a very good friend of mine (as is his son Wolf, the Sales Manager of AQ), are obviously delighted with this award. Gerald and his family have invested a lot of money and countless hours working on ways to improve their environmental record.

They knew many years ago that printing was an ecologically dirty industry and changed tack completely, pointing AQ in a brand new direction. We have known for many years that the wash from the print works has been a very difficult environmental problem, particularly in terms of what to do with the leachates etc. that get into the water. AQ advertises the fact that it is Australia's greenest printer and now has another award in recognition of its efforts, particularly in relation to the use of dry labels.

For the past 12 years, the Banksia Environmental Awards have sought, recognised and encouraged the best in environmental performance in Australia, and now AQ Australia has won this award. Banksia, a non-profit, non-political organisation, is supported by corporations, businesses, government bodies and other various organisations that are concerned about the environment.

I congratulate Mr Gerald Viegever, his family and his committed staff at AQ Australia on this outstanding achievement. I am very aware of the quality wine labels which AQ produces. They are, par excellence, matching Australia's premium wine product. In fact, many of the labels in our cellar in Parliament House are manufactured proudly by AQ Australia which is both quality endorsed and certified environmental management in their operations.

Members would be aware of my famous bottled Barossa water—and there are still plenty of them in this House. AQ Australia made the labels on those bottles, and an excellent job it was. Thankfully, the lobbying process brought some success with clean filtered water now running through the pipes in the Barossa region. Again, a great success story. AQ Printworks (now AQ Australia) epitomises the success, initiative and entrepreneurship, which is the Barossa Valley today. I have been present both as a member and as a guest of AQ at both private and public functions.

The Premier has visited the AQ Printworks (AQ Australia), and I know that he was extremely impressed the moment he walked into that facility. Mr Viegever is a real character, a person who is always on the front foot and one of those who make it happen, not one who wonders what happened. He has never done anything by halves, whether it be buying a new press, celebrating the commissioning of a new press, or even just throwing a party. He is always in pursuit of excellence. Many members would have met him around the corridors and would know him as the man with the waxed moustache. Appropriately, Mr Gerald Viegever is a Grand Master of the Barons of the Barossa. Again, congratulations to Gerald and his team at AQ, who are a real Barossa success story. Ein prosit, glory to the Barossa.

[Sitting suspended from 12.56 to 2 p.m.]

SIGNIFICANT TREES

The Hon. DEAN BROWN (Minister for Human Services): I lay on the table the ministerial statement relating to significant trees made in another place by my colleague the Minister for Transport and Urban Planning.

BULLYING

In reply to **Ms BEDFORD** (3 April).

The Hon. M.R. BUCKBY: My department released the 'Grievance Resolution Policy for Employees' and the 'Grievance Procedures for Employees in Children's Services and the School Sector' in 1998. These procedures refer to all types of grievances including workplace bullying and are easily accessible to all employees. Worksite managers are expected to implement these procedures and promptly address grievances raised by employees.

Training and development sessions in sexual harassment, antiracism and related grievance procedures are offered by the department's Equal Employment Opportunity Unit for all employees. This training, which now includes information on the grievance procedures, is a proactive, risk management strategy that also addresses the specific needs of individual worksites.

The Equal Employment Opportunity Unit and departmental personnel counsellors also provide advice and a mediation service to employees and worksites as required.

The Occupational Health Services Unit provides support to worksites in the development of Occupational Health Safety and Welfare (OHS&W) management systems to control risks at worksites with attention to psychological hazards. The unit has also developed a process that enables staff who feel they have been bullied, to report their circumstances to the Occupational Health and Safety Unit without the necessity for endorsement by their worksite Managers.

My department is currently developing a 'Managing Violence/Bullying in the Workplace Policy' to support the department's OHS&W policy, and it has been approved in principle by the department's state OHS&W consultative committee. A working group has also been formed by this committee to develop and present an action plan for the management of violence and bullying in the department.

Further, all departmental employees are expected to abide by the requirements of the Public Sector Management Act 1995 as well as the Code of Conduct for Public Employees 1992, which specifies a number of unacceptable behaviours including discrimination, harassment, unhealthy and unsafe work practices and the use of power or influence to cause injury or detriment to another person.

Disciplinary procedures apply to officers of the teaching service under Division 5 Section 26 (1) of the Education Act 1972. Similarly, disciplinary procedures apply to non-teaching staff in the department under Division 8 of the Public Sector Management Act.

The department is in the process of developing a departmental code of conduct for employees in schools and preschools.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Minerals and Energy (Hon. W.A. Matthew)—

Regulations under the following Acts—
- Mines and Works Inspection—Application and Other Fees
- Mining—Licences and Other Fees
- Opal Mining—Permit and Other Fees
- Petroleum—Licence Fees.

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

A quorum having been formed:

JUSTICES OF THE PEACE

The Hon. DEAN BROWN (Minister for Human Services): I lay on the table the ministerial statement relating to justices of the peace made in another place by my colleague the Attorney-General.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

Mr VENNING (Schubert): I bring up the 42nd report of the committee, on urban tree protection, and move:

That the report be received.

Motion carried.

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

That the report be published.

Motion carried.

ADELAIDE PARKLANDS

The Hon. D.C. KOTZ (Minister for Local Government): I move:

That a select committee be appointed to assess the long-term protection of the Adelaide Parklands as land for public benefit, recreation and enjoyment, including:

(a) desirable protective measures to ensure the continuing availability of land for public recreational purposes;
(b) arrangements for management responsibility and accountability;
(c) the desirability of legislative protection and the form of legislation, if considered necessary;
(d) the impact and feasibility of seeking to list the Adelaide Parklands on the World Heritage List; and
(e) any other related matter.

Motion carried.

The House appointed a select committee consisting of Ms. Ciccarello, the Hon. G.A. Ingerson, Ms Key, the Hon. D.C. Kotz and the Hon. R.B. Such; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on Tuesday 25 July 2001.

The Hon. D.C. KOTZ: I move:

That Standing Order 339 be and remain so far suspended as to enable the select committee to authorise the disclosure or publication as it sees fit of any evidence presented to the committee prior to such evidence being reported to the House.

Motion carried.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (MISCELLANEOUS) AMENDMENT BILL (No. 1)

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

That this bill be now read a second time.

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

Leave granted.

This bill makes a number of amendments to the *Classification (Publications, Films and Computer Games) Act 1995*. The Act forms part of a national scheme of classification, and corresponding legislation exists in each Australian State and Territory. The legislation is complementary to the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995*. Under the Commonwealth Act, publications, films and computer games are classified in accordance with a nationally agreed Code and set of guidelines. Under the State and Territory Acts, the classification determines whether and under what conditions the item may be sold, advertised or exhibited in each participating jurisdiction.

This scheme has been operating since 1995. As is commonly the case, experience with the operation of the scheme has led to detection of some limitations and opportunities for improvement. Moreover, the Community Liaison Officers, appointed under the co-operative scheme and visiting each jurisdiction, have reported to Attorneys-General that while awareness and understanding of the national scheme have increased with time, and many distributors take a responsible approach to their legal obligations, there remain some distributors and sellers of classifiable items who are persistently failing to comply with the law. This bill therefore makes a number of changes to the Act to improve its effectiveness, particularly in relation to enforcement of offences.

At present, the Act requires that before a prosecution can be commenced for an offence in relation to an unclassified item, the item must be classified. This can be problematic because of the cost of classification. Fees range from $100 to $130 for a publication, and are upwards of $510 for a film, and may range as high as $2 590, depending on its length and other factors. If a large number of unclassified films, publications or computer games are seized, as may happen, for example, in a raid on a shop or business, the cost of classifying each item for prosecution purposes can be prohibitive.

Moreover, very often, even though an item has not been classified, it may be fairly clear on examination how it would be classified. For example, all child pornography will certainly be refused classification. In such cases, classification is required, even though there may be in reality no dispute over what the classification would be.

To address this issue, it is proposed to insert a new clause 83A, which would permit the prosecution to serve the defendant with a notice asserting that the item was or would be classified at a particular classification. If the defendant does not dispute this, he or she may sign the notice, which can be tendered in evidence as proof of the classification. This avoids the cost and delay associated with classification, or obtaining a certificate of classification, where it is apparent to all that the item was or would have been classified in a particular way. If the defendant disputes the classification, he or she need not sign the notice. However, in that case, if the prosecution proves that the item was or would have been classified as alleged, the defendant will pay the cost of the classification or certificate required.

To accommodate this procedure, the bill amends section 85 to remove the requirement to have an unclassified item classified before commencing a prosecution. It also removes the requirement to have an item classified where all that is alleged is that at the relevant time, it was unclassified. It is an offence to sell an unclassified film or computer game, even if the item is innocuous and would have received a 'G' classification. In that case, the only issue is whether it was classified or not at the time. The classification it would have received is irrelevant, since there is no allegation that it would have been illegal to sell the item, if classified.

Another measure intended to improve enforcement is proposed clause 80B, dealing with forfeiture. This provides that where multiple products are seized on the same day from the same premises, and the defendant is convicted of prescribed offences in respect of ten or more different items, which are then forfeit, all the other items seized at the same time are also forfeited. (The 'prescribed offences' are the more serious offences, such as selling or

possessing for sale items classified X or RC.) However, the owner can apply for the return of any item in respect of which no offence has been proven. He or she must establish that the items sought would have been classified lower than X or RC, or, in the case of a publication, was not submittable, or alternatively that no prescribed offence was committed in respect of the item. These matters are proven on the balance of probabilities.

This provision is intended to act as a deterrent to commercial dealing in illegal items. It goes further than the existing law, which allows discretionary forfeiture of any seized item if the owner is convicted of any offence (section 80(4)). The Government considers it reasonable for the law to assume that if, of a quantity of film titles or magazine issues, for example, seized from the one premises at the one time, at least ten prove to be illegal, there is a good chance that others of the seized items are illegal too. Even if not, clearly the seller is not exercising any proper vigilance to see that only legal stock is sold, and should be punished accordingly.

Thirdly, the bill makes provision for expiation of a number of the less grave classification offences. This measure is intended, not to detract from the seriousness of these offences, but to improve the enforcement of the Act. At present, all offences must be prosecuted. Bearing in mind that many of the relevant offences are committed in the course of business and therefore apply to multiple copies of items, this is time consuming and costly. Many offences, too, are clear cut offences of a technical nature which the defendant may well wish to expiate if given the opportunity.

Of course, not all classification offences are suited to expiation. Some, such as the sale or exhibition of films classified X or RC, are too serious. However, some are suited. For example, it is proposed to permit expiation of the offences of failing to display a notice explaining the classifications, keeping illegal films on premises where legal films are sold, selling a film, publication or computer game without the determined markings being displayed, selling or exhibiting an unclassified film (other than one which would be classified X or RC), selling a Category 2 restricted publication without the required wrappings and markings, and others.

The provisions of the *Expiation of Offences Act* will apply. A person who disputes the allegations will be able to put the prosecution to proof in the ordinary way. Payment of an expiation notice will not amount to a criminal conviction.

Further, proposed clause 80A will make it possible to authorise a Community Liaison Officer to issue expiation notices, in addition to ordinary enforcement by police. These officers, who are funded through the national scheme, make periodic visits to South Australia for the purpose of visiting distributors and advertisers of films, publications and computer games, to publicise the scheme and to help industry participants to understand and comply with their legal obligations. There is a good chance that offences will be detected during these visits, and, if so, it will be possible to deal with the offence on the spot.

The Schedule to the Act amends the penalties set by the Act, converting them from divisional penalties to fixed maximum sums, and adding expiation fees where applicable.

There are other, more minor, enforcement-related amendments.

The powers of the South Australian Classification Council to require information are clarified. At present, the Act does not stipulate any time within which information must be furnished, or a person must attend, or produce an item, in response to a requirement from the Council. This means it must be done within a reasonable time, but there may be room for dispute in individual cases as to how long this is. This could be problematic in case of a prosecution for the offence of failing to comply. For clarity, the bill makes express that the Council may stipulate a particular time. It will then be easier to know whether an offence has or has not been committed.

The bill also seeks to clarify the situation where a parent or guardian takes a minor under 15 to see a film classified MA15+. It is lawful to show such a film to the minor, provided that he or she is accompanied by a parent or guardian. However, the Act provides that the minor does not cease to be accompanied only by reason of the parent or guardian's temporary absence from the cinema. Unfortunately, it seems that some parents are not applying this provision as was intended. Cases have been reported in which the parent accompanies the child into the cinema, but shortly thereafter leaves the cinema to undertake other errands, returning only at the end of the film to collect the child. This defeats the purpose of the provision, which is that the child views the film under parental supervision, so that questions can be answered and concepts explained, either as the film progresses or in discussion afterwards. To overcome this, the provision is reworded so that the parent may be temporarily absent to use facilities provided on the premises for the use of cinema patrons, but not otherwise.

Other proposed amendments seek to strengthen the enforcement provisions dealing with commercial copying and sale of illegal films, that is, films classified or classifiable RC or X. Section 45 is an evidentiary provision which deems that a person intended to exhibit or sell the item if he or she made ten or more copies of it. This is considered a reasonably likely explanation for the possession of ten copies of the same film. However, it is an evidentiary provision only and the defendant may lead evidence to show that in fact he or she did not have the items for this purpose.

The proposed amendment changes section 45 in two ways. First, it reduces the number of copies which are treated as evidencing such an intention from ten to three. This is because, again, it is difficult to explain the possession of three copies other than for commercial purposes. It is true that to fix any particular number is arbitrary. However, since the defendant has the opportunity to prove that there was no illegal intention, it is not considered unfair to adopt a lower limit in the evidentiary provision. It must be remembered that the sale or exhibition of even one of the copies is in itself an offence. While in most other jurisdictions, the figure of ten copies remains in use, it should also be remembered that in many of them, this offence is punishable by imprisonment, whereas, in South Australia, it is punishable by a fine only.

Secondly, it is proposed to extend this to the situation where the person was in possession of the copies, whether or not he or she was also the maker of the copies. This is because, if the defendant was in possession of multiple copies of a film which it is illegal to exhibit or sell, with the intention of exhibiting or selling them, the defendant should be treated as guilty of the offence, whether he or she made the copies or whether someone else did. Of course, the person who made the copies for the purpose of selling them to the retailer or distributor is also separately guilty of an offence.

Similar amendments are proposed to section 65, which deals with the possession for demonstration or sale of computer games which have been or would be refused classification.

At present under section 46, a person only commits the offence of selling an RC or a submittable publication if he or she knew it to be such. A seller who chooses to remain ignorant of the classification status of the item does not therefore commit an offence. It is considered that a better approach is to provide that the sale of such a item is an offence, but that the seller may establish a defence if he or she reasonably believed that the item was not classified RC or was not submittable. That is also the form of provision used in Victoria for the corresponding offence. The bill seeks to amend section 46 to make this change.

Some minor amendments to the evidentiary provisions have also been considered necessary, so that prosecutions do not fail for technical reasons. For example, the proposed amendments to section 83 make it clear that copy certificates are acceptable, and that a certificate can certify as to past as well as present states of affairs.

It is hoped that this bill will improve the operation of classification laws in South Australia. I know that many South Australians are concerned about the sale or exhibition of offensive material in our society. They are particularly concerned about encountering this material when they do not wish to, and most of all about its becoming available to their children. This bill should be of some help in addressing these concerns.

I commend the bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 4—Interpretation

This clause inserts a general definition of the Commonwealth Broadcasting Act.

Clause 4: Amendment of s. 6—Application

This clause removes the definition of the Commonwealth Broadcasting Act currently contained in section 6 of the principal Act.

Clause 5: Amendment of s. 14—Powers

This clause strengthens the powers of the *South Australian Classification Council* by ensuring they can set time limits within which information or documents must be furnished or provided to the Council.

Clause 6: Amendment of s. 36—Attendance of minor at MA film—offence by exhibitor

This clause clarifies the intent of section 36 of the principal Act.

