HOUSE OF ASSEMBLY

Thursday 15 November 2001

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

MEMBER FOR HAMMOND'S BILL

Mr LEWIS (Hammond) obtained leave to introduce a bill for an act to amend the Development Act 1993.

The SPEAKER: Can the honourable member advise the chair whether this is an identical bill to the one he already has on the *Notice Paper*?

Mr LEWIS: Yes, it is a bill to amend the Development Act in order to deal with adult books and sex shop locations.

The SPEAKER: The member has advised the House that it is an identical bill. If the bill is already on the *Notice Paper*, why is the member seeking to introduce the bill a second time? The House should be able to deal with the original bill.

Mr LEWIS: I am sorry, Mr Speaker. I believed that I did not have this already on the *Notice Paper*.

The SPEAKER: Would the honourable member seek leave to withdraw the bill?

Mr LEWIS: Yes, Mr Speaker. I seek leave to withdraw the bill.

Leave granted; bill withdrawn.

RESIDENTIAL TENANCIES (CARAVAN AND TRANSPORTABLE HOME PARKS) AMENDMENT BILL

In committee.

(Continued from 1 November. Page 2637)

Clause 3 passed.

Clause 4.

Mr MEIER: I wish to seek clarification from the honourable member in relation to this clause. I note that paragraph (a) states:

by striking out from subsection (1) ', at the time of entering into the agreement,';

Paragraph (b) states:

(1a) A landlord must notify a tenant under subsection (1)—
(a) in the case of a caravan park residential tenancy agreement that is for a periodic tenancy and to which this Act applies because the tenant has occupied the premises for 60 days or more—within 14 days after the end of that 60 day period;
(b) in all other cases—at the time of entry into the agreement.

I am afraid that I do not quite understand what the first part of that means.

Ms WHITE: In answer to the honourable member's question, in all other cases, as the current act applies, at the time that you enter into the agreement the information about the landlord's name must be communicated, as it normally is under the Residential Tenancies Act, to the tenant. This provision allows for the case that we have talked about previously, where a tenant has come into a caravan park and has not necessarily been alerted to the fact or known that they would become a long-term resident; the person concerned might have had a periodic tenancy and be paying a weekly rent.

Under the provisions of this bill they become a long-term tenant, that is, after they have been in the caravan park for 60 days, and at that point the tenant needs to be notified of that information as tenants are required normally immediately to be notified under the principal act. So, it is just an allowance for the situation that we talked about in the previous clause, where the tenancy has started out as a periodic tenancy, that is, just coming into a caravan park and paying a weekly rent, without having indicated that the tenancy would become a long-term tenancy. However, if it does become a long-term tenancy this provision says that within 14 days that information must be supplied to the tenant.

Mr MEIER: I thank the honourable member for the answer, but it comes back to the crux of this bill again, namely, why, if a caravan owner has had a satisfactory arrangement for the first 60 days of staying in a caravan park, they should be required to sign a tenancy agreement. Why cannot they just continue on? What really is the honourable member hoping to achieve by this? Is it not simply more paperwork for the caravan park owners?

Ms WHITE: Indeed, it is not. There is a misunderstanding on behalf of the honourable member about what a caravan park residential tenancy agreement is or can be. The member asked why should somebody who has been paying a weekly rent suddenly have to sign an agreement. Under this legislation they do not. They can continue to keep paying the weekly rent and they have a caravan park tenancy agreement, so they are not required to sign that. However, under the bill the owner or landlord is required to supply this piece of information to them at that point, once they pass that threshold of 60 days. I remind members that all this clause deals with is the provision to long-term residents of the landlord's name, etc. That is a requirement under the Residential Tenancies Act and, for those people who come into a caravan park but end up, whether initially intended or not, staying for 60 days or more, the name of the landlord will have to be disclosed to them.