Clause 7: Amendment of s. 45—Possession or copying of film for purpose of sale or exhibition

This clause proposes to amend the evidentiary presumption contained in section 45 of the principal Act. At present an intention to sell films is presumed when there is evidence that a person made 10 or more copies of a film. Under the provision as proposed to be amended, the presumption would apply where there was evidence that a person was in possession of or made 3 or more copies of a film.

Clause 8: Amendment of s. 46—Sale of unclassified or RC publications

This clause removes the requirement on the prosecution to prove that a person charged with an offence under section 46 knew that a publication was classified RC or was a submittable publication and instead provides that it is a defence for the defendant to prove that he or she believed, on reasonable grounds, that the publication was not classified RC or was not a submittable publication (as the case may be).

Clause 9: Amendment of s. 48—Category 2 restricted publications

This clause amends the penalties applicable for delivering a Category 2 restricted publication in incorrect packaging or publishing such a publication with incorrect markings. Under the amendments it will be possible to expiate such offences.

Clause 10: Amendment of s. 65—Possession or copying of computer game for purpose of sale or demonstration

This clause amends the evidentiary presumption contained in section 65 of the principal Act (dealing with computer games) consistently with the amendment proposed to section 45 (dealing with films).

Clause 11: Amendment of s. 66—Certain advertisements not to be published

This clause provides for certain types of offences under section 66 to be expiable.

Clause 12: Amendment of s. 80—Powers of entry, seizure and forfeiture

This clause—

- gives the police and authorised persons power to enter a place they believe, on reasonable grounds, is being used for or in connection with copying films, publications or computer games for sale; and
- provides for automatic forfeiture of films, publications or computer games on conviction for certain offences against the Act. In other cases the court's power to order forfeiture remains discretionary.

Clause 13: Insertion of ss. 80A, 80B and 80C

This clause proposes to insert new clauses into the principal Act as follows:

80A. Powers of authorised persons in Australian Public Service

This clause allows the Minister to authorise a class of Commonwealth public servants to issue expiation notices under the Act and specifies the powers of such a person. A person authorised under the clause must carry identification in a form approved by the Minister and must produce it at the request of a person in relation to whom the authorised person has exercised, or intends to exercise, powers under the clause.

80B. Forfeiture of other seized films, publications and computer games

This clause provides that if proceedings are commenced for specified offences under the principal Act relating to products that were seized on the same day from the same premises and 10 or more different products are forfeited to the Crown as a result of those proceedings, at the expiry of the prescribed period, any other products seized on that day from those premises are also forfeited to the Crown.

The owner of any products that are subject to forfeiture under this clause may view the products and may, within the prescribed period, apply to the Magistrates Court for an order for return of the products. The Commissioner of Police must be notified of, and is a party to, any such proceedings.

The Magistrates Court may order the return of a product if satisfied, on the balance of probabilities, that the product is classified at a classification other than X or RC (or, in the case of publications, is not a submittable publication) or that a prescribed offence was not committed in relation to the product.

80C. Classification of seized items at request of defendant

This clause provides a mechanism whereby a person charged with an offence may apply to have a seized item classified.

Clause 14: Amendment of s. 83—Evidence

This clause clarifies the provision of the principal Act dealing with evidentiary certificates.

Clause 15: Insertion of ss. 83A and 83B

This clause proposes to insert new clauses in the principal Act as follows:

83A. Proof of classification by consent

If a person is charged with an offence against the principal Act in relation to a film, publication or computer game, the prosecution may, prior to the trial of the matter, serve on the defendant a notice asking the defendant to agree that, on a specified date, the film, publication or computer game—

- was classified at the specified classification; or
- was unclassified but would, if classified, have been of the specified classification; or
- was unclassified.

A person served with a notice must be allowed to view the film, publication or computer game the subject of the notice if requested.

An apparently genuine document purporting to be a notice under this clause in which the defendant agrees that, on a specified date, the film, publication or computer game described in the notice was classified at a specified classification, was unclassified but would, if classified, have been of a specified classification or was unclassified (as the case may be) will constitute proof of the matter so agreed without other evidence (in the absence of evidence that the document is not a notice under this section completed and signed by the defendant).

However, if such a notice is not received, completed and signed by the defendant, by the prosecution within a specified period, the defendant will, if found guilty of the offence, be liable to pay an amount equal to the fee for classification of the film, publication or computer game or the fee for obtaining a certificate under section 83 (as the case may require).

If a person fails to complete and return a notice served under this section in relation to an offence involving an allegation that, on a specified date, a film, publication or computer game was unclassified but would, if classified, have been of a specified classification and the film, publication or computer game is subsequently classified at a higher classification than the one specified in the notice, the clause applies as if the notice had specified that higher classification.

83B. Proof of classification required

Where, in a prosecution, it is alleged that a film, publication or computer game was unclassified at a specified date but would, if classified, have been classified at a specified classification, that allegation must be proved by proof that the film, publication or computer game was subsequently classified at that classification or in accordance with section 83A.

If a film, publication or computer game that was unclassified on a specified date is subsequently classified at a particular classification, then it will be taken to be the case that the film, publication or computer game would, if it had been classified at that specified earlier date, have been classified at that classification.

Clause 16: Substitution of s. 85

This clause substitutes a new section 85 which provides that proceedings for offences under the Act must be commenced within two years of the date on which the offence was allegedly committed.

Clause 17: Amendment of s. 86—Proceeding against body corporate

Where a body corporate is guilty of an offence against the principal Act, each director is guilty of an offence and liable to the same penalty as is imposed for the principal offence when committed by a natural person unless it is proved that the director could not, by the exercise of reasonable diligence, have prevented the commission of the offence.

Clause 18: Further amendments of principal Act

This clause provides for the amendments contained in the Schedule.

Clause 19: Transitional provisions

This clause provides that proposed clause 80B applies in relation to proceedings commenced after the commencement of that clause, whether the offences to which those proceedings relate were committed before or after that commencement.

SCHEDULE

Further Amendments of Principal Act

The Schedule makes minor statute law revision amendments,

changes divisional penalties into monetary amounts and inserts various expiation fees.

Mr FOLEY secured the adjournment of the debate.

DENTAL PRACTICE BILL

Consideration in committee of the Legislative Council's amendments.

The Hon. DEAN BROWN: I move:

That the Legislative Council amendments be agreed to.

In moving this motion, I would like to explain the amendments to members. A considerable number of amendments were inserted by another place, and I will go through them to clarify the position. Those amendments come down to about three or four basic amendments. The first is to change the board back to the original composition of the board which I introduced into this House and which was then amended in this chamber. The upper house saw the wisdom of adopting what was originally put forward by the government and has sent the bill back without amendment.

The second amendment deals with an issue raised by the member for Gordon concerning the appointment of deputies to the board. In particular, he wanted to ensure that the deputies appointed came from the same area of specialisation as the original board members. I promised to look at and clarify that issue and, as a result, ensure that there is no uncertainty. Amendments to that effect have been moved in another place, and that has now been adopted as part of the bill.

The third major set of amendments—in fact the vast bulk of those amendments—relate to changes that we have made to the Dental Practice Bill to bring it into line with the Medical Practice Bill that was introduced into the House so that there is consistency of practice and argument across that area.

The original bill was not introduced in that form because there was about a 15-month period between the drafting of these two bills. Members may recall that the Dental Bill was introduced into the parliament last year, and since that time we have drafted the Medical Practice Bill. A number of issues have been raised and, in fact, many of these issues were raised in the second half of last year as we went through the process of modifying the Medical Practice Bill.

In many ways, we are the leaders in Australia in adopting some of the new practices under the Medical Practice Bill. I spoke to members of medical boards from all around Australia at a conference less than 12 months ago and laid out what we saw as the new fundamentals in relation to the practices that needed to apply in the medical area and, therefore, the changed role for the Medical Board of South Australia. Interestingly, there was very wide public acceptance, and especially by the members at that conference here in Adelaide, that is, members of medical boards not just from Australia but from New Zealand as well.

We have gone ahead and turned those ideas into a drafted form, and that is now before the House as part of the Medical Practice Bill. Because of the wide acceptance of those ideas, we believe the same principles should be now picked up for the Dental Practice Bill as well. Therefore, we have consulted with the relevant parties and they have agreed, so we have put the amendments into the upper house. We could only put them into the upper house because they were being finalised for the Medical Practice Bill at the time or after the Dental Practice Bill was being passed through this House.

The amendments are not controversial in terms of arguments between different sectors of dental practice, which has been the main area of dispute, but I believe they set a new standard as to how health professionals should operate in Australia and how, in this case, the Medical Board and the Dental Board should operate. I urge the committee to accept those amendments; they have been subjected to detailed scrutiny in the other place, which has accepted the amendments without change.

The fourth area relates to dental therapists. We had an argument in this House whether dental therapists should be allowed to treat adults after a period of time. In this House, the government view is that they should not have prevailed. However, the member for Elizabeth moved an amendment and the upper house has looked at that amendment as well as other amendments, and it has adopted the amendment moved by the member for Elizabeth. Because there are safeguards within that amendment, I am willing to accept it. Therefore, dental therapists—with the appropriate safeguards—will be allowed to treat adults.

I believe the amendments before the committee reach a satisfactory outcome for this bill. I am prepared to accept them all, including the member for Elizabeth's amendment, and I urge members of the House to adopt these recommendations without change. Clearly, we now have a whole new practice for dental procedures within South Australia. For the first time, we have the integration of dentists with the other professionals who work in the field of dentistry, and I believe this will become the model legislation for the rest of Australia.

Certainly, I am thrilled with the way in which members of this House and in another place have dealt with this very fierce competition and rivalry, and at times very bitter rivalry—between various groups within the dental practice area, but I will not go into that.

I recall being in this House about 25 years ago when they were attempting to resolve these issues. I am delighted that at long last, after 25 years, we now have a satisfactory resolution that has not torn the groups apart in achieving it. In fact, they have been brought together and they have all agreed to a compromise. I want particularly to thank the various professional groups within the dental practice area who, in a commonsense way, have now agreed to come together and to reach this compromise. I believe it will be the public of South Australia who will benefit by the quality of their dental treatment and also their access to appropriate dental treatment from those with the appropriate skills. That is what it is about and I am delighted that we are now so close to finalising this bill.

Ms STEVENS: I want to make a few comments, but indicate that the opposition will accept the amendments as returned from the other place. The minister has divided the amendments into four categories, and I will speak briefly to each of them as he did. I will start with the set of 14 pages or so of extra amendments that came down as part of the debate in the other place which were, essentially, as the minister described, a whole set of amendments that enabled a consistent approach in the regulation of the dental practice with that being put forward in the Medical Practice Act. We supported all those amendments in the other place, and we are happy to do so here today. However, I want to raise some questions with respect to one amendment (and I hope that the minister will answer those questions after I place them on the record) in relation to clause 45.

When the debate took place in this House, the opposition was not aware of some of the issues in relation to this clause that were raised with us between the debate in this House and the subsequent debate in the other place. As it happened, the minister's new amendments changed the penalty in that clause from $10 000 to $50 000. But that in itself was not the issue that we had. My colleague the Hon. Paul Holloway, who handled the bill in the upper house, made some comments in relation to the general provisions of that clause, and those comments were addressed in the other place by the Minister for Transport, representing the Minister for Human Services. I want to place those issues on the record here and ask the Minister for Human Services to respond.

The amendment that we are looking at relates to the restriction of provision of dental treatment by unqualified persons and, specifically, the clause is directed at preventing corporations that are owned by non-dentists (which is probably the simplest way of putting it). The first point I want to make is that, in the debate, the Hon. Paul Holloway asked the minister what was the result of the review under national competition policy in relation to that clause. The minister informed him that the review recommended that there should be no restrictions on the provision of dental treatment by unqualified persons, and went on to say:

> The government, however, as a policy approach did not adopt that recommendation and we have in this bill a halfway house between what the review committee recommended in its report and the current act.

Can the minister give us the reasons why the government did not accept the competition policy review recommendation in the first instance? The minister in the other place then went on to say:

> I am advised also that in an interview on 6 February last year on ABC 5AN, Mr Graham Samuel was asked about this very practice that the honourable member is raising now and he said that the National Competition Council would assess this based on its consideration of how the minister used the discretions provided for in this clause.

When I read that passage in *Hansard* I found it interesting that the issue had been raised with Graham Samuel in relation to this legislation. A subsequent part of this clause allows for an exemption from that provision. I ask the minister whether, in fact, there will be any consultation with the NCC in relation to regulations to ensure that we do not breach National Competition Council guidelines in terms of restrictive practice. I would like the minister to respond to that point.

The next set of amendments to which the minister referred related to the composition of the board. The opposition is prepared to accept the position that has arrived back here in the House. But I still want to put on the record that we have just accepted a whole lot of amendments which make this act consistent with provisions in the Medical Practice Act. In terms of consistency, with respect to board structures, with the nurses act and the Medical Practice Act (which is yet to be debated), the three consumer type representatives is the consistent position. However, in spite of that, the opposition is prepared to exchange the support that the government is prepared to give to the dental therapist proposition for our support for these amendments. We have no problem with the appointment of deputies, as put forward by the member for Gordon—we had no problem at the time. The opposition supports that proposition—clearly, it is supported in the other house.

Regarding dental therapists, we are very pleased that the members in another place saw the wisdom of the opposition's position in relation to this matter and, in fact, have supported removal of the words 'with children' in relation to the scope of practice of dental therapists. I was pleased to hear the minister's comments in relation to that issue. It is not about opening the floodgates and allowing unqualified or unprepared dental practitioners to operate in an area where they are not trained or experienced; that is not the point at all. The issue is that the scope of practice is more appropriately handled outside the legislation, and we need to enable maximum flexibility in the provision of dental services in the future. I believe that, just as other states are now doing, this is what we should do in relation to this matter here in South Australia.

I would also like to thank stakeholders who contacted us in relation to this bill. We were very pleased to hear from the Registrar of the Dental Board, the Chair of the Dental Board, representatives of the Dental Therapists Association, the dental hygienists, the dental prosthetists and, of course, the Australian Dental Association, and a number of individuals who also contacted us with their concerns. I would also like to particularly thank the Alzheimer's Association and the Council of Pensioners and Retired Persons, which argued particularly strongly for the issue in relation to the dental therapists and the removal from the legislation of the restriction concerning their working only with children. We accept the amendments, and we are pleased to see the bill pass its final stages.

The Hon. DEAN BROWN: With respect to the question raised by the member for Elizabeth in relation to the exercise of powers under clause 45 of the bill, I am able to indicate (and I have given this undertaking publicly elsewhere) that I intend to exercise that power to grant exemptions in what I would describe as a competitive manner to allow competition within the industry and in the public interest. I have given that undertaking before, and I give it again here.

I have given some examples—in fact, Health Partners is a classic example. Health Partners is a health insurance company which now operates its own dental practices. It now has, I think, four or five clinics and it employs a significant number of dentists. Clearly, this is an operation that is not owned by dentists, and that is the type of example (and there are other examples also) where I would ensure that they are allowed to operate, and where an exemption will be given.

I do not formally intend to negotiate with the NCC. The NCC is an auditor, if you like, and you do not go off and negotiate with the auditor. I have objected to some of the public comments made by the NCC, because it has claimed that we had given no power for an exemption; in fact, we have given a power of exemption. This is, if you like, a halfway house but, if it is exercised in an open way, the effect will be that non-dentists will be able to own and operate dental practices. Sense should apply here. We want to ensure that high levels of hygiene standards are maintained within South Australia. Certainly, I will ensure that I do that, particularly taking into account the public interest.

Motion carried.

FOOD BILL

In Committee.

(Continued from 30 May. Page 1712.)

Clauses 33 and 34 passed.

Clause 35.

Ms STEVENS: In terms of subclause (5), what is the appropriate review body, and will it be in the regulations?

The Hon. DEAN BROWN: I refer the honourable member to clause 4 at page 6 where the appropriate review body is defined as meaning the Administrative and Disciplinary Division of the District Court.

Clause passed.

Clause 36 passed.

Clause 37.

Ms STEVENS: Is it correct that an authorised officer will be an employee of a local government authority?

The Hon. DEAN BROWN: For full details of authorised officers I refer to clause 94.

Ms STEVENS: I want to put on the record a point that was made to me—and I am sure to others as well—by the Australian Institute of Environmental Health, relating not to what authorised officers may have to do but to resourcing this section. I will put their comments and ask the minister to respond. They state:

> To enable effective promotion, coordination, implementation and monitoring of food safety reforms, adequate resources are required at state and local government level. Despite the findings of the Garibaldi inquest, no noticeable improvement to food safety resources in South Australia has occurred. Members felt that parliament was misinformed when questions were asked and reported in the *Advertiser* of 29 October 1998 regarding action by the government after prominent food poisoning outbreaks. In response to these questions the Hon. Dean Brown is quoted as saying 45 councils have since appointed 109 inspectors.

They go on to state:

> In fact, no extra officers have been employed in South Australia as a result of food poisoning outbreaks. Some councils actually reduced staff numbers in this area. South Australia still has approximately the same number of food safety officers as before the incident (approximately 109). The majority of these officers also have additional legislative responsibilities to fulfil.

The point they make and continue to make is their concern about whether what is in the act will become a practical reality.

The Hon. DEAN BROWN: First, we have increased resources within the department, partly directly as a result of the Garibaldi case and also partly because of an increased effort being made in the food area. We have increased the staff in the communicable disease area—and that was as a result of the Garibaldi case. The way in which the communicable disease section operated changed quite dramatically: we enhanced other sections of the department, and we have also taken on additional staff in the food area, so there has been an increase in resource. As a result of the budget, there is an allocation of $900 000 in my area for each of two years, and there is an additional allocation—I am not sure of the exact amount—of about half of that, in the area of the Minister for Primary Industries and Resources as well. So, I think over a two-year period his department has been allocated approximately $1 million. They are not the only areas: resources have been increased in some other areas. So, across government and within the Department of Human Services, resources have been increased.

Ms STEVENS: I think they are perhaps partly referring to resources within the Department of Human Services, but they are certainly concerned about resources in local councils. It is left up to each council to make its own decision on resource allocation and just how many inspectors it will have. This will govern what sort of priority it is able to give the job. The councils are concerned about ensuring that the theory translates into practice.

The Hon. DEAN BROWN: Again as a result of the Garibaldi incident, a number of steps have been taken to make sure that the effort carried out by councils is increased and is audited. The auditor's report—and I have reported this to the House previously—shows that we have been checking on what councils have been doing: how many food premises they have been checking on, and the number of staff and the resources they have generally available. I think I am right in saying that I have reported to the House quite separately on that on at least two occasions. Some of the detail of that is also in the Auditor-General's Report.

I understand their concern in terms of whether the resource will be there to administer the new act in both the audit and the other area and how that will be financed. I have dealt with the financing previously. The audit will be conducted through a fee payable for the auditing, regardless of whether that auditing is done by local government or an outside contractor. Under the act, individuals with suitable qualifications and skills are approved to carry out that audit. Such individuals may be employed by a council, or they may be contracted by the council to do the work. It may be a private auditor outside the council chosen by the food premises.

So, the resource will be there, and there is no doubt that in recent years councils have increased their resource in this area. That is shown by the audit that has been carried out by the Auditor-General and the department. That is paid by for the audit fees. It will be paid for by the audit report fee which will be imposed, and I have already referred to that. We have made sure that the act allows that to be paid.

Of course, the other area is implementation. The additional budget allocation will be a big area over the next two years. As a department and as a government, we have indicated that we will work with industry sectors and local government to help cover a number of those costs. I will give some examples of where work will need to be done in developing some software systems to be adopted by local government. I intend for that to be developed centrally and then provided to the councils.

We need to make sure that we get consistency across the councils, so we would do that centrally. That will be done in a number of other areas. I expect that we will try to develop food plans for individual sectors. I expect that to be done equally so that it can be readily adopted by individual companies. That is why we have made the money available. Incidentally, the federal government is also making some resource available. It has not been quite as specific as the state government's promise so far, but certainly in discussions on the ministerial council on food the federal government has indicated its willingness to help prepare the food plans and to put resource into that. It is waiting for the states to adopt the legislation before giving us specifics as to what resources will be available.

Clause passed.

Clause 38 passed.

Clause 39.

Ms STEVENS: This clause deals with a failure to comply with requirements of an authorised officer. I want to return to the area of authorised officers reasonably being able to do their duty and the resourcing of those officers. Speaking on the last clause, the minister mentioned investigations by his department with councils in relation to classifying food

businesses by risk and how frequently businesses should be inspected.

My information is that as a result of the criticism by the Auditor-General the minister's department sent advice to councils using draft documentation put together by ANZFA on how to classify food business by risk and how frequently such businesses should be inspected. I was also advised that this is the first such advice that has been issued offering councils any guidance on how they should be approaching their tasks under the current Food Act. I understand that the initial survey work undertaken by the department was flawed in that it identified the number of environmental health officers employed by councils but not the portion of their time spent on food matters as opposed to other matters such as insanitary conditions, immunisation and other functions under the Public and Environmental Health Act.

I return to the point that I believe it showed that there was considerable diversity among councils and the level of resourcing applied to food matters. Given the inconsistency in resourcing, I would say that is not surprising. The minister made the point that money had been set aside in the budget, and that is good. However, that money would be about training and implementation of food safety plans and IT programs, which is good. However, the resourcing for the task that local government has to do is a ongoing matter. I am not sure that we are any clearer that there is any sort of consistent agreement across the board on how this will occur, or just what it entails.

The Hon. DEAN BROWN: The point the member for Elizabeth has made about the variation between councils with the present legislation is the very argument as to why we should be supporting this new legislation. It is incredibly variable, and we know that. We know that, to a certain extent, the present method is very hit-and-miss. Some councils are out there doing a reasonable job and other councils are not putting in a great deal of effort.

The difference is that the whole approach to food hygiene is changing, namely, that the proprietors themselves have to take on much of the responsibility for maintaining appropriate procedures and standards for hygiene within their workplace. The audit effort will now be universal, with the exception of that very small number who are exempt. Instead of being hit-and-miss as to which ones must be audited, for the first time there is a requirement for all of them that need to be audited to be audited. If they are high risk, that will be twice a year; if they are low risk, it will be one once a year.

This is a very effective way of making sure that it is 100 per cent, and not 30 or 40 per cent as might be the case at present—or it could be even less in some areas. The honourable member has to look at the whole thrust of how this is being achieved. Therefore, the random inspection requirement would be significantly reduced, because every place is being audited at least once a year. That in itself will step up the effort very substantially.

Mr McEWEN: I will quote a letter from Tony Zappia of the city of Salisbury to again emphasise the fact that, although the minister seems to have the sourcing issue clear in his mind, it is certainly not clear amongst some of the key stakeholders, and it is causing concern. In a letter he deals with a number of issues. Under the heading 'Resourcing', Tony Zappia says:

> It appears that the additional responsibilities to ensure Food Safety standards are implemented and enforced will result in a significant cost burden to Local Government. It has been estimated through research by the LGA that the cost of the new legislation will increase the cost to Local Government between 40 per cent to 75 per cent with over 400 food premises in the City of Salisbury, this represents a significant cost increase to cover council and ratepayers. It is considered necessary that the issue...be resolved prior to further consideration of the bill.

Local government is saying that it does not have a mind map around the resourcing of auditing and compliance and the extra burden it will place on local government. The shadow minister said that the minister tried to quantify the effort in terms of staff, which he did, but he failed to acknowledge that local government has a whole lot of other responsibilities in addition to enforcement. It was quite unfair to say that there is a bulk of resource out there now. That resource has a lot of other responsibilities under a whole lot of other acts.

Overstating the present capacity of local government within the act is an unfair stepping-off point in terms of saying to local government that it will not cost it any more. To my mind, that is the root of one of the two main concerns that local government has with the bill. The concern about separation of powers between auditing and compliance we will come to again in a minute, but, with the issue of resourcing, we do not seem to be putting clearly on the record exactly what the numbers will look like.

The Hon. DEAN BROWN: I should have answered the other point that the member for Elizabeth raised, which was that the survey done by the department did ask local councils how much of their time and effort was being put into food as opposed to other activities. Now I pick up the point made by the member for Gordon. Let me make a comparison. At present we do it solely by compliance, and local government, apart from its own resources, its own rate revenue and grants from state and federal governments, has no income stream from the food industry for that at all, so all food hygiene protection within the state at present is done with no return from the food industry specifically and it is all done under compliance. So local councils will move from a situation at present where they get nothing, effectively.

Under the new provision, food hygiene will be achieved by a food plan audit process and by compliance. Because we have this massive food plan audit process, which is now mandatory across all food businesses, the compliance part will be much less than it is at present. At present, no-one checks on those places unless it is through compliance. Under the new provision, every one of those food businesses will be checked every year or more frequently. For the food plan audit process, councils will receive a commercial return if they are involved and, if they are not involved, they will not incur expenses and the private sector will achieve a commercial return or be paid commercially for doing that work. For the bulk of the effort now, which is the food plan audit, there will be payments by the food companies as they pay for that audit, and because of the additional fee.

That leaves us with the compliance part. Under the new bill, compliance will be substantially less than it is currently. No-one has put up an argument that that will not be the case. It will be substantially less. Therefore, what councils have to fund out of their own resources will be substantially less under the new bill than it currently is under the old legislation. In addition, I highlight the fact that I have included a requirement that a fee should be paid where a private auditor has done the audit and reports back. In fact, I believe that a standard fee should apply whether it is the council or a

private auditor. A simple fee should apply as the audit report comes in, and that will be ongoing.

Ms Stevens: To the council, you mean?

The Hon. DEAN BROWN: Yes. We intend to make this simple so that people are not running around each time with payments of $10, $15 or whatever the amount might be. There will be a bulk payment and that will be a bulk sum across to individual local councils, perhaps paid by the auditor on a quarterly basis or something like that. The financial resource required from local governments under the new model for which they are not being otherwise compensated by audit fees will be substantially less under the new model than is currently the case.

Mr McEWEN: Taking on board what the minister has said, where was the LGA survey, which I think was conducted by Barry Burgan, flawed when it arrived at a conclusion that it would cost between 40 per cent and 75 per cent more? If the minister is saying it will be considerably less and the LGA survey says it will be more, obviously the survey was flawed.

The Hon. DEAN BROWN: The LGA came to see me, raised this point and presented its report. We think its report is flawed because it has not worked through the issues that I have already spoken about. The LGA has been told that we believe the requirements on its resources will be fewer under this legislation than is currently the case.

Mr McEwen: That is what you told them. Barry Burgan has told them it will be more. Whom do we believe? The minister, obviously.

The Hon. DEAN BROWN: We have indicated that the Burgan report was done on the basis that the compliance effort would be exactly the same. The Burgan report has assumed that the compliance effort would be exactly the same and that councils would not be commercially compensated for their audit effort. I am pointing out that the Burgan report is fundamentally flawed because, firstly, it did not assume a reduction in compliance costs, which there will be, and, secondly, because they will be commercially rewarded for their audit effort.

Ms STEVENS: I want to take the minister up on something he said about random inspections decreasing, and I guess that is part of his argument that compliance will be much greater and therefore local government will not have to do the inspections that it does now because auditing will occur on a regular basis. We all know that audits are usually booked in, so people know in advance when they are going to be audited, they get everything together and someone comes in and does the audit.

I cannot remember the Coroner's report exactly, but I am pretty sure that part of the evidence given to the Coroner in the Garibaldi inquest indicated the importance of random swoops because people knew in advance and tidied everything up nicely, thank you very much, and we still had a problem. Surely we will not be able to rely totally on having an audit once a year or twice a year if it is a high-risk business and that it will still be really important to have random inspections to make sure that what is being audited happens on a day-to-day basis and is not just put in place for the auditor.

The Hon. DEAN BROWN: The honourable member for Elizabeth has to recognise that the HACCP approach has been put together by food hygienists not just in Australia but around the world and it is the recognised path. It is applied in many other areas. For instance, quality control in the export industry is done on exactly the same sort of basis.

Ms Stevens: It is about making sure it is happening.

The Hon. DEAN BROWN: I stress that it has been in operation for nine or 10 years in the export of fresh fruit and vegetables, in particular, and there is a requirement that these people put their processes into place and, if they do that, it corrects the other areas. In fact, it is the same with food. At present, there is compliance in terms of checking on the facilities, but under the new plan the audit will include more than their facilities. Even if they know when the audit is to take place and they improve their facilities, that is fine, because they will not suddenly rip out the stainless steel sinks and things such as that immediately after the audit. There is an automatic exercise that they bring their facilities up to standard for the audit and that is not occurring at present. The other big thing is that, for the first time, their practices, their plans and their training will be audited. There will be some random compliance testing, but it will not have to be anywhere near what it should be at present, or even anywhere near what is being done at present.

Therefore, the amount of resource will be less than it is at present in terms of compliance costs. In relation to the other part of the work that they might be undertaking, they will be rewarded at any rate, whether they do it themselves, whether they employ someone on a contract basis or whether it is done by a private audit.

Clause passed.

Clauses 40 to 43 passed.

Clause 44.

Ms STEVENS: I ask the minister to comment on what the Australian Institute of Environmental Health has said to me. It has stated that the provisions in clause 44 should be worded to better reflect all the aspects listed in clause 43, particularly in relation to improvement notices requiring compliance with regulations or the food standards code.

The Hon. DEAN BROWN: I think that is a reflection on the quality of the parliamentary drafting. I will not dismiss it. I will make sure we check on that to ensure that we have reflected in clause 44 what we intend to reflect and see whether it can be improved. If it can be, I will make sure that we draft some amendments between now and another place. At this stage, I am willing to accept the draft as it is before us, but I will give an undertaking to review that.

Clause passed.

Clause 45 passed.

Clause 46.

Ms STEVENS: The Australian Institute of Environmental Health also says that there is no provision for the power to serve prohibition orders to be delegated to an authorised officer. It says that the power is only available to the relevant authority or the head of an enforcement agency. It considers that this power should be able to be sub-delegated. Will the minister comment?

The Hon. DEAN BROWN: We see this as a high level power, and we do not believe that it should be able to be delegated. There might be a difference of view, but I think it is included for the protection of the parties involved, and therefore there should be no power of delegation. Incidentally, if I can clarify one point—and I think the member for Gordon raised this issue in a private conversation with me—and it picks up this point about resources from local government: if there needs to be a compliance inspection by a local government body as part of the audit process, then the bill does allow for a fee to be paid. That is one thing local government has not understood.

For instance, if an auditor has conducted an audit and found that the premises do not comply in five areas, he reports that to the local government authority. Therefore, an inspection needs to be carried out three weeks or a month later by the local government authority and, as part of that process, local government can charge a fee. It cannot at present, but it will be able to do so under this bill. That is why I keep making the point that local government will be better off under this bill than it is at present, and significantly better off.

Clause passed.

Clauses 47 and 48 passed.

Clause 49.

Ms STEVENS: This clause relates to request for re-inspection after a prohibition order. I presume the re-inspection is done by the local government authority, or is it an auditor? In relation to subclause (3), I assume that they have received a prohibition order, they have fixed it up and now they want to be re-inspected so that the order can be lifted and they can get on with things. Subclause (3) provides that, if they make the request and it is not inspected by an authorised officer within a period of two clear business days, then a certificate of clearance is taken to have been given to the proprietor of the food business under clause 46.

How does this compare with the current act? It seems to me that this is also related to resources. For instance, if they do not get there within two days, then it comes off, anyway. If a council is really under pressure and it cannot get there, then presumably the prohibition order is lifted without re-inspection. It could be a concern.

The Hon. DEAN BROWN: Firstly, this is all about lifting a prohibition order, which means that the business has had to stop trading, and so the business is completely at risk. The only authorities that can do that are the local council or the department. A private auditor cannot do that: it is either local government or the department, whoever imposed the prohibition order. The reason for the requirement that it must be done within two days is that, if they took a week, that business could go broke within that week. It would be unfair on the business to have a prohibition order imposed on it and then for the relevant authority not to carry out that inspection once it is ready. You can imagine the enormous cost. We have to make sure that there are fair and reasonable justice and protection on both sides here. That is the reason for that.