Mr MEIER: I thank the honourable member for the answer. I will take the committee through the scenario of people who have to sign an agreement when they are entering a lease or rental with an ordinary unit, house or residential property. I understand that under our current law they do not have an option: if they take a unit for rental they must sign a residential tenancies agreement from day one, or usually before they take occupancy. It is an obligation on the landlord and, I believe, on the tenant. From the answer that the member for Taylor has just given, it seems that we will have a different scenario here for caravan park proprietors. I wonder whether she is seeking to differentiate between those who become permanent people—who literally bring in a caravan and, before long, it no longer has wheels and is located there—and those who will be there for possibly a year or less. Is the member saying that they have the choice of whether or not they sign an agreement? The caravan park proprietor does not have a choice: he has to offer them a tenancy agreement, but the caravan park people can have a choice after 60 days as to whether or not they sign it. Is that what the honourable member is saying?

Ms WHITE: No, that is not correct. The member was talking about the tenant having to sign an agreement. I was pointing out that the agreement does not have to be a written agreement under this bill. It can be a written agreement, but for caravan park periodic tenancies it does not have to be a written agreement. Transportable homes are a different matter, and under this bill if it involves a transportable home it must be a written agreement. However, if someone comes into a caravan park, starts paying a weekly or fortnightly rent,

or whatever the term is, they can continue in that fashion, but once the 60 day threshold arrives certain provisions click in. Under this clause, those involved will be required to notify the landlord's name. I point out to the member that notification can happen in a whole range of ways. They simply have to communicate who owns and is responsible for the park.

Clause passed.

Clause 5.

The Hon. G.A. INGERSON: I understand from the member's previous explanation that one is required to be there for 60 days before going into this situation. However, when I read this clause I get the impression that the landlord is either invited or required to give it. It seems that you have to do either one or the other. Perhaps the honourable member can explain to the committee why there is a necessity to have both. Is there a specific reason for that?

Ms WHITE: I thank the honourable member for his question. There is a differentiation in this bill between a transportable home and all other caravan park tenancies. There is a differentiation because the assumption is made that those moving into a transportable home, which is a fairly permanent fixture in a park, are intending to remain long term; and certainly it is the nature of these that they are long-term tenancies. This clause provides that, as soon as you move into a transportable home tenancy, you must have a written agreement, and that happens from day one. That is the differentiation between the transportable home and the type of tenancy (or the allowance for a different type of tenancy) we were talking about in a previous clause: that of a person who comes and rents a caravan park, perhaps initially as a holiday maker but decides to stay. At that point in those tenancies, unless there has been an indication when the tenant arrives that it will be a long-term thing and they enter into a long-term agreement, the provisions click in after 60 days when the tenancy starts as a short-term one but develops into a long-term one. That is the reason why there may be some confusion about differentiation. It is a fairly good reason to allow the conceivable and common situation of a holiday maker liking a park and deciding to stay.

Mr MEIER: I cannot remember whether the member for Taylor referred to this matter in her second reading, but does this clause reflect legislation of other states? I have great fears and worries, which I have expressed previously, that this clause could prevent a landlord from removing a caravan or mobile home from a park in some situations. Therefore, it would severely restrict a park owner's right to operate as he or she saw fit.

Ms WHITE: This clause does not have anything to do with the removal of tenants by landlords. Some sections in the principal act and clauses in this bill might deal with those issues. This clause simply provides for an agreement in writing in certain cases. It provides that, if you have a transportable home park tenancy, you need a written agreement. I would have thought that that was a reasonable thing to have, since it is a reasonable assumption to make that those sorts of tenancies will be long-term. That is the scope of this clause; it goes no further than that.

Mr MEIER: The honourable member did not answer my question regarding interstate legislation.

Ms WHITE: I apologise; I did miss that point. My understanding is that to some degree it reflects the requirement of legislation in some states to have written tenancy agreements. Combined with the previous clause, this measure would make this bill substantially less onerous on caravan park and transportable park landlords than some interstate legislation which requires the signing of very prescriptive documents. The bill requires fairly minimal setting out of the fundamental terms of a tenancy. It is not prescriptive; for example, unlike the New South Wales legislation, it does not include specific forms with the requirement to provide detailed information. It puts in place the rights and responsibilities of tenants and landlords in such tenancies. It is a minimalist but a necessary set of requirements.