Ms STEVENS: How many prohibition orders occur in an average year, and how do they come about, generally?

The Hon. DEAN BROWN: They are fairly infrequent. I will give some examples. The department imposed a prohibition order on Nippy's, and we monitored that very carefully and after a while we allowed them to do some test production work under the prohibition order. We again tested that and found something so we required another steam cleaning of the place. We did another test and that was clear, so we lifted the order, and very shortly afterwards once again we found salmonella in the product, so we reimposed the prohibition order. I think I have the order of events approximately right. We then put a new condition on them as a prerequisite to lifting the prohibition order, and that was that the product had to be pasteurised. That led to our saying that there must be a source of contamination outside the plant, and that is when they found it in the packing shed.

At the same time as Nippy's, another case occurred with a restaurant. In discussions with the department I had said that there had to be a prohibition order although, in fact, rather than having an order imposed the proprietor voluntarily ceased production. The condition was that they had to notify us before they opened their premises again, and again we worked with them trying to identify where the source was. This is not automatically saying that here is a company that is guilty because, as occurred here with Nippy's, the restaurant and one other, it would appear that in all those cases there was an external source. We have to be able to protect the public through a prohibition order but, at the same time, work with the companies or individuals involved to try to find out exactly where the source of the food contamination is.

Those three are classic examples of where we have done it in a responsible way and where the companies themselves have been very cooperative with us. I have to acknowledge that Nippy's were very cooperative, even though they knew that potentially this could be their demise. In the end, it is fair to say that they survived and survived well, because they cooperated. That helped to facilitate our giving them the best advice as to how to get their production going again and at the same time protecting the public.

Ms STEVENS: I am still interested in how frequent it is—the number. You said it was 'frequent', but what does that mean?

The Hon. DEAN BROWN: I said 'very infrequent'; in fact, the last time it was done was Nippy's.

Clause passed.

Clauses 50 to 58 passed.

Clause 59.

Ms STEVENS: This relates to a person who carries out an analysis; what sort of person is that?

The Hon. DEAN BROWN: It has to be an approved technical analyst. This is covered under clause 61 on page 35 under 'Approval of laboratories'. I indicate that I know that a number of approved food laboratories are operating within South Australia. Australian Government Analytical Laboratories (AGAL) is one, IMVS is another and there are a couple of others as well.

Clause passed.

Clauses 60 to 64 passed.

Clause 65.

Ms STEVENS: Clause 65(1) relates to the appropriate review body for review of decisions relating to the approval of a laboratory. What is that? Secondly, in clause 65(2) I notice that an application under this section must be made within 28 days. I notice that in annexe B it was 10 days; why have we gone for 28 days?

The Hon. DEAN BROWN: The review body is the same one to which I referred earlier under clause 4. The definition of that review body is provided in clause 4. The 28 day period is a standard. Crown Law has advised that, to be consistent with other such reviews here in South Australia, it should be about 28 days.

Clause passed.

Clauses 66 to 72 passed.

Clause 73.

Ms STEVENS: This relates to the approval of food safety auditors. The first point I would like to make relates to comments made by the Australian environmental health officers. They have said that they strongly believe that environmental health officers must be able to be recognised, based on skills and experience, as food safety auditors. No guidance as to what is proposed is provided in the bill or its supporting documentation. Can you provide some information on their request?

The Hon. DEAN BROWN: First, the relevant authority is the Department of Human Services. Clearly, I understand

the point that they want to make sure that they have recognised qualifications there at present. I am not sure exactly what they accept as qualifications to be a member of the institute, but there would clearly be some recognised standards put out there, and I would think their views and mine on that would be pretty similar. I think the sort of standards we are talking about are those that would be required.

There are also cases where you might be dealing with overseas qualifications, and we must be flexible enough to take that into account as well. If they are asking that someone has to be a member of a particular institute, that would not be acceptable; it is the qualifications and experience of that person that are important. I am quite happy to give an undertaking that we will consult with the institute on setting those qualifications and standards.

Ms STEVENS: Clause 73(3)(b) provides that the application for approval as an auditor must be accompanied by a fee. Obviously, that is a fee that the auditors themselves pay for their approval, but to whom?

The Hon. DEAN BROWN: It is a fee that they pay to the relevant authority, which is the Department of Human Services. Obviously, if you apply to become a food auditor, you would send in an application form, you would be judged as suitable, and you would pay a registration fee.

Mr CLARKE: Clause 73(3)(b) provides:

> the fee, if any, prescribed by the regulations.

Does the minister have any idea at this stage what the fee ought to be and the criteria that will be used to set the fee? Will it be based purely on cost recovery and, if so, how will that be determined?

The Hon. DEAN BROWN: We would see it as being based on cost recovery, and it would be a very modest fee indeed.

Mrs MAYWALD: To clarify your previous answer, you mentioned that an application would be made and, if an approval is granted, a fee would be paid. My reading of this is that a fee would have to accompany the application regardless of whether or not the fee was approved.

The Hon. DEAN BROWN: The member for Chaffey is correct. In fact, the fee is paid when they lodge their application.

Mr CLARKE: If the application for accreditation as an auditor is rejected, is the fee refundable?

The Hon. DEAN BROWN: No, it is not refundable because it is an application fee.

Clause passed.

Clauses 74 and 75 passed.

Clause 76.

Ms STEVENS: Clause 76 relates to variation of conditions or the suspension or cancellation of the approval of an auditor. Clause 76(2)(a) provides:

> if the relevant authority is satisfied that the person has contravened any provision of this act or the regulations;

How would the relevant authority come to any conclusion of that nature? In other words, who audits the auditor and how will it be done? What is the process?

The Hon. DEAN BROWN: It would be done by the Department of Human Services. For instance, evidence may be revealed because of a sudden food poisoning outbreak. We would go in to check the business and might find that the auditor has clearly not required the business to maintain the standards or it does not have a food plan, or whatever. There is a check in place because at any time the problem might arise. We want to ensure that it is clean and the auditors are not just collecting a fee—saying, with a nod and a wink,'You can get away with whatever you like.' These people have to realise that they have a responsibility to the public to uphold standards and to ensure that the task they are expected to carry out is, in fact, carried out. If that is not the case, they will lose their livelihood because they will no longer be able to be an auditor under the legislation.

Clause passed.

Clause 77.

Mr CLARKE: Clause 77 deals with review of decisions relating to approvals and sets out that you can appeal to an appropriate authority, which is defined as the Administrative and Disciplinary Division of the District Court. If an appeal is upheld by an auditor, firstly, is the Department of Human Services responsible for payment of any legal costs that may be incurred by the auditor when an appeal has found that they should be successful; and, secondly, if it causes any loss of earnings to that auditor, on the successful appeal by that auditor, are they entitled to claim loss of earnings from the department?

The Hon. DEAN BROWN: The Administrative and Disciplinary Division appeal is done under the District Court. You would then have to refer to the District Court Act 1991, particularly section 42G(2) which provides:

> However, no order for costs is to be made unless the court considers such an order to be necessary in the interests of justice.

So, if it is in the interests of justice, the court can make a decision on costs. For instance, if someone had their authority removed to operate as an auditor and appealed and it went before the Administrative Appeals Tribunal and was seen to be based on fairly frivolous grounds or neglect, say, by the authority in withdrawing the licence for that person, in the interests of justice, costs could be awarded against the government.

Mr CLARKE: Does that cover loss of earnings?

The Hon. DEAN BROWN: Normally, it is just costs but not loss of earnings.

Clause passed.

Clause 78.

Ms STEVENS: My first question on this clause relates to the maximum penalties under subsections (1) and (2). There is a noticeable increase in penalties earlier in the act. In some ways they are even higher than those contained in Annex A. From memory, they are higher here in South Australia than they are in the model act. For instance, clause 78(1) provides for a maximum penalty of $120 000 and $25 000. Annex B provides for a penalty of $250 000 and $50 000, and the same applies again under clause 78(2) for those maximum amounts. They are about half what they are in the model act. I also note that there is no expiation fee in Annex B. Will the minister comment on both those aspects: first, why the penalties are half what they are in the model act; and, secondly, the introduction of an expiation fee.

The Hon. DEAN BROWN: Under the draft national legislation there was recognition that there could be some right for individual jurisdictions to set their own penalty. One has to appreciate that this is about half the penalty, but you are here breaching a regulation; you are not breaching a section in the act. A breach under a regulation is normally significantly less than a breach under the principal act. In terms of expiation fees, we have our own standards here in South Australia, and we have largely complied with that sort of standard. There is a consistent argument for this. A penalty

under a regulation is normally substantially less than that under the principal act and, with respect to expiation fees, we have a standard that we apply generally across all South Australian legislation.

Ms STEVENS: My next question relates to subclause (2), which provides that the proprietor of a food business must ensure that any food safety program they are required to prepare is audited at least as frequently as is determined under clause 79(1). My concern is that the frequency of auditing is left in the hands of the food business. So, we are relying on people—the majority of whom I am sure would do the right thing—to make sure that they get their auditing done rather than, perhaps, someone else independent of them ensuring that it be done—for example, the enforcement agency.

The Hon. DEAN BROWN: It is not left up to the food business itself: it is determined under clause 79. Under that clause, the enforcement agency would determine whether it is medium, low or high. Clearly, by the description, when they notify that they are operating within that council area, they will explain what type of business it is and some standards will be set down under which the local government authority will say that automatically it comes within this classification. So, the council will decide whether it is high, medium or low.

Clause passed.

Clause 79.

Ms STEVENS: The minister may already have answered this. In determining the priority classification, what will that entail an enforcement agency doing?

The Hon. DEAN BROWN: ANZFA is developing a national model, and we are simply saying that it is up to us, as the relevant authority, to set that standard. The standard we are proposing to accept will be the national one. I think the honourable member would have the booklet entitled *Food Safety: the Priority Classification System for Food Businesses*; she may not, but we can certainly make a copy available to her. The booklet lists the factors considered in the definition of 'food business' under clause 6. They include things such as food type and intended use by a customer, activity of the food business, method of processing, customer base, and then it talks about how the scoring system works. So, there will be a national system which we will at least be adopting here in South Australia.

Ms Stevens interjecting:

The Hon. DEAN BROWN: That is part of what I see as the implementation of this—that they are aware of this system and that they are very familiar with its adoption and the principles required and, therefore, the role they have to play.

Clause passed.

New clause 79A.

Ms STEVENS: I move:

Page 43, after line 9—Insert:

Assignment of food safety auditors

79A.(1) A food safety auditor who acts in relation to a particular food business under this part must be—

(a) a person who is assigned to be the food safety auditor for that business by the appropriate enforcement agency; or

(b) in relation to a business of a prescribed class—a person who is approved as the food safety auditor for that business—

(i) by the appropriate enforcement agency; or

(ii) by the minister.

(2) The assignment or approval of a person as a food safety auditor for a particular business must be made in a manner approved by the relevant authority.

(3) An appropriate enforcement agency may, in acting under this section, assign or approve a food safety auditor who is employed or engaged by the enforcement agency.

(4) The appropriate enforcement agency or the minister may, of its or his or her own initiative, or on the application of the proprietor of the relevant food business, if the enforcement agency or the minister thinks fit, revoke an assignment or approval previously given by the enforcement agency or minister, as the case may be, under this section and make or give a new assignment or approval.

(5) A fee prescribed by the regulations is payable with respect to audits or other activities carried out by food safety auditors who are employed or engaged by enforcement agencies.

(6) No liability attaches to an enforcement agency by virtue of the fact that it has assigned or approved a particular person as a food safety auditor under this section.

At the moment, a food business can choose its own auditor. We have some concerns about that, as do a number of other people, in relation to the conflict of interest, I guess, that can occur with the auditor giving a fair and reasonable audit, with a possible conflict of getting the business off side and, therefore, losing the business in the future. I draw the committee's attention to new subclause (1), paragraphs (a) and (b). We inserted paragraph (b) in relation to situations where there may be large chains of businesses—for instance, all the Woolworths stores, or a whole set of stores—and that business may prefer, understandably, to have the one auditor. So, we are allowing that flexibility. New subclauses (2) and (3) would cover local government's own health people who are currently doing the work now.

Referring to new subclauses (4) and (5), I point out that considerable concern was expressed by the Local Government Association, in particular, but also by the Australian Institute of Environmental Health, about third party auditing and about the possible conflict of interest that that could allow. The City of Unley, under cover of a letter to us, sent a copy of a response to the minister's department which states:

> There are concerns that bringing in an external auditing role by a third party or parties that is outside of the relevant local government authority provides greater potential for conflicts in interpretation and the assessment of the frequency of the auditing regime. Questions will arise about the impartiality or independence of third party auditors, particularly where they may seek to rely upon further contracts with a business.

That principle is the basis on which we move this amendment.

The Hon. DEAN BROWN: I cannot accept the amendment. Let me explain to the committee why this amendment is so inconsistent with what our community already accepts. First, if we said to local government, 'You are the ones who will decide if a third party auditor is allowed,' and they are, themselves, the alternative auditor, a huge conflict of interest is created: because you are saying, 'You, the local government, have the full power to decide if there should be a third party auditor' but, of course, the very party which is deciding that would be otherwise in a monopolistic position. By any standards, that is unacceptable.

Ms Stevens: But you are allowing that.

The Hon. DEAN BROWN: No, we are not. That is why I am opposing the amendment. The people working for the councils do not decide, 'It is either me as a monopoly or you can have a third party auditor,' yet that is the very power that this amendment would give, and that, therefore, would create a very significant conflict of interest.

Secondly, the honourable member said that if we allow third party auditors—and I forget the full wording that she used but she certainly used words to this effect—the auditor

might not be impartial. We are only allowing third party auditing by formally approved people who are licensed, so they are approved to maintain the standards.

The third point I highlight is financial auditing. I think it is accepted by parliaments around Australia and by the broad community that in relation to financial auditing it is up to the individual company to pick someone, but they must pick someone with the appropriate qualifications. Therefore—

Ms Stevens: What has happened just recently?

The Hon. DEAN BROWN: If the honourable member wishes to make a speech about how local governments should be the only bodies allowed to do financial auditing because of what happened with a company and a state nationally, let her put up the argument, because I do not think it will hold up. But the facts are that, under competition principles, which she asked me about earlier in relation to another piece of legislation—

Ms Stevens: And which you had not followed.

The Hon. DEAN BROWN: —under those principles, in fact, you would be able—

Ms Stevens interjecting:

The Hon. DEAN BROWN: If you are only allowing local government to do the auditing, you are imposing an enormous restriction. In fact, the NCCC would be down on you like a ton of bricks, to say the least.

Ms Stevens interjecting:

The Hon. DEAN BROWN: Anyone can see that they would be down on you like a ton of bricks because, in fact, you are saying that only if you work for a council will you be able to decide who does the auditing. That is the most restrictive, non-competitive behaviour you could put in any legislation. I have seen enough of the national competition principles to understand what would and would not be acceptable.

So, I highlight that this amendment is anti-competitive. It creates a very serious conflict of interest for people in local government because they would decide whether or not to allow a third party auditor to win and, if they did not, those people get the job and the money that goes with it. The implication that this approved list of people does not require a sufficient standard denies what we apply as a principle in a range of other areas, including financial auditing of all the companies within our community.

Ms STEVENS: In response to some of the minister's comments, the opposition believes that it is a matter of which has the greater risk in terms of the public interest. It is true, as the minister says, that we are putting up something whereby the enforcement agency is given the right to assign an auditor and could assign it to itself. My understanding is that provisions of the Local Government Act require local governments to separate their functions. I am not sure which section it is of the Local Government Act, but I am sure that parliamentary counsel could confirm that there is a requirement for all councils to separate their functions to deal with the issue that the minister raised. It is a matter of which is the greater or the lesser risk. There is the situation of the enforcement agency giving the job to itself, on the one hand, versus the possibility of an appointment of auditors. Of course, even though they are approved—and there have been many approved auditors—some auditors perhaps have not done the right thing, although there are many approved auditors who have done the right thing.

It is interesting that we are dealing with this now because, just recently, I saw a television program which dealt with the issue of auditors and large companies providing auditing as a loss leader for companies so that they could then get other business. That is the reason why we have taken this precaution and proposed this amendment. Obviously, we believe that it is worth consideration and incorporation into the act.

The Hon. DEAN BROWN: The honourable member has not answered the point that I have made that, even if you create a Chinese Wall within the council or even if you put it to the entire council, allowing the entire council to decide whether or not it is going to allow third party auditing creates a huge conflict of interest for that council because the council is deciding whether it is going to do all the auditing and collect all the fees. So, even if you go to the entire council, you cannot create a Chinese Wall in that regard. I believe, therefore, that it is absolutely inappropriate for the council to be in the position of making that decision because there is a conflict of interest. Furthermore, I do not think the honourable member has even touched on satisfactorily arguing that this amendment is not severely in conflict with national competition principles.

Mr CLARKE: I have a difficulty with what the minister has said about allowing a company in the food business to appoint the auditor in the same way that it appoints its own financial accounting auditors. We all know that financial auditing is a lucrative business; it goes out to tender. There has always been the potential for auditors to not be as thorough as they might otherwise be on the accounting side of things so as to win a tender. There are all sorts of possibilities for cronyism in that area. The minister said that that issue has been happening for some time. Basically, the public record indicates that literally only a handful of such auditing firms have been found culpable with respect to the type of work they have done. On the other hand, we are dealing with food, not money. If a business goes broke and an auditor has not done their job correctly in detecting the trouble early enough, a number of terrible consequences and catastrophes could arise. However, at the end of the day, in those circumstances we are dealing only with money. In this case, we are dealing with food. An auditor may not do their job properly or they may feel that they have to cut their prices to win a contract from Woolworths, Coles or whatever. That may result in the auditor cutting the quality of their auditing. As a result of that, a mistake may be made causing something to enter the food chain, resulting in serious illness or even death. Unfortunately, we have witnessed that in South Australia over the past few years. Is that not too high a price?

The minister may be critical of the member for Elizabeth's amendment, about the possibility of a conflict of interest arising for local government in that it would be the enforcement agency and it would determine whether there should be third-party auditors. Is there not a halfway measure? Should it not be just left to the food industry itself to pick its own auditor based on price, not necessarily on quality? The whole purpose behind this legislation is so that we hopefully never revisit the Garibaldi incident either in this state or in any other state. We do not determine that on national competition principles; we do not care about them. We are dealing with human beings, their lives and their wellbeing. We are dealing not with share scripts and balance sheets but with human beings. Therefore, should we not ensure in this legislation that these food companies cannot just pick and choose the auditor of their choice? There ought to be some mechanism by which an auditor, properly resourced, is able to do their job effectively without just being treated like some other commodity. We are dealing with human beings.

The Hon. DEAN BROWN: I highlight to the honourable member two things. Riding in a lift also puts your life at risk if that lift suddenly drops 10 floors, as we all know. Exactly the same principle applies in South Australia for lift inspections. I introduced it 20 years ago, and it has worked extremely effectively, indeed. We license lift mechanics, and they are now required to comply with all the laws and to make sure that the lifts operate safely. The honourable member says, 'They can do it for a cheap price and, therefore, lower their standards.' They cannot, because they have to be licensed, and they have to meet certain standards. It has worked for lifts, and lives are involved just as much in that area. In fact, you will probably die more quickly if the lift falls 10 floors than you will with food poisoning. I can assure you that you will.

Mr Clarke interjecting:

The Hon. DEAN BROWN: No. There is a higher standard here than we require for financial auditing. These auditors will be required to be licensed with the state government and suitably approved. The other thing is—and the honourable member has completely ignored this point—that if an auditor starts to cut corners and is found to have cut corners, he opens himself up to enormous negligence or fraud claims.

Mr Clarke interjecting:

The Hon. DEAN BROWN: You can be assured; but they can be sued for all their possessions. Therefore, there are protections there. The classic example is lifts, and I have never heard the honourable member raise in this House any objections to the way we do it for lifts. I know at the time there were members opposite who said that the lifts would be inadequately maintained and that we would have lifts falling from 15 floors. I recall that the arguments I have heard here this afternoon are exactly the same as those I heard 21 years ago. However, none of the events has occurred.

Ms STEVENS: I want to put on the record a letter to me from the Local Government Association on this matter. The letter is dated 15 May 2001. The President, Mayor Brian Hurn, says:

> The LGA has significant concerns about the approach in the Bill, many of which arise from our experience in relation to Private Certification in the Building Safety area. It is not fixed opposition to third party auditing, but rather generated by two issues: the special nature of functions related to the safety of the community (it has far more severe repercussions than financial auditing, for example), and secondly the transitional issues involved in introducing a system assuming a competitive market of food auditors, when there is currently no such market beyond high-end manufacturing or national or export businesses.
>
> It is our view that in an area such as this a more appropriate approach in the first instance would be to allow private auditors along with Council auditors, but leave discretion as to who audits a particular business with a Council, rather than with a food business being subjected to the audit. This would retain greater public sector control over the process. It would be managed by Councils along with other functions in which they have discretion as to whether or not they use external contractors and all auditors, Council or private would need to be accredited by the Minister/Department. At minimum this sort of approach would allow for development of private sector audit skills a level of competition, and allow for further review of the model after an appropriate period.

The committee divided on the new clause:

AYES (19)

Bedford, F. E.	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.

AYES (cont.)

Key, S. W.	Koutsantonis, T.
Rankine, J. M.	Rann, M. D.
Snelling, J. J.	Stevens, L. (teller)
Thompson, M. G.	White, P. L.
Wright, M. J.	

NOES (22)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C. (teller)
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
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.
Oswald, J. K. G.	Penfold, E. M.
Scalzi, G.	Such, R. B.
Venning, I. H.	Williams, M. R.

PAIR(S)

Atkinson, M. J.	Hall, J. L.
Breuer, L. R.	Olsen, J. W.

Majority of 3 for the Noes.

New clause thus negatived.

Clause 80.

Ms STEVENS: Under paragraph (b), one of the duties of food auditors is to carry out necessary follow-up action, including further audits. If the audit is not part of local government, how does that role fit in with the role of inspectors? Will they be doing the same things?

The Hon. DEAN BROWN: If, for instance, a private auditor found a number of issues that were unsatisfactory with a company, depending on the seriousness of the offence, the auditor would report that immediately to the appropriate authority, which would be the council, and the food business could be required to correct those matters within seven days, or whatever. If the private auditor has to go back and redo the audit, he can charge an additional fee. If the local government body or the appropriate authority has to go and do a compliance test as a result of the report from the auditor, equally they can charge a fee. That really puts the pressure on the food business to make sure that it is up to scratch because it can end up paying a fee for the further audit that is required and also for a compliance test as part of that audit process.

Ms STEVENS: Thank you, minister. I did not understand that local government would have a role with the auditor in compliance so that a business could pay a fee both to the auditor and to local government. I will take up that point with local government bodies and show them the minister's comments because I am not sure that they are aware of the avenue of fees for compliance as part of the auditing process. Further, I understand that the auditor can also change the frequency with which a business is audited as a result of its auditing. What if there is a conflict with the assessment by local government of the frequency of auditing that will be required by a business? Rather than the auditor changing the frequency of audits, would it not be better if the auditor made a recommendation to the enforcement agency and it went back to the one body that was doing it in the first place?

The Hon. DEAN BROWN: Let me be quite specific. A third party goes in and does the audit. If a number of lesser issues need further follow-up, the auditor can require those things to be fixed and he can say that he will come back and audit the place again or complete the audit in a week's time, or whatever. Local government does not have to be involved

in that. However, if the third party auditor finds critical non-conforming issues that have to be dealt with, the auditor is required to notify the council. That is when the auditor notifies the council; that is when the council becomes involved under compliance; and that is where, as part of that, the council can charge a fee for compliance.

Ms Stevens: They don't do that now, do they? Local government doesn't charge for compliance?

The Hon. DEAN BROWN: No, that is right, but they will be able to do so under this, and that is the point that I have been making. If a critical non-conforming problem or issue is found as listed under the ANZFA guidelines, the local government body has to be notified and, as part of that, they can charge a fee as part of that compliance testing.

Mr McEWEN: It is good that the minister is continuing to clarify this revenue stream that is available to local government, as he did earlier in relation to my questions based on the letter from Tony Zappia. Obviously this is where local government has completely misunderstood the financial arrangements underpinning the new Food Bill. Many of their objectives have been around this lack of understanding and appreciation of fee for service and the funding streams. It surprises me that it still arises in correspondence today from local government saying 'The problem is', 'Burgan said this,' and so on. It begs the question: why has the communication been so poor on such a fundamental issue as the resource requirements to implement the bill?

The Hon. DEAN BROWN: Firstly, as I understand it, these issues have been pointed out to local government. Secondly, I highlight the fact that in March I offered to set up a working party to work through all these details in terms of implementation. I asked the Local Government Association to send in names. As I mentioned in this House (I think it was earlier last week), I had not received those names. I have now received those names and I appreciate that. Apparently, the Local Government Association thought that there was some misunderstanding—and I am willing to accept that—but we can work through those fine details. It is all about how this will be implemented.

I assure local government that these issues have been thought through. We do have a flow chart, and in fact I have shown that flow chart to the honourable member. It highlights where fees can be charged. My concern throughout has been that some of the points raised by local government bodies just do not match up with the reality of what is in the bill. Therefore, it is a matter of working through that.

I accept that it is a new system, it is complex and it is national, so it will take some time to work through that detail, but it is not as if the this has not been thought through in terms of the drafting of the legislation. That is why I have continually argued that it will be better off than it is at present, and significantly better off.

Ms STEVENS: I would like to add one or two points, too, following the member for Gordon's point. Consistently, local government is indicating that the communication has been very poor. Even though the minister tells us that it is quite clear and all the rest of it, quite clearly, it is not the case as far as local government is concerned. I refer to a copy of a letter from the Local Government Association to the minister of 29 May (this week) in which the president gives the minister the names of people whom he is putting forward to work on the implementation. In one paragraph he says:

> I remain disappointed that notwithstanding our consistent representation of local government's position on key matters in relation to food reforms there has apparently been no willingness to address these reforms as a joint issue. There has been little attempt to address any of our concerns of a policy, legislative and implementation nature.

I think that is pretty damning. Local government keeps saying it, so something is not working.

The Hon. DEAN BROWN: Just on the last point, how can the honourable member read out that letter when it is known that, within a week of our meeting in March this year, I made an offer to the LGA to send me three names so that I could set up that implementation committee—

Ms Stevens interjecting:

The Hon. DEAN BROWN: To set up the implementation committee.

Ms Stevens interjecting:

The Hon. DEAN BROWN: I am amazed, because that is what I keep asking: why did I not get the three names when I asked for them? Now it is saying that there was some misunderstanding, but I can tell the member that it was as clear as clear to me, and that my staff rang several times asking for the names. One has to ask why it has taken two months to get the names when the implementation could have been done. I also point out that the LGA was represented on the inter-agency committee which did the consultative draft. Is the honourable member listening to that?

Ms Stevens interjecting:

The Hon. DEAN BROWN: It was on the inter-agency committee. Two years ago, when we were developing this whole system, it was part of the public consultations that we put out in both the metropolitan and country areas. It hosted most of those meetings in its own halls, or in other public halls. I have sat down with its representatives on several occasions, but I know that it was very much a part of the public consultation process. Sure, we are refining something and we are now getting to the very fine implementation details, and I understand that there needs to be close consultation, and that is why I recommended the setting up of this committee. Now I have the three names, I will be able to set up the committee as quickly as possible.

Clause passed.

Clause 81 passed.

Clause 82.

Ms STEVENS: I return to a point I made in relation to the last clause, which I do not think the minister addressed. This is in relation to redetermination of the frequency of auditing and the provision that the food safety auditor may determine that the audit frequency of a food safety program should be changed. Surely, it would be better for the auditor to recommend to the enforcement agency, and for that body to stick with its initial role of assigning the frequency of audits to the various businesses, rather than confusing it with two different bodies. I do not understand why the minister has done that.

The Hon. DEAN BROWN: Perhaps there is some misunderstanding in terms of the interpretation of this clause. Under this clause, the third party auditor can only reassign the frequency within that classification. The auditor cannot reassign from a medium to a high or from a medium to a low.

Mr KOUTSANTONIS: Subclause (2)(b) refers to the audit compliance history (if any) established before the commencement of the food safety standards. Does that mean that someone who purchases a new business might be reclassified to be audited more regularly (or less regularly) because of a previous history of the business? I am not sure whether this is the right clause on which to be asking this question. I have received a complaint from a small business owner in my electorate who bought a business which had a

very low goodwill and which was fairly well run down. He immediately set about closing the business, refurbished it, rebadged it and spent a lot of money cleaning up the place, and it is now very clean and running very well. But, because of the history of the previous owner, it was being audited quite frequently. This was becoming a bit of a hindrance to the business and maybe even affecting its goodwill within the district. I am not sure whether this is the right clause, but will the minister please explain?

The Hon. DEAN BROWN: I think the member for Peake is confusing auditing with compliance. He is talking about compliance. Let me give an example. Most of the major food companies have a strong history of auditing already, and in fact what we are asking for here has already been in and operating for some considerable period. We are saying that, even if a company had that in and operating before the food safety standards were implemented, you could take it into account. Under the previous legislation you could not go back, but this allows you to go back into the auditing history of a company. If it has a really good history and they have been audited on a regular basis and they have complied, that can now be taken into account, only in so far as changing the frequency of auditing within the classification already determined.

Clause passed.

Clause 83.

Mr KOUTSANTONIS: I refer to the certificate of authority. I have come late into the debate; is this the relevant provision covering the qualifications of the auditors, or are they just departmental officers who have been trained? Is any special training required of graduates before they are issued with a certificate by the food safety auditor?

The Hon. DEAN BROWN: I do not think the honourable member was in the House at the time we examined clause 73. I refer him back to answers given regarding clause 73, where qualifications are required of the auditors.

Clause passed.

Clauses 84 and 85 passed.

Clause 86.

Ms STEVENS: Exactly what will happen in relation to this process of notification of food businesses; and, in particular, how much is any fee attached to the notification likely to be?

The Hon. DEAN BROWN: I have indicated that we intend to have no fee for notification, for a couple of reasons. If you go out and impose a new licensing system with a fee on small business I think you will bring down the wrath of the small business sector. Secondly, I have indicated that the best way of picking up something in terms of compensating local government for running the notification system—and I acknowledge there is a cost involved—would be this extra cost we would impose on top of the audit, and that would flow back to local government. You would just wind all that in as part of the audit fee plus the add-on to the audit fee for notification to local government. Another thing is that if you impose a fee on notification you are discouraging people from notifying that they exist, whereas if there is no fee they are more likely to notify the local authority.

Mr McEWEN: What is the chain of events now after someone notifies a council that they exist? Are they automatically now required to have a food plan and be audited? Will it be automatic that, should the audit throw up some problems, they will go on to the next step in compliance and enforcement? My understanding from earlier is that all this now follows automatically and that everybody is in the loop. I just want to make sure that is the case.

The Hon. DEAN BROWN: You have asked what is the requirement at present. At present there is no requirement for notification.

Mr McEWEN: I am asking you to describe to me the sequence of events that will occur, assuming that this bill is in place, if I am running a little business and I ring up and notify the council. What happens after that? What does the council tell me about my responsibilities regarding a food plan and auditing? Run me through the chain of events.

The Hon. DEAN BROWN: We have a flow diagram. The business notifies the council and provides it with information on a form which allows the council to determine which classification they are in—medium, high or low. Council advises the business of the classification and also notifies them therefore of the audit requirements and frequency. Then, the business decides whether it will go to a third party auditor or the council auditor. If they decide to go to the council auditor they would notify local government that they are the auditor and local government would carry out that audit as required according to the risk assessment, would charge the appropriate audit fee and ensure that enforcement takes place. If it is a third party auditor, the third party would do the audit. The auditor provides a report to business on that audit process. If there is notifiable nonconformity as part of the audit process, the third party auditor is required to notify the council. The council would then come and do a compliance check within a certain period, and it can charge a fee for that.