This bill has had significant support from some landlords. I must say that some caravan park owners would prefer to have no legislation. It has also had support from consumer and tenant representative groups. On 26 September this year, I received a letter from the Consumers Association of South Australia which mirrored a previous letter I received two years ago when I introduced this legislation the first time. In part, the letter reads:

> Dear Ms White,
>
> The Consumers Association wishes to express its continued support for the bill as it provides significant protection for persons who have acquired an interest in a relocatable home or caravan park site when these persons are currently in a susceptible position. This security is provided without significantly infringing the interests of operators of sites. Protection has been given in many other Australian states, and it is sorely needed by those who are often in a most vulnerable position with respect to housing.
>
> Jill Bailey,
> Coordinator
> Consumers Association of South Australia

Similarly, Shelter SA supports this bill. It issued a press release on 23 July 2001, entitled 'Wheels in motion: state parliament to decide the rights of caravan park residents'. In part, its press release quotes a Shelter SA spokesperson as saying:

> This will be an extremely important amendment which will bring South Australia to the forefront nationally in providing protection for caravan park residents who are already amongst the most vulnerable tenants in the state. Many caravan park residents are retired pensioners, and they are the only group of residents who are paying GST on their rent. Most caravan park residents have made significant investments in their properties and are only renting the site and paying for use of amenities at the caravan parks.
>
> With increasing numbers of low income households denied access to safe, secure and appropriate low cost housing, residing in a caravan park has become the only viable alternative for many people. Therefore, the success of this bill is paramount.
>
> For too long caravan park residents have been treated unfairly when compared to other tenants in South Australia. It is a step in the right direction to provide these residents with the same consumer rights as all tenants and one which we have been fighting for on behalf of park consumers for many years.

The Hon. G.M. GUNN: I have listened with interest to the honourable member. She obviously supports those disruptive tenants who have no regard for the rights of the rest of the community who pay their taxes and maintain their properties. They pay taxes to keep these people in homes that they do not respect. Now she wants to penalise the long-suffering caravan park owners. Is the honourable member advocating to this committee that we give them the same rights we give to Housing Trust tenants? Although 2 per cent of these people disrupt the neighbourhood, vandalise their neighbour's properties, are on people's roofs at 2 o'clock in the morning, use the front doorsteps as toilets, knock the fences down and think they have done nothing wrong, the honourable member has the audacity to come in here today and seek to give the same sorts of rights to them in caravan parks. If we do that, we will not have anyone left in caravan parks. If the honourable member knew anything about caravan parks, she would know that it is a matter of word of mouth.

Recently one of my constituents, who runs a caravan park, said, 'Thank goodness. The police have just got one of the major villains; they caught him and locked him up.' It is word of mouth. If you have disruptive, inconsiderate tenants in there, no matter whether they are short or long-term, the other people will just leave, and you will not have a business. It is a substantial investment, and we should be encouraging people to upgrade these caravan parks even further.

There are two outstanding caravan parks at Port Augusta: one on the foreshore and one on Highway 1, and they provide a great service and are very popular. I have regular contact with these people because they are terribly concerned about these disruptive elements; for example, these people living in rental accommodation in the close vicinity who have no regard for the rest of the community. I put to the honourable member in the clearest and most precise terms that there is a general acceptance in the community that, if you live in a street, you conform to the generally accepted standard of behaviour and that you have some respect for other people's privacy, property and wellbeing.

However, those rogue elements do not have that regard. They think it is their God given right to shout and yell at people, to break into their homes, to vandalise their motor cars, to throw bottles on the street and generally to carry on in a disgraceful manner. We passed all sorts of the laws in the early 1970s that have effectively put some of these people on a pedestal. One of the difficulties is that it is too hard to get rid of them. I have a view: if they play up they should be put out. If they play up, out with them straightaway—no ifs or buts. I know of 85 year old people who have lived for 47 years in a residence, and they have been terrified out of their wits because the people who were put next door do not have the social skills and have no regard for the community. But, because they have all these rights, you have to caution them and make written complaints about them. In the meantime, what have they done to this poor lady and other people? I can tell you what they have done: they have pushed the fence over, and this poor lady has had to put wardrobes up at the windows to stop them getting in. They even come onto the lawns, but, no, you have to caution these people and be nice to them. We pat them on the head and say, 'Tut, tut, don't do it again.' Peter Duncan has given them all these rights. The honourable member wants to extend this to caravan parks. What does she really think is going to happen?