Equally, if there are notifiable nonconformities, clearly the audit process is not yet finished, so the auditor comes back to check that that has been finally rectified. When the audit is complete and the law is being complied with, the council would provide the local government with a report. Really, I see that report as being very simple indeed. It would simply indicate that a certain food business has been audited and has been found to comply, and might mention the frequency expected in terms of the next audit, so local government has something there. I do not expect a very detailed report. I expect the third party auditor to keep their own reports and have them available in case they need to be checked at any stage, but I do not expect that full detailed report to be passed through to local government. I see it as simply a very brief and simple report saying that a company has been audited and that it now complies and is expected to be audited again in six or 12 months time or whatever it is. That private, third party auditor would pay over the fee, and I think we can develop a system to pay a bulk fee over to the local government body rather than writing out cheques for $10 or whatever. A fee is paid on the lodgement of that report to local government.

Mr McEWEN: I am satisfied with what I hear from the minister, because I find it all-encompassing. I just want to make sure there is no opportunity to water that down later so that councils are not required to follow through with compliance if deficiencies are found in the audit. I want to make sure that both here and at the commonwealth level at the moment there is no discussion of any significant relaxation of what the minister has just described. I am satisfied with the minister's present description, but I am not convinced that that is the final scenario that will be embraced nationally.

The Hon. DEAN BROWN: I can assure you that, if there are notifiable non-conformities, the act currently covers a mandatory obligation on the council to take action; so that

protection is there. It is not a matter of enabling it to be watered down: that requirement is in the legislation now.

The Hon. R.B. SUCH: I guess this is an issue that may well have been covered earlier. At the moment, I understand that in the case of people who infringe in relation to food standards, hygiene and so on, that information is not disclosed to the public and the customers, in particular. Under this bill, what will be available by way of information for reporting in the media, etc., as to breaches of hygiene standards, and so on?

The Hon. DEAN BROWN: The issue of confidentiality is covered under clause 109. I refer the honourable member to that clause, because I think that answers his question. In relation to public notification, if a prosecution is successful that is dealt with as a public matter before the courts and, therefore, there would be public notification.

The Hon. R.B. SUCH: I can come back to this later, but, in effect, what that means is that a person would not be aware that, say, restaurant X is unclean or whatever; that information would not be available to that person or persons because of the protection afforded under the bill to the proprietor. Is that correct?

The Hon. DEAN BROWN: If the restaurant or business does not comply and, from what the honourable member has said, this is a serious matter, the restaurant would be closed down. It is not a matter of keeping the public informed that here is a totally unsatisfactory restaurant and it is still trading. A prohibition would be placed on the operation of the restaurant until it complied. Of course, that would be a public matter and there would be public notification. In fact, the confidentiality requirements under the new legislation are not as great as they are under the present legislation. There is greater freedom under the new legislation in relation to information than there is under the present provisions.

The Hon. R.B. SUCH: The minister is alluding to very serious breaches in relation to restaurants and other premises handling food. It might be that a cockroach (or three) has been seen on the premises or something that might not be life threatening but many people would choose not to dine there if they thought that was something inhabiting the premises.

The Hon. DEAN BROWN: Under the present legislation, if premises are found to be dirty and unsatisfactory, there is a prohibition on revealing that publicly, but under the new legislation there is no such prohibition. So, it will be more open than it is at present.

Mr CLARKE: In answer to the member for Gordon, concerning the flow chart and the like, there was a reference to the council being able to recoup some of the cost of notification, to be incorporated in the audit fee. So there would be something additional that they might be able to get from the audit fee to help cover the cost of notification, as I understand it. Of course, not everyone will be audited by the local government authority. In fact, if councils are to compete, if you like, as an auditor, they have in-built auditing costings as well as trying to recover some of the cost of notification. Private auditors have only to bid for a cost recovery rate plus their profit margin. That will put councils at an instant disadvantage on the basis of sheer costs. In any event, not everyone will go with them, so the cost recovery for notification for the council, it seems to me, will be far less than the cost of compliance with clause 86, which simply involves a notification.

Secondly, I always think that, in terms of ensuring that not only a food business but any business complies with notification, you have to apply a bit of a bloodhound principle; that is, councils, in relation to enforcing this clause, need to have some sort of financial incentive. We already have problems in local government where state and federal governments have tried to shift more responsibility down on local government without giving them the avenue to raise revenue other than through general rate increases. That has always been a problem: state and federal governments of whatever political complexion do not like increasing taxes on people. Likewise, local government has the same political problem with increasing rates on their ratepayers.

It seems to me that over time there is no incentive for local government authorities to chase up and ensure that food business proprietors have actually notified—proper renewal forms have been submitted when businesses have changed hands—because it is a little like speeding laws. Unless you know a speed camera is out there on the roads, or a police officer somewhere, it would be breached increasingly so if the chances of you being pinged or caught breaching the law are minimal. It seems to me that this Food Bill is predicated on the basis of making it safer for the consuming public. We have gone to a great deal of trouble and exercise on behalf of the minister's department as well as in other states yet, on a simple part of generating enough revenue to ensure that the system works, we cavil at it and say, 'We reckon local government will do it; they have adequate resources and, yes, they will pick up enough money to help offset substantial parts of those costs by charging a bit extra on the audit fee.' For the reasons I have already outlined, I do not think that will necessarily work.

The Hon. DEAN BROWN: First, I refer him to my very detailed explanation earlier this afternoon when I do not think he was in the House. Secondly, I think he has misunderstood. The extra fee will be payable by the private auditors.

Mr Clarke: All the auditors?

The Hon. DEAN BROWN: Yes. If the local government authority does the audit it will keep the extra fee and, if it is a private auditor, the same fee is paid that is paid across to local government. So, this is the additional fee to cover the notification cost. Therefore, local government gets that notification fee whether it is done by local government or by a private auditor; they get the fee both ways. What the honourable member has said implies that local government got it only if they carried out the audit: that is not the case at all. I would argue that, under this measure, there is now a far greater incentive for local government to be out there because, in fact, they are getting it.

The other point that the honourable member raised was: what if the food business has been notified, but it changes hands and something else occurs? Local government employees will be able to pick that up very quickly. They will run their computer programs through every six months and pick up those who have failed to comply with the six month audit; they will then run them through in another six months and check those they had failed to pick up on the 12 month audit. So, if a business has changed hands and the new owners have not bothered to have the business audited, local government will already have a record that this business exists.

The member should compare that with the haphazard system that we have at present, where there is no notification. The only grounds on which local government employees might be able to inspect the place are if they happen to stumble upon it. There is no requirement for anyone to tell local government, 'We are a food business that exists in your area, and you should come and check us.' I think that what

we are seeing is a dramatic change in the whole set-up, which now, for the first time, ensures some real order and system, and where the very cases that the honourable member mentioned are, in fact, being covered.

Ms STEVENS: I again want to quote from the letter to the minister from Mayor Brian Hurn dated 29 May, in relation to the amount of money coming back to local government by audit through this process to which the minister is referring. The letter states:

> I have noted your reference in *Hansard* to one of our proposals, that of incorporation of the notion of a portion of audit fees being returned to councils. While we support this proposal [obviously], I should point out that this fee will only apply to those businesses with a food safety plan and as I understand it at the highest estimate this will involve only 2 500 food businesses. Hence at the higher ($20) figure you suggest, this would deliver around $50 000 to local government across the state, assuming an average audit rate of one per annum. This is, of course, an extremely minor attempt to 'contribute to running computer records for notification'. However, it will also result in an inequitable approach as approximately one-quarter of food businesses will subsidise notification which is to be required of all businesses.

How does the minister respond to that statement?

The Hon. DEAN BROWN: I have a copy of that letter here, and I have a handwritten note alongside, which clearly says that what is in that letter is wrong. I do not know where the LGA obtained the information from, because it is wrong. I do not know how many times I can keep saying that the LGA is wrong in so many of its assumptions—and it is wrong in this. How can the LGA say that only a quarter of the food businesses will be audited? That is not the case at all. All food businesses have to be audited—with the exception, of course—

Ms Stevens: How many would that be?

The Hon. DEAN BROWN: We do not yet know exactly, but we estimate it to be significantly—many times—greater than the figure of 2 500. Except for charitable organisations, and so on (which are exempted), and except for the minute number where the gross turnover for the entire business is less than $25 000 (and I would say that there would probably be fewer than 100 of those in the entire state), all other food businesses have to be audited.

Ms Stevens: So, that is just about everyone?

The Hon. DEAN BROWN: Yes. Again, I do not understand how they have made this assumption: it is wrong. I have said that before in this debate, and I will say it again.

Ms STEVENS: Section 321, I think, of the Food Standards Code (relating to the food safety audits) is still being reviewed, is it not? So, what the minister is saying really depends on all businesses with a turnover over $25 000 per annum being audited. If the national review changed that and did not require that all businesses that had a food safety plan needed to be audited, of course, the situation would change. Is the minister confident that the national review will keep all businesses in, except those with a turnover under $25 000?

The Hon. DEAN BROWN: The national review has worked right from the beginning on the basis that everyone had to be audited. The ministers have spent some time discussing this matter, and we believe that charitable organisations should not have to be audited. So, we are excluding those, and they will be the biggest group that are excluded. With respect to the under $25 000 group, as I said, I thought that figure was still being worked on nationally, because they wondered whether that was compatible with the tax act, which they were still looking at. I suggested under $25 000, but we are still looking at whether there are some other national benchmarks. These are minute businesses, because we are talking about gross turnover. I am very satisfied that the whole principle of this is (and will be when it is put into effect) that, effectively, all businesses, with those small exemptions, will in fact have to be audited.

Mr CLARKE: Is the minister in a position to categorically give an assurance to the parliament that, in the event that the outcome of the national review varies and that only high risk food businesses need to be audited, this legislation will stay the same—in other words, all businesses other than those with a turnover of less than $25 000 will be audited, at least here in South Australia, irrespective of the outcome of this national review—and, if it was to be varied to the extent that only the high risk businesses were required to be audited, this issue would be revisited to enable councils to recover costs to make sure that food businesses are properly registered, and so on?

The Hon. DEAN BROWN: I have covered this issue before, both in the second reading debate and in the committee stage. The honourable member is wrong. They are not reviewing whether only high risk business will be audited. I am a member of the Ministerial Council, and it has been accepted that low, medium and high risk businesses have to be audited. The only thing that had some further work done on it is with respect to what we would call the minute business: the $25 000 gross turnover. These people would not even be one day a week, because they have the costs of their food and everything else that they are running in their business. These are people who perhaps once a month might do a special lunch for someone and charge a fee. We are looking at a net margin on something like this that might be less than $4 000 a year, or probably less than that. They agreed to look at the compatibility of the $25 000, with some other small exemptions. That is the sort of scope that we are looking at. I can assure the honourable member that low, medium and high risk businesses will be audited.

Mr KOUTSANTONIS: Will be audited? That is what you meant?

The Hon. DEAN BROWN: Yes.

Mr CLARKE: You said no medium and high risk businesses will be audited.

Mr KOUTSANTONIS: You had better go and fix it in *Hansard* afterwards. I have three questions. You talked earlier about how easy it would be for councils to look up their databases of businesses and review it every six months because they would have a register of small businesses. However, when the member for Lee asked how many businesses there would be, your department was not quite sure. Is there currently a database of all businesses operating with a turnover over $25 000 a year that will be audited? How do you then transfer that information to local councils?

Also, given that the benchmark is $25 000—and there are probably good reasons for that—I imagine that there are a number of school canteens that serve food to children in preschools, kindergartens, primary schools and high schools. Especially in regional areas where there are not very many students and the turnover is quite low per year, I would have thought that it would be important that these schools be inspected, for the safety of the children, obviously.

From the commencement of a new business or the sale of a business, a period of three months is allowed before the first inspection takes place. Do you think that three months before a business is inspected is a bit long? There could be the case where a business has been inspected, is sold and there are new operators, or there is a new start-up business, and it

could be operating for up to three months before anyone looks at its practices.

The Hon. DEAN BROWN: In answer to the three questions, the honourable member did not listen to what I just said a moment ago.

Mr Koutsantonis interjecting:

The Hon. DEAN BROWN: I know, and I understand, but you asked me how many businesses are currently licensed. I said that there is no licensing requirement at present, so the answer is we do not know.

Ms Stevens: So there is none.

The Hon. DEAN BROWN: There is none. There is no list, so we do not know how many businesses are licensed, which is what the question was. I think three months is reasonable.

The second question was in relation to school canteens. School canteens would turn over more than $25 000 a year. We are not talking about profit: we are talking about total turnover. I can tell you that school canteens would turn over much more than $25 000.

Mr Koutsantonis: What if it doesn't?

The Hon. DEAN BROWN: If it does not—and perhaps the canteen at the Cook primary school does not—it still has to comply with the legislation, meet the food standards and everything else, but it does not have to have an auditor.

Clause passed.

Clauses 87 and 88 passed.

Clause 89.

Ms STEVENS: Can the minister tell us whether it is intended to be a mandatory requirement for the enforcement agency to follow up all reports of non-compliance?

The Hon. DEAN BROWN: First, any enforcement agency has some discretion but if it is a serious offence—and I have already outlined the circumstances in relation to that—then you would expect that enforcement agency to follow it up immediately. It is a bit like the situation where the police receive a report that someone has just robbed a bank: you can be assured that the police will follow it up. If they have just been told that someone is doing wheelies in the street and clearly breaching the law, they may not follow it up, because by the time they get there the offender will probably have moved on. A judgment is involved there. Discretion can always be used. One good thing is that at present local government has that obligation. In this measure, if one body fails to follow up the matter then the other body can do so. If a customer thought a certain food business was not complying and notified the local government body, which failed to follow up the matter, that customer can notify the Department of Human Services, and it can follow up that matter.

Ms Stevens: But will they?

The Hon. DEAN BROWN: They can.

Mr McEWEN: I might have misheard the minister earlier, but I thought he used the word 'mandatory' when I discussed this question before about a council's responsibility as to compliance. If through the audit process a compliance issue is identified and the council is made aware of that, my understanding was that the council must follow up on that. Are we talking about compliance or enforcement? We are now talking about discretionary powers but a short while ago we were talking about its being mandatory. I said to the minister that I felt that there could be some watering down of this, and he said 'No'.

The Hon. DEAN BROWN: I point out to the member for Gordon that it was a different question.

Mr McEwen: My apologies. I may have misunderstood which part was discretionary and which part was mandatory.

The Hon. DEAN BROWN: There is a requirement under clause 81(5) as follows:

> A food safety auditor must report any contravention of this act, the regulations relating to. . .
> (a) that is an imminent and serious risk to the safety of food intended for sale; or
> (b) that will cause significant unsuitability of food intended for sale,
> as soon as possible but in any event within 24 hours after the contravention comes to the food safety auditor's attention.

So they have to notify within 24 hours.

Mr McEWEN: That was not my question. My question did not relate to what the auditor must do. My question was along the lines of: when the auditor does what they do, must the council or the agency responsible for compliance, either on their own or in conjunction with the other one responsible for enforcement, now act? You said 'Yes'. Now I am hearing that it is discretionary as to whether that action is taken.

The Hon. DEAN BROWN: Under clause 46, I believe that they must act.

The Hon. DEAN BROWN: I move:

> That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

Ms STEVENS: Are we now saying that it is mandatory for them to follow up or is it discretionary?

The Hon. DEAN BROWN: If it is a serious offence, I believe that under clause 46 it is mandatory. If it is a trivial offence, it is discretionary.

Ms Stevens interjecting:

The Hon. DEAN BROWN: The enforcement agency.

Clause passed.

Clauses 90 to 93 passed.

Clause 94.

Ms STEVENS: I refer to a matter that has been raised with both the minister and me by the City of Unley. The council states:

> The bill is not clear as to who should be appointed as authorised officers. It simply states it should be those persons considered to have 'appropriate qualifications or experience to exercise the function of an authorised officer'. This is clearly a diminution of the existing requirement for the appointment of officers with qualifications acceptable to the state.

The council goes on to say:

> The potential exists for the appointment of officers with varying levels of expertise that could exacerbate, rather than address, the issue of consistency of approaches to food safety from one council area to the next and across the state.

The Hon. DEAN BROWN: I think I am right to explain it in this way. At present councils will recognise only one qualification.

Ms Stevens: No.

The Hon. DEAN BROWN: I am saying that, at present, under the current act, there is only one qualification that is recognised by the state. This bill allows the law enforcement agency to agree to other suitable qualifications as well. I stress that some people are trained interstate and overseas—particularly overseas. So there needs to be some flexibility.

Ms STEVENS: The issue is not that there should not be flexibility in terms of where they get their qualifications but that they should be recognised by your department rather than each council deciding whom they will recognise and whom

they will not recognise as an authorised officer. That is the issue.

The Hon. DEAN BROWN: I am sorry, I did not quite understand the point that the honourable member was making. Under the present act, the minister sets the appropriate qualifications. Under this bill, the council has that discretion but it is intended that some guidelines will be set down under which that is done. That is probably what I did not quite appreciate, and I am sure that the honourable member would understand that the department will put down virtually the same sort of guidelines as currently apply.

Ms STEVENS: Why not use what is already in place?

The Hon. DEAN BROWN: We simply followed the model bill; that was the only reason. The honourable member needs to appreciate that we see the end result as being the same, effectively.

Clause passed.

Clause 95 passed.

New clause 95A.

Ms STEVENS: I move:

Page 49, after line 10—Insert:

DIVISION 4—AGREEMENT AND CONSULTATION WITH LOCAL GOVERNMENT SECTOR ON ADMINISTRATION AND ENFORCEMENT OF ACT

Agreement and consultation with local government sector

95A (1) The minister must take reasonable steps to consult with the LGA from time to time in relation to the administration and enforcement of this act.

(2) If the minister and the LGA enter into an agreement with respect to the exercise of functions under this act by councils, then the minister must prepare a report on the matter and cause copies of the report to be laid before both houses of parliament.

(3) A report under subsection (2) must be accompanied by a copy of any relevant written agreement between the minister and the LGA.

(4) The minister must consult with the LGA before a regulation that confers any function on councils is made under this act.

(5) The annual report of the minister under this act must include a specific report on—

(a) the outcome of any consultation undertaken under subsection (1) or (4); and

(b) the operation of any agreement referred to in subsection (2).

It is patently obvious that, for whatever reason, there has been an unsatisfactory process of consultation and engagement between the minister, his department and local government, and it is particularly important that this measure work very effectively, because local government is the major enforcer of the provisions of this bill. That is why I have moved this amendment. It is patently clear, and it has been clear all the way through this debate, that this area has been lacking, and this is an attempt to ensure that it improves.

Mr McEWEN: What I read here is totally consistent with the broader structural and functional framework that has been negotiated between state and local government anyway. It does nothing new. It just puts into the legislation what should be a broad template anyway, and to that end it serves a useful purpose. I agree with the shadow minister's comment that there does seem to have been some breakdown in communications as the Food Bill has evolved, but I compliment the minister on the fact that he has certainly found what, to my mind, seem to be satisfactory interpretations as we have worked through the bill. I might add, I have also, on a couple of occasions, approached the Minister for Local Government concerning this bill, because I saw that minister having a key role in terms of working with other ministers of the Crown when they were working with another sphere of government. It would be my wish that there was a better relationship between those two ministers, because that was the way we were going to allow structural and functional reform to permeate through a more mature relationship between the two spheres of government.

That has a long history. The process started in the days of the Labor government and, through a number of memoranda of understanding and other documents, has moved on through the days when Minister Brown was premier and, more recently, Premier Olsen. I think all that is healthy and is part of a better understanding of the fact that all three spheres of government are pursuing a common purpose and are intent on servicing the same clients. Anything that reinforces that relationship is a valuable way to say to the constituents out there, 'There is only one of you and there are three spheres of government that are all taxing you and all trying to work collectively to service your needs.' To that end, I see a lot of merit in this, or something similar, under not only this bill but subsequent bills whereby, for the bill to function, a level of understanding and agreement between two spheres of government is required.

The Hon. DEAN BROWN: First, can I correct the wrong impression of the member for Gordon that the Minister for Local Government has not had discussions with me on this bill. The most recent discussion she had with me on this bill was only last night. The Minister for Local Government indicated to me that she had had a discussion with the Local Government Association when it approached her and she indicated to it that, if it had particular concerns with the bill, it should go back to her and raise them with her. No-one has gone back to her—

Ms Stevens interjecting:

The Hon. DEAN BROWN: No, she had made the invitation and no-one had specifically gone back to her. She discussed this with me and I checked several times whether she was satisfied with the process and she indicated to me that she was. She asked for certain assurances and I was able to give her those assurances. I do not think it is fair to say that there has not been consultation between the two ministers because there has been and, as I said, the last one was only last night.

In terms of local government, I have indicated that I want to make sure that we have a good working relationship with it. That is why I proposed the implementation committee and why I have said that we will work through all those details. In fact, the letter that the President, Brian Hearn, sent to me even questioned whether that was needed, and I answered that I felt an implementation committee was needed. I indicated that I intended to go ahead with this committee. I believe that shows a commitment and I am delighted that the LGA has nominated three people for it. And let me assure the Local Government Association that I see the need for that committee to work through the issues so that there is a very clear understanding among, first, the Department of Human Services, secondly, the broader government, including the minister and, thirdly, local government itself. I think there is a divided element there. There is both the Local Government Association and the individual councils.

I am delighted to see that it has picked both an elected representative, the mayor of Glenelg, and one of the officers. We now have on this committee from local government an elected mayor, an officer, and a staff member of the LGA, Chris Russell, who is the Director of Policy and Public Affairs. Putting all that together, we now have really good representation from local government. Equally, I am working on the terms of reference and its composition, and I expect to finalise it very quickly indeed. In fact, I would have done

so, except last week happened to be the budget week, and I think everyone understands that budget weeks have some other priorities.

I believe that there is a clear indication from the government that it does want to work with the LGA and cover these details. I do not think the new clause is necessary. I have already given undertakings which cover many of the points covered in the proposed new clause. I am not quite sure what the formal agreement would be. I have not envisaged exactly what that might be in terms of its nature, but can I say that the setting up of this implementation committee achieves everything that the member for Elizabeth asks. I have already given that undertaking—in fact I have gone further than that in that I have asked for representation—and we will proceed as quickly as possible.

Mr McEWEN: I am delighted to hear what the minister said, but the minister will not always be the minister. What we are trying to do is put in place a legislative framework that operates irrespective of who, from time to time, finds themselves the incumbent minister. This is no reflection at all on the present minister. In fact, the present minister has described a process he has put in place. All we are doing now is saying that we think that is good. There were a few failures and he has tidied them up. At least the theory sounded all right and he will continue with that theory. However, I would like to make sure that I have some way of ensuring that future ministers are equally obliged, and I believe that this new clause does that. It is no reflection on the minister, I just want to ensure that future ministers follow suit.

New clause inserted.

New clause 95B.

Ms STEVENS: I move to insert the following new clause:

DIVISION 5—THE FOOD QUALITY ADVISORY COMMITTEE

Establishment of Committee

95B. (1) The Food Quality Advisory Committee is established.

(2) The committee will consist of 10 members appointed by the Governor, of whom—

(a) one will be the presiding member, nominated by the minister;

(b) one will be an officer of the department of the minister, nominated by the minister;

(c) two will be persons nominated by the LGA;

(d) one will be a person who, in the opinion of the minister, is an expert in a discipline relevant to production, composition, safety or nutritional value of food;

(e) two will be 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;

(f) one will be a person nominated by the United Trades and Labor Council;

(g) two will be persons who, in the opinion of the minister, are suitable persons to represent the interests of consumers of food.

(3) At least one member of the committee must be a woman and at least one member must be a man.

(4) The Governor may appoint a suitable person to be the deputy of a member of the committee during any period of absence of the member.

Members may recall that I spoke about this at the beginning of the bill. I do not wish to repeat it all, because we have been here a long time. Essentially, this new clause establishes a Food Quality Advisory Committee. The functions of this 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. Our position is that we are going through an enormously detailed and lengthy scrutiny of this act because so much of what has to happen in relation to the new food regulation environment still remains to be determined.

There is work to be done with businesses small and large, manufacturers small and large, training organisations, local councils and a whole range of different professional groups, and there will need to be significant feedback and continued monitoring of the act, how it is going and whether it needs to be altered in some ways. I believe that having such a committee is absolutely important for that process to occur and I want to make sure that it is set here in the legislation right at the beginning.

This is not an unusual thing to do, particularly when we have a whole new approach to a particular area. That is the function of the committee and why we should have it. We have suggested a committee of 10 members, and people can read the amendments there. It has a wide group of people from the major stakeholders in the area. Then we have clause 95C, and clauses 95E and 95F are virtually standard clauses for disclosure of interest, procedures at meetings and conditions of membership.

The Hon. DEAN BROWN: Under the present Food Act there is a food quality committee, although it has not met for a number of years because its role has been taken over by ANZFA. Since that committee was established ANZFA has been set up and deals with these issues. I appreciate that the honourable member would not know the frequency of the way in which they are handled, but as minister I can assure her that we seem to have an ANZFA meeting about four times a year. One of the important things here is that we are trying to make food quality a national issue and it is therefore extremely important that we get that consistency nationally.

The honourable member would understand, if she had seen how the ANZFA authority and the ministerial council operate, that it deals with these sorts of fundamental issues, and a large number of them, on a regular basis. I personally believe that ANZFA is adequate to cover this sort of thing, and anything over and above that, in terms of the local administration, should be dealt with directly between the LGA and the minister and the department, rather than setting up a special advisory body to do it.

Even if you look at that, a lot of the people then would not be directly involved in some of those administrative matters being picked up between the departments and various councils of the LGA. The ministerial council, which the minister is on, meets on a regular basis, and we do a fair bit of work out of session. I would deal with five or six things a week out of session. We also have telephone hook-ups, and there was a telephone hook-up on Friday of last week on matters out of session.

I personally believe that the national approach that we are trying to achieve and instil at present is a better way than trying to set up a series of state based committees. I say that, and I will certainly support it. I just think this is a duplication of most of the effort. The other thing that would concern me is that I am not sure that, if we are to have one, that is the right composition.

Ms STEVENS: I obviously disagree with the minister's position; otherwise I would not be proposing this. It is quite true of course that ANZFA drives this process from a national perspective. I am sure the minister is involved in many meetings between sessions and phone hook-ups in relation to those issues. That is the national drive. This committee is

about how it is going here in South Australia, what needs to change and getting a structured feedback from stakeholders in relation to how it is going at a local level. Obviously, we need both. We need the drive from the national perspective, but we must be constantly checking, monitoring, tidying up and mopping up at the local level. The minister needs to have that direct input. I think that implementing this will be a very interesting process. There are so many stakeholders and so many things need to happen for it to fall into place, and that is why it is more important than usual for this committee to be set up under this new legislation.

Mr McEWEN: I hear what both the minister and shadow minister are saying in relation to this, and I hear the shadow minister talking about some matters to do with implementation, which to my mind is separate from the broad agenda of a national advisory committee. I might add that earlier on in second reading speeches I was bedazzled with 321s, 311s and 322s and so on, which did not mean much to me, but I understood that that was part of the process sitting beneath the national thrust and that these bills at a state level were part of a national template. I could see that there would be some duplication in an advisory committee at a state level, but I need to be convinced that the information in the detailed areas is flowing up to these committees and across to ANZFA. If I am convinced that that is the case, then the earlier amendments regarding state and local government cover my concerns about implementation.

Most of the implementation of the act is to do with relationships between state and local government, and they in turn have consultative mechanisms. I think we are trying to separate two things here, and one is an advisory committee in terms of where the whole area of food compliance is going, and that is being done at a national level. I would like to hear more from the minister about how we have a state input into those national committees so that we have a voice regarding the national templates, and so on.

The Hon. DEAN BROWN: First, as the member must appreciate, we have come almost to the end of the life of ANZFA, so we are going from ANZFA to the new national body, and there will be consistency.

Mr McEwen interjecting:

The Hon. DEAN BROWN: There is another body nationally, but it has broader representation and covers many of the interests covered here. ANZFA at present tends to have a more restricted level of representation. The Blair report recommended that it be broadened, and that is what the federal government is implementing, with the agreement of all the states. That is part of the intergovernmental agreement. We are setting up a body nationally that has this broader sort of representation as requested by the member for Elizabeth. In fact, South Australia is represented on each of these committees. All that is driven by a ministerial council which takes a hands-on approach on this. Under both the current legislation and the new legislation, ministers have certain authority and have to sign off. Issues are dealt with almost weekly. As I said, where we have some difficulty or where it is an important issue, we have a telephone hook-up to resolve the issue.

That has worked well and last week, for example, we discussed the use of sterols in food materials. Some companies have been putting plant sterols into margarines and salad dressings. They have not yet gone through the testing regime so we were deciding whether or not to force them to go through the testing regime before they are able to continue to sell the product. We decided to force them to go through the testing and safety regime, so the product out there on a trial basis must be withdrawn because the company involved has failed to comply with what has been expected over the past 12 months. I assure members that the margarines on sale are still okay and approved. Other products into which they were putting sterols had to be withdrawn.

That gives an example of the sorts of issues that arise. These things are done at short notice. They are very technical. I personally find I need to have a good resource within the department to bounce these issues off. The one thing I have learnt with food is that it is a technical issue. Even though I have some formal qualifications, including two years of biotechnology at university, and I am probably one member of the ministerial council who tends to understand more of the stuff, it is not something into which you can easily bring a lot of other people because of the very technical nature of most discussions.

Under the federal legislation, a Food Regulation Consultative Council was set up which comprises representation from a range of different groups including the ministers, primary production, processed food, food retail, food service, consumers, public health professionals and small business. It is a very broad cross-section and in many ways it reflects the sorts of issues we are discussing here. Knowing the system that is operating, I personally do not see and cannot understand what the Food Quality Advisory Committee will contribute.

I agree with the member for Gordon who highlighted the fact that the majority of issues in terms of implementation at state level will be between local government and state government. In fact, that has already been picked up by the previous amendment. Members will notice that I did not divide the committee on that amendment. Therefore, we have agreed that there needs to be a clear understanding as far as local government is concerned, but I certainly do not understand the role and the benefit that would come out of setting up the proposed Food Quality Advisory Committee.

Mr McEWEN: I heard the minister arguing why he would need this committee in terms of how difficult it is and how complex the matter is. For a minute I could hear him arguing for the committee. I am more interested, though, in the food quality committee that existed under the Food Act 1985. For how many years have you been the minister responsible for the Food Act 1985, and during that period how many times have you used the food quality committee as set out under the act?

The Hon. DEAN BROWN: I can only speak for the time that I have been minister; it has not met since I have been minister because this issue has been dealt with both as ANZFA and as the ministerial council, and that is the very point I am making. I see little point in having a committee when I see no useful role for it, and in this case I do not. I think the member for Gordon may have missed the point I was making. I see most of the area in South Australia to which it relates as being between local government and state government; they are implementation issues, and I believe my implementation committee will cover that. That is why I agreed to the previous amendment without dividing. The previous amendment achieves what members want to achieve with this.

Ms STEVENS: I know that the present Food Safety Advisory Committee has not met for many years. If it had been meeting, perhaps we might not have had such a disaster with Garibaldi, and we might have been aware of some of the things that were quite clearly not working under the current

mechanism. Just because the committee has not met in the past is no reason to say that, now that we have entirely changed the way things will work, a committee such as this does not have a role to play.