I will give another example. Some years ago, a constituent of mine from the far north took over a caravan park at the seaside on Eyre Peninsula, now in the constituency of the member for Flinders. He was a very practical man, and he had the right physique. The caravan park was having difficulty with villains who were racing through it in the middle of the night, disturbing people; these people had a few friends camped there and they thought it was open season to disrupt everyone else. However, when they got dragged out through the window of their car by the scruff of the neck and felt what a bunch of fives was on a couple of occasions, it solved the problem. It was very effective.

Under this proposal, if they had friends there, the member for Taylor wants to give permanency to those friends who are causing the trouble and who were aiding and abetting it all. My constituent would not be able to give them the number nine as he did and say that he did not want their business because he wanted decent people who respected one another's rights. He would be prevented from doing that.

So, I suggest that the honourable member get out in the real world, because the caravan park proprietors whom I have spoken to in my area are horrified. Two of my constituents have just taken over a very large caravan park in the Deputy Premier's electorate. They have a motel in Port Augusta. When I showed them this legislation the other night, they were horrified at what will happen to their investment. At the end of the day, caravan parks can only be successful if they are well managed, you have proper control, you make them friendly places and you protect the privacy of the people who are in there. You must be able to get rid of disruptive elements. The problem is that the process to get rid of them takes too long and, in the meantime, the rest of the people have hooked up their vans and gone down the road.

So, I say to the member, when she starts talking about giving them the same rights as other tenants, that other members in this House who have had enough trouble with disruptive tenants could write a book about them. We spend a great deal of our time with people who are beside themselves when they experience this type of problem. There are 1 100 Housing Trust homes in my electorate, and people, including elderly people, are beside themselves because of these disruptive elements.

On a Friday night some of these people smashed 21 windows in a TAFE building and let the water run down the road. They smashed the windows of a shop owned by an elderly lady, terrorised the street and were fighting in the street. These are the sorts of people who are in these homes, and the member wants to put them in a caravan park so that they cannot get rid of them. I say to her that this is a nonsense of the highest order and the bill should be struck off the *Notice Paper*.

Ms WHITE: The member clearly does not understand that we are debating clause 5 about written tenancy agreements, and the issues that he raised certainly have no impact on or relevance to this clause whatsoever. I ask that the Chair pick up members on those issues, just as members of the opposition are always picked up in relation to other bills. I remind the member of the context of—

The Hon. W.A. Matthew interjecting:

Ms WHITE: Yes. The member said that this bill—

The Hon. W.A. MATTHEW: I rise on a point of order, Mr Acting Chairman. I appreciate, sir, that you were otherwise distracted momentarily, but the honourable member was reflecting on you in your role as Acting Chairman and, what is more, the *Hansard* record will, I am sure, show her reply to me that, indeed, she was reflecting on your performance as chair, and alleging bias.

The ACTING CHAIRMAN (Mr Hamilton-Smith): Thank you, minister. I am sure that the member will exercise due caution and respect in her comments after this. The member for Taylor.

Ms WHITE: Thank you, Mr Acting Chair. In fact, the opposite of the member's argument is the correct one. In fact, currently, there is no legal requirement for a caravan park operator to get rid of a disruptive tenant or take action in relation to that disruption. However, under my bill there is. In fact, section 65 of the Residential Tenancies Act provides, quite specifically, as follows:

> (1) It is a term of a residential tenancy agreement that—
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> (c) the landlord will take reasonable steps to prevent other tenants of the landlord in occupation of adjacent premises from causing or permitting interference with the reasonable peace, comfort or privacy of the tenant in the tenant's use of the premises.

Clause passed.

Clause 6 passed.

Clause 7.

The Hon. G.A. INGERSON: This area of bonds and security deposits, to which clause 7 fundamentally relates, opens up a whole range of issues, and the most specific one, of course, is that it seems to create two sets of rules relating to bonds: one for the bond representing two weeks' rent or less and one for bonds of more than two weeks. Under the proposed amendments, where a bond is not more than two weeks' rent, landlords will be able to manage such bonds themselves. By implication, the Office of Consumer and Business Affairs (OCBA) would be required to attempt to monitor compliance by landlords on this issue.

Also, landlords will be faced with the extra expense of maintaining these additional accounts, and that is obviously of concern. Caravan and mobile park operators would each be required to keep a separate account for bonds. They would not be required by the bill to lodge details of these accounts with OCBA or to lodge audit statements. OCBA does not have records of caravan and mobile home parks operating in South Australia which would be offering long-term caravan park residential tenancy agreements to prospective tenants. The effect of this would be to require OCBA to enforce requirements of the proposed provisions without giving it the information that it needs to do so effectively.

Under the combined effect of existing section 62 and the proposed section 62A, security bonds exceeding two weeks' rent for the premises must be paid into the Residential Tenancies Fund, with the result that the regulated amount of interest payable to tenants on their bond moneys would be calculated and refunded to the tenant if they were to receive the bond money at the end of the agreement. No interest would be payable to tenants whose landlords were not required to lodge bonds with the Commissioner of Consumer Affairs for payment into the fund. If bond moneys do not have to be paid into the Residential Tenancies Fund, they do not generate income to fund the cost of the operation of the Residential Tenancies Tribunal which, consequently, impacts on the service and information provided.

One of the intended impacts of the bill is, subject to the length of residence, to give tenants of these facilities access to the tribunal and other services. But there appears to be no certainty about the contribution that they will have to make for the cost of access. There is a whole range of issues there about which we clearly would like to have some sort of explanation—the reason for the differentiation between the two lengths of time and why two weeks has been arbitrarily chosen; the interest payments; how it will be monitored; and the intent that these funds do, in fact, go into the Residential Tenancies Fund.

Ms WHITE: I move:

Page 7, after line 14—Insert:

(d) the whole or any part of an amount of security paid by a tenant may be retained by the landlord for his or her use if—
  (i) the landlord has applied to the Commissioner on the basis that the tenant has vacated the relevant premises; and
  (ii) the Commissioner is satisfied that the tenant has left owing money to the landlord and that in the circumstances it is reasonable to allow some or all of the security to be applied for the benefit of the landlord: and
  (iii) the amount retained by the landlord does not exceed an amount authorised by the Commissioner by written notice to the landlord.

This amendment has the impact of giving additional flexibility to landlords and making it more clear that, in the circumstance where a tenant disappears, for example, the landlord need only contact the Commissioner and explain that set of circumstances, and then the Commissioner can authorise the landlord to proceed in taking the moneys from their trust account payable to them.

This clause provides only a flexible option for landlords. Under the principal act, landlords would otherwise be required to lodge all bonds with the Residential Tenancies Fund. This flexibility is introduced to recognise that, in caravan parks, sometimes the security, particularly in a periodic rental situation, might be a deposit of just $20, or some small amount of money. This clause provides that, if the amount of security is less than two weeks' rent (which means that, presumably, it would be less than $100, but it could be considerably more than that, of course), the caravan park owner can continue to handle that money in the way in which most caravan park owners currently do so. But it is an option. If they prefer, they can handle the security in the same way in which normal landlords of every other type of residential tenancy do, by submitting it to the Residential Tenancies Fund.

In terms of contribution to the Residential Tenancies Tribunal and its operations, there is a requirement that interest payments on these trust accounts shall be forwarded to that fund. The reason for that is to provide some revenue for the tribunal for the extra function that will be required. However, I do not believe that the point that the member made about additional expenses to owners is a valid one, because the bill provides that they deduct from those interest payments the costs of running those accounts. So, it is just the net difference between the interest accrued and the cost of running the accounts that would be forwarded to the tribunal.

The Hon. G.A. INGERSON: I was interested in the member's reply. What concerns me is that, if we are to set up an open-ended system (and my understanding, from the explanation, was that some of the caravan park operators currently run these schemes by themselves), if we are serious about trying to give some sort of security for the bond payers—the people who are doing the renting—I would have thought that there needed to be some connection on those small levels, albeit two weeks. As the member has pointed out, it may be in excess of a couple of hundred dollars. I would have thought that there should be some sort of protection for them by registration in some form with OCBA, and that does not seem to be the case. Unless I have misinterpreted this, the member is saying that we should have this ultimate in flexibility at the front end and a controlling situation at the back end—or more than two weeks.

Ms WHITE: Currently, there is no requirement for caravan park managers to treat these deposits in any way whatsoever. Some of the complaints that come from caravan park tenants concern the refusal to hand back their deposit, and they feel that they are unfairly treated. Obviously, the purpose of having some structure regarding how these deposits are handled is necessary. Under this bill, the tenants are protected to the extent that the landlord is required to keep a book (just a simple exercise book; nothing more fancy than that is required) where they record the amount of the security, the name of the tenant, and their signature is attached to that, so that the tribunal can at any time inspect these books and see the records of how these deposits are treated. Currently, there is absolutely nothing in place that forces landlords to even have these deposits put in any sort of an account. Of course, most have a trust account for these deposits, and they will put in there anything that is long term. But it is providing

a flexibility—and this is needed by tenants also. Caravan park tenants often want to vacate very quickly; they are moving on to another state and they do not know their forwarding address. So, this is a flexibility provided for both landlord and tenant, which provides some level of security that these deposits will be handled in an appropriate and fair way, it can be inspected by the tribunal, yet it gives flexibility so that there can be quick, over the counter transactions in some cases, and there is a dispute mechanism if there is a dispute between tenant and landlord.

Amendment carried.

Mr MEIER: Again, I am not at all happy with this clause. If one looks at it, one will see that the landlord is the person who is having the gun held at their head each time. We see first of all that an account must be used solely for the purpose of holding security amounts. Who will set that up—the tenant or the landlord? I think I know who: the landlord. Proposed section 62A(4) provides:

> The landlord must record the following information in a book kept. . .

Proposed section 62A(6) provides:

> When receiving an amount by way of security from a tenant under this section, the landlord must give written notice to the tenant which states that. . .

Proposed section 62A(7)(a) provides:

> on or before 30 June in each year (or at more frequent intervals prescribed by regulation) the landlord must pay the interest that has accrued on the account.

So, it is a case of, 'Landlord, you have to do this; landlord, you have to do that. Landlord, you are the one who has to be responsible for everything.' Where do the tenants come into it? It seems it is only 'where the landlord and tenant are in dispute as to refunding the amount of security paid. . . the following provisions apply', and I have no problems with the dispute provisions here. Another thing that upsets me is the penalties. If a landlord has not undertaken all these conditions, the maximum penalty is $1 000. The bill provides that 'the account must be used solely for the purpose of holding security. . . ', the maximum penalty for a breach being $1 000. It also provides that 'when receiving an amount by way of security from a tenant under this section, the landlord must give written notice to the tenant. . . '—again the maximum penalty for a breach being $1 000—and 'a landlord who contravenes, or fails to comply with, a requirement of subsection (7) is guilty of an offence'—maximum penalty: $1 000.

I wonder whether we will have any landlords who will be prepared to run caravan parks. I agree fully with the comments of my colleague the member for Stuart about clause 5 which, in some ways, could probably apply more to this clause. I do not know whether the member understands that anyone who goes into business has enough problems as it is with, first of all, trying to get sufficient people to come through the doors. In this case, it is about trying to get people to come into a caravan park. As the member for Stuart said, the reputation of caravan parks is spread very much by word of mouth. There are a few caravan parks in my electorate which I regard as excellent, and it is interesting to hear comments from tourists from time to time—I do speak with the tourists as well as with my constituents—about how they have heard of preferred caravan parks or ones that have been recommended to them before they even get to Yorke Peninsula. In many cases, it is by word of mouth.

If we have all these big negative provisions against landlords, I suggest that it will be hard to find landlords who will be prepared to take on caravan parks. Is that what we are trying to promote? I would definitely say no. During the GST debate the Labor opposition waged a strong campaign against it, but it is obvious that the people of Australia have accepted it because the last election campaign was also fought on the so-called rollback of the GST. I think the Labor Party thought that it would walk it in on the rollback, because they promoted it for about 18 months or two years.

Mr Scalzi: They got rolled.

Mr MEIER: They got rolled instead. So, people have come to accept the GST without question. One argument that the Labor Party used related to the GST on tenants in caravan parks, indicating that this was very unfair. There may be a valid argument in that respect, but I think the Labor opposition knows as well as anyone that the whole idea of the GST was to bring it in right across the board. We know who mucked it up: the Democrats, because they decided to seek exemptions on certain items of food, and they sought further exemptions in other areas. We wanted to get away from a wholesale sales tax where we had a complete mishmash of taxes with no-one knowing what tax was on what. We have a much better system now. Having exemptions mucks up the taxation system, but it balances out in the end.

It can be seen from the way in which our economy is going that the GST is not having the negative effect that the prophets of doom and gloom on the Labor opposition benches predicted two years ago, namely, that the whole country would be ruined. What has happened is that Australia is leading the world in economic terms in many areas. It is interesting that, now that this crisis has occurred in America with the 11 September tragedy, that country is finding it hard to recover but, according to current statistics and economic commentators who are looking into the future, Australia will probably have as strong an economy as it has had in the general area. Japan has not been able to protect itself from the downfall, either. Europe may be a little different, but even some of those countries are having problems.

I come back to the fact that the Labor Party is trying to impose these heavy penalties on landlords. On the one hand, they say that the GST was unfair because of the imposition of penalties on caravan park tenants, but with this bill they are saying that they will throw the book at any landlord who does not comply with their system. How hypocritical can you get? We should be trying to encourage more people to use caravan parks and give incentives to landlords and caravan park owners by saying 'If you do the right thing, we will be on your side.' What this legislation basically attempts to say is, 'We will stand over you with a big stick, and if you don't do the right thing you will get whacked.' That will not make for good relations between caravan park tenants and owners. There will always be the 'them and us' concept, which should not be promoted.

In caravan parks in my electorate there is a good relationship between owners and tenants. As I said a little earlier, a number of tourists have said to me that a particular caravan park has been recommended to them. The word has got around—and not only within South Australia but obviously within Australia as a whole.

The member for Stuart highlighted a couple of the caravan parks in Port Augusta. He said that the one thing that is of real concern is that people would have the right to have the tenancy signed in such a way that even if they were a disruptive influence they would be able to hang on. The

member for Stuart is 100 per cent correct when he says that it is very hard to get rid of a tenant. The member for Ross Smith mentioned the other day that he had got a whiff of smoke from tenants in a particular group of units.

I cite the example of a person whom I know well and who had to move out of his unit because people in a unit two doors up were dropping beer bottles in front of his unit. This person moved out for at least a couple of weeks to try to have the matter sorted out but, when the land agent sought to approach the tenants who had been dropping the beer bottles and causing a real disturbance, the landlord indicated to the person who had complained, 'We can't put these people out; you have to give them warnings. You can't just evict them like that, as that would be totally unfair.' The matter was to go before the Residential Tenancies Tribunal. Thankfully, the other tenants on the block also jacked up and said that they would not have those tenants there anymore, and they were evicted.

To conclude that story, the same land agent was going to accept a tenancy agreement from one of the people in this disruptive group. He said, 'This is a different person; I cannot refuse the application.' Again, because of some pressure applied by some of the other tenants, that did not take place. Is this what we want to see happen in caravan parks? I say definitely not. I see enormous problems with many of the clauses of this bill—in fact, with the bill as a whole—particularly the penalties that will be imposed on people who are being made to appear as though they are potential offenders in our community. I think this is very unfair for caravan proprietors.

Ms WHITE: The honourable member referred to the hypocrisy of the Labor Party, but he made a concession to Labor's policy of rolling back the GST in caravan parks. I hope that he will join with me in lobbying the federal government to change its policy on the GST on rents in caravan parks. The main point raised by the honourable member is about penalties. These penalties are exactly the same as those in the principal provisions of the act applying to normal residential tenancy situations, and I consider that they are appropriate.

Clause as amended passed.

Clause 8.

The Hon. G.A. INGERSON: This clause seems to me to give a far more significant right to the tenant than it does to the landlord. As I read the clause, it is basically saying that the landlord cannot remove the caravan from the site unless they get agreement by the tenant. I would have thought that if you were going to have a disagreed position it would be pretty difficult to get the agreement of the tenant, and I would think that the other way applies as well, that if the landlord wanted to make some changes and he was not getting any support there would be the same sort of problem. I think this clause is a bit tough. It at least ought to have some adjudication system in it that enables the landlord to say, 'Look, I have been having this disagreement with the tenant for a long time, it is about time that I actually had some rights.' I do not think that that is an unrealistic position. I recognise that both sides have to have rights, but at some stage someone has to be able to break the nexus. However, on reading this here, it is impossible for the nexus to be broken because all the tenant has to say is, 'I don't agree I've got to go,' and there does not appear to be any recourse for the landlord in this clause.

Ms WHITE: I believe the member misreads this clause. It deals with the situation where there are two agreements; where the tenant has a rental lease with a caravan owner, so they rent the caravan, and there is rent paid on the site that the caravan sits on. For that situation where a tenant has two different landlords, if you like, this is saying that the owner of the caravan park cannot require the removal of the caravan without the permission of the tenant if that tenant has a right to that occupation. That is all it is saying.

The Hon. G.A. INGERSON: That really does create a problem. This just seems to me to be quite a ridiculous setup. In the first instance, if you rent something from an individual that has nothing to do with the occupation tenancy position. The two should not be connected. I understand that there are difficulties, but, if you do not pay your rent to the person you rent the caravan through, the landlord who does not want you there, or if there is some disagreement, should not have to connect those two, because they are not related. I do not think there should be any connection with that at all. On reading this, we are talking about the person who owns the land and is renting the land and as a consequence of that might be linked into some second agreement. If that is not the case then that makes me feel a bit easier, but I still think that there should be some adjudication system when you get to the stage that you have an absolute standoff. That does not appear to be here, but it might be in some other section of the act, which I have to admit I have not looked at in a great deal of detail.

Ms WHITE: Sorry, I must not have been clear in my explanation. The situation that this clause refers to is if the tenant has a tenancy agreement with the owner of the caravan park but they do not own the caravan as well. So this has nothing to do with the arrangement that a tenant has with the caravan owner. It is only that the owner of the caravan park cannot go to the owner of the caravan and ask them to remove the caravan if the tenant has an agreement with the owner of the park.

The Hon. W.A. MATTHEW: I still have some concerns about this clause, and I would like to ask the member for Taylor: can she advise the committee how many caravan lease companies she has passed this clause by, to which companies she spoke, and, similarly, how many caravan park operators she has spoken to and to which operators she has spoken, and also to which representative bodies she has spoken, and can she advise the committee what their recommendation was to this clause?

Ms WHITE: I have spoken to the representative body of the owners of caravan parks, and I do not believe that they have a problem with that particular aspect of this clause. I have not spoken to lease companies of caravans, so I must say that I do not know their attitude towards this. But this clause does not really refer to the contract between the tenant and the owner of the caravan; it is really referring to the contract between the tenant and the owner of the park.

Ms Key: At least she bothered to consult.

The Hon. W.A. MATTHEW: I am becoming increasingly concerned by this. The honourable member opposite says, 'At least she bothered to consult,' but I put it to the member for Taylor that she actually has not consulted.

Ms Key interjecting:

The Hon. W.A. MATTHEW: I know the member for Hanson is grumpy because of the result on Saturday, but this has got nothing to do with Saturday's result.

Ms Key interjecting:

The Hon. W.A. MATTHEW: I am disappointed the member for Hanson would want to see flawed legislation passed through this chamber.

Ms Key interjecting:

The Hon. W.A. MATTHEW: The member for Hanson reflects on me, and for the benefit of the member for Hanson I remind her of some of the statements I made to the House in my second reading speech on this bill. I have taken a very close interest in this piece of legislation that is before the chamber, and, as I have indicated before, for very good reason. Within my electorate I am privileged to have the Kingston Park Caravan Park, a very professionally, well operated caravan park and, indeed, somewhat of a hidden treasure in South Australia. It has at its frontage