Secondly, the minister says that everything will be fine because we have an arrangement with local government. I do not agree with that, either. Certainly, local government is the major player in enforcement, but there are a whole lot of other issues. When I visited small food establishments, such as small coffee shops, and so on, in recent days and weeks, and talked about this issue, there are myriad issues from their perspective about which they are concerned.

It may well be that things will work themselves out. The role of this committee will be fairly strong in the beginning while things are settling and bedding down but it may not be so important later on. However, I say again that, when something is changed as radically as this, it is important to set out ways and to show clearly, by including it in the legislation, that you will keep in touch with what is happening at a practical and local level—not nationally. The issues for a small coffee shop in a shopping centre will not interest ANZFA because it has a different role altogether.

The committee divided on the new clause:

AYES (18)

Bedford, F. E.	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.	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L. (teller)	Thompson, M. G.
White, P. L.	Wright, M. J.

NOES (21)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C. (teller)
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
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.
Oswald, J. K. G.	Scalzi, G.
Such, R. B.	Venning, I. H.
Williams M. R.	

PAIR(S)

Breuer, L. R.	Olsen, J. W.
Atkinson, M. J.	Hall, J. L.
Ciccarello, V.	Penfold, E. M.

Majority of 3 for the noes.

New clause thus negatived.

Clause 96 passed.

Clause 97.

Mr CLARKE: This clause deals with offences by bodies corporate, and I think this is probably the most appropriate stage to ask my question of the minister. ANZFA sent out a newsletter dated May 2001, enclosing a leaflet (which the minister has a copy of) headed 'Food standards are changing', which encourages people involved in this industry to purchase a user guide—either a loose leaf binder, which costs $840, or a CD-ROM, which costs $495. The document does not mention that the information is freely available on the internet.

It strikes me that, particularly as we are dealing with a number of small businesses and, obviously, we want employers and their employees to be fully aware of the standards that are required, we should not unnecessarily impose on them costs of a CD-ROM at $495, if they happen to have access to a computer, or $840 on a loose leaf binder, when it is freely available on the internet. The ANZFA newsletter does not state that this information is available free on the internet. Surely copies ought to be readily available through the minister's department, or some other government department, regionally and in the metropolitan area, where this information can be supplied at relatively modest cost, so that the standards can be widely understood. People should not be making an unnecessary, hefty profit on what is, basically, a legislative regime that we are introducing and then making them pay through the nose, in addition to the other costs.

The Hon. DEAN BROWN: I agree with the point that the honourable member has raised, and I will write to ANZFA and point that out. I was not aware of it until now. I think it is inappropriate that ANZFA should be charging people without pointing out that this information is free on the internet.

Mr CLARKE: For those who do not have access to the internet, will the minister's office have copies available at a reasonable price, so that any employer will be able to contact the minister's department (including people in regional areas), to obtain suitable copies?

The Hon. DEAN BROWN: It is a very thick document. I cannot give a guarantee, because we would be buying it from ANZFA, and we would be bearing the costs of handing out it out free. This is the full food standards code. I cannot give that guarantee. Certainly, I will highlight to them that it is on the internet. Most businesses today can access the internet.

Clause passed.

Clauses 98 to 107 passed.

New clause 107A.

Ms STEVENS: I move:

Page 54, after line 11—Insert:

Annual report

107A(1) The minister must, on or before 30 September in each year, prepare a report on the operation of this act for the financial year ending on the preceding 30 June.

(2) The minister must, within six sitting days after completing a report under this section, cause copies of the report to be laid before both houses of parliament.

This is a clause to insert a requirement for an annual report, as is usual in our legislation. I suspect its exclusion may have been an oversight.

New clause inserted.

Clauses 108 and 109 passed.

New clause 109A.

The Hon. R.B. SUCH: I move:

Page 55, after line 4—Insert:

Disclosure of certain information

109A(1) A person who is carrying on business as part of a multiple-site food business at which standardised food that is unpackaged, or packaged at the point of sale, is sold directly to the public must ensure that information relating to—

(a) any ingredient or additive of a prescribed class in that food; and

(b) any modification of a prescribed class that has occurred to any material contained in that food; and

(c) any other matter of a prescribed class,

that complies with the requirements of the regulations is available for persons who may order or purchase that food.

(2) The regulations may—

(a) prescribe the manner in which the information required under subsection (1) is to be made available to members of the public;
(b) exclude certain classes of food business, or certain classes of food, from the operation of subsection (1).

(3) A person must not, without reasonable excuse, fail to comply with a requirement imposed by or under this section.
Maximum penalty: $2 500.
Expiation fee: $125.

(4) In this section—
'multiple-site food business' means a food business that is carried on at five or more separate locations (including where the business is carried on under one or more franchise agreements);
'standardised food'—standardised food is food sold as part of a multiple-site food business that is intended to be the same (or substantially the same) when purchased at any location where the multiple-site food business is carried on.

This new clause gives the minister power under regulations to require that multiple site food businesses, which have a minimum of five or more separate locations and where standardised food as defined in the amendment is served, provide information to the public about what is in those food products. That is defined by the minister in accordance with the regulation. The minister would also determine the format in which that information would be made available, and the minister would have the power to exclude certain classes of food business or certain classes of food from the operation of the subsection.

I believe that this is a reasonable measure because many people have allergies to various food substances and I believe people have an entitlement to know what is in the food they eat. When people purchase things in a supermarket they are often doing so on a considered basis because they can look at the label. I do not see why the major fast food chains should be exempt from such a provision. This does not relate to the small fish and chip shop, for example, and I think that is appropriate because in that circumstance people are usually dealing with someone they know or on a face-to-face basis. But the major food chains know exactly what is in their products. I believe this is a reasonable proposal and I ask members to support it.

The Hon. DEAN BROWN: This is very similar to what is already required, and that is that food companies have to be able to notify people what might be in the food. Certainly, I am happy to accept this amendment. The way it is implemented will be up to the minister. More thought needs to be given to the implementation. In fact, McDonald's puts out a Big Mac Healthy Balance brochure. I stress the fact that retailers of non-packaged food are required to tell the consumer what is in the food if they inquire. Some commonsense needs to be applied. I stress the fact that, with a sandwich chain which makes 15 different sandwiches or a pizza chain which uses various ingredients, there can be some exemption from that. However, they should still be able to tell you whether some ingredients might potentially cause an allergy. I support the amendment.

Ms STEVENS: I am aware that time is very short. I concur with the minister's comments. The opposition supports the amendment.

New clause inserted.

New clause 109B.

The Hon. R.B. SUCH: I will move this new clause out of courtesy to the member for Hammond, who is on leave from this place.

The CHAIRMAN: Order! The member needs to do it in his own right; he cannot be representing another member.

The Hon. R.B. SUCH: Accordingly, I move:

Page 55, after line 4—Insert:
Representations that food has been made in Australia

109B.(1) If a label or other written description used in connection with the sale of food to the public represents that the food has been made or produced in Australia, the label or other description must also specify, in accordance with the regulations, any ingredient or additive that has not been made or produced in Australia.

(2) Subsection (1) does not apply to any ingredient or additive that is classified as a minor ingredient or additive under the regulations.

(3) A person who sells or advertises food in contravention of subsection (1) is guilty of an offence.
Maximum penalty: $10 000.

This amendment will require labelling in respect of whether the product is made in Australia or not.

The Hon. DEAN BROWN: As I have already explained to the member for Hammond, ANZFA is about to release a full code on country of origin. A draft code is being prepared at present, and it is very close to being released. That draft code picks up many of the points. If the member for Hammond has concerns that are not covered by the draft code, I suggest that he raise those matters with me when the draft code is released, and I will take them up with ANZFA. I cannot support the amendment.

New clause negatived.

Clause 110.

The Hon. DEAN BROWN: I move:

Page 55, after line 28—Insert:
(ia) fix, regulate or restrict the imposition of fees or charges for or in connection with audits or other activities carried out by food safety auditors for the purposes of this Act;
(ib) provide for the payment to an enforcement agency of part of any fee or charge of a prescribed kind paid or recovered in connection with audits or other activities carried out by food safety auditors for the purposes of this Act (being a payment of an amount prescribed by the regulations, or an amount expressed as a prescribed percentage of the relevant fee or charge, which is to be paid to the enforcement agency at the time that a report of a prescribed kind is provided to the enforcement agency, or at some other time prescribed by the regulations);

This is to clarify a number of the issues that local government raised with us in terms of the collection of fees, and this is to put that beyond doubt.

Amendment carried; clause as amended passed.

Clauses 111 and 112 passed.

Clause 4—reconsidered.

Ms STEVENS: I move:

Page 7—
After line 2—Insert:
'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;
After line 33—Insert:
'LGA' means the Local Government Association of South Australia;

My amendments are consequential on a clause that has already been passed.

Amendments carried.

The Hon. DEAN BROWN: I move:

Page 7, line 23—After 'for sale' insert:
(or of food ultimately intended for sale)

Again this is to clarify a point that was raised during consideration of the clause at the time. The point was raised by the member for Gordon, and the amendment puts the matter beyond doubt in relation to the transport of food.

Amendment carried; clause as amended passed.
Title passed.
Bill read a third time and passed.

PROTECTION OF MARINE WATERS (PREVENTION OF POLLUTION FROM SHIPS) (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

At 5.59 p.m. the House adjourned until Tuesday 3 July at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 5 June 2001

QUESTIONS ON NOTICE

UNITED WATER

102. **Ms RANKINE:** How many times during 1999-2000 did United Water take in excess of seven days to fix minor faults and what are the new customer services performance targets to be included in the United Water contract?

The Hon. M.H. ARMITAGE: I refer to my letter dated 18 March 2000 to the member for Wright relating to this issue. In that letter I explained that a significant number of reports regarding faults in the water supply system are received each day by United Water, an average of about 160 per day or up to 60,000 per year. The reports relate to a range of events ranging from burst mains to minor leaks on water service connections to individual properties. Attention to burst mains and major leaks must take priority over more minor problems in order to minimise both the impact on customers and water loss from the supply system.

Figures are kept for more serious faults, such as burst water mains. However there are no figures available for minor faults in 1999-2000. However, I can advise that United Water endeavoured to attend to the majority of minor faults within 7 days. My letter to the member for Wright of 18 March 2000 stated that during periods of high workload, the response time may extend to 30 days in very few cases. This would apply particularly if the caller did not express any urgency regarding the matter.

SA Water is constantly seeking to improve customer service and commencing 1 January 2000 a new set of performance targets was introduced in the contract with United Water for repairing minor leaks and faults on water service connections including the water meter and isolating valve (or stop cock) at the meter. Many of these are quite minor leaks or simply a problem with the stop cock not being able to be turned off.

The new performance standards and target repair times are:

50 per cent to be completed within one day;

75 per cent to be completed within 7 days;

100 per cent to be completed within 21 days.

United Water's actual performance for the first 6 months of operation of the new standard from 1 January 2000 to 30 June 2000 was very good with:

71 per cent completed within one day;

92 per cent completed within 7 days;

99 per cent completed within 21 days.

For the current performance year from 1 July 2000 to the end of February 2001 United Water's actual performance has continued to be maintained at a more than satisfactory level with:

70 per cent completed within one day;

88 per cent completed within 7 days;

98 per cent completed within 21 days.

I would like to point out that this set of performance standards only applies to minor leaks and other faults on water service connections where there is no interruption to supply to the customer. If a customer is completely without water, a different set of standards apply for the restoration of service as follows:

For residential customers:

95 per cent to be restored within 12 hours;

100 per cent to be restored within 24 Hours.

United Water is currently achieving the target with 99 per cent of service interruptions restored within 12 hours, only 13 cases out of a total of 2,209 took longer, and 100 per cent were completed within 24 hours for the first 8 months of 2000-01.

For business customers and key premises such as hospitals, shorter restoration target times apply to these categories of customers. Overall, for all categories of customers 92 per cent of service interruptions have been restored within 5 hours.

CLIFF EROSION

104. **Mr HILL:** Have Department of Environment and Heritage officers inspected the cliff near Nildotti since the recent pipeline drilling and if so, what were their findings in particular regarding possible erosion or cracking of the cliff and if not, why not?

The Hon. I.F. EVANS: I have been advised as follows:

Staff from Crown Land SA at Berri have had an inspection of the site. No visible evidence of cracking was noticed.

ENVIRONMENT PROTECTION AGENCY

105. **Mr HILL:** Are persons contacting the EPA redirected to local councils and what instructions have been issued to EPA officers in relation to this matter?

The Hon. I.F. EVANS: I have been advised as follows:

1. As a service, the Environment Protection Agency (EPA) will pass on details of complaints, deemed to be under the control of Local Government, to those councils which have agreed to manage complaints.

The Local Government Association and the EPA are currently working collaboratively in a Partnership Demonstration Scheme, whereby participating Councils take the lead role in the management and enforcement of environmental nuisance issues associated with domestic and non-licensed activities within their municipality.

KARINYA RESERVE

106. **Mr HILL:** What environmental impact will the resumption of Crown Land at Karinga Reserve, Eden Hills for use as a recreation centre have and in particular, what native vegetation would need to be cleared?

The Hon. I.F. EVANS: I have been advised as follows:

Karinya Reserve comprises Crown Land Sections 566 and 564 Hundred of Adelaide. Both Sections are dedicated under the care, control and management of the local council, the City of Mitcham; Section 564 as a Reserve for the purposes of Recreation, Community and Fire Protection, and Section 566 as a Reserve for Recreation and Preservation of Natural Flora and Fauna.

The City of Mitcham, has selected Karinya Reserve as their preferred site for a proposed new recreation centre. A condition of use of the area for a recreation centre is that flora and fauna on Section 566 must be preserved.

PUBLIC TRUSTEE

109. **Ms RANKINE:** How many people under the financial guardianship of the Public Trustee are solely reliant on a benefit or pension for their income and of these, how many have never been required to lodge an income tax assessment and how many reside in State Government health facilities?

The Hon. I.F. EVANS: The Attorney-General has provided the following information:

The information sought by the honourable member is not routinely captured by Public Trustee and so the figures supplied are based on a series of givens.

The first and most important is that people's financial circumstances change, often quite dramatically, and so historical analysis becomes very difficult. Accordingly, the information supplied is a snapshot of the position in late April 2001.

Secondly, it is important to mention that Public Trustee does not handle all funds for every client, especially Power of Attorney clients, so it is not always possible to know whether money paid to Public Trustee represents a sole source of income. Further, the vast majority of Public Trustee clients earn some interest on moneys held and so there arises the issue of what level of such extra income is considered significant. In this case, a level less than $500 per annum of interest/investment income was considered to be immaterial.

Out of a total of approximately 3180 clients whose financial affairs are partially or totally managed by Public Trustee, there are about 1520 for whom pension is the sole source of income. Using the last completed annual taxation investigation and lodgement program (year ending 30 June 1999) as a guide, none of these would have been required to lodge a tax return but each will have been subject to a tax review to see whether their affairs had materially altered. As the trustee of these estates, Public Trustee is required to make a taxation assessment each year and ensure that the record of that assessment is on file. The process is made less onerous by an exemption, negotiated with the Australian Taxation Office, from lodging this assessment as a taxation return.

There are in excess of 360 Public Trustee clients in health facilities which are fully or partly Government funded including Glenside, Strathmont, Hampstead, Hillcrest, Julia Farr and Minda. Bearing in mind that Julia Farr residents tend not to be permanent and that more than one third of Glenside residents are transient, it is estimated that some 200 of this cohort are pension only clients.

TRANSFER OF LICENCE, ADVERTISING

113. **Mr ATKINSON:** Why is it necessary for a vendor of a licensed restaurant to advertise the transfer of the licence in a daily newspaper and also in a local newspaper circulating in the area where the restaurant is located?

The Hon. I.F. EVANS: I have been advised as follows:

It is a requirement of the Liquor Licensing Act 1997 that applications for the transfer of all classes of liquor licence must be advertised in the Advertiser and in the local paper.

The principal reason is to give people the opportunity to object to the transfer because a person can only object if the application has been advertised.

If the application was not advertised, the police, a council, or a person could not intervene or object to have conditions imposed on the licence at the transfer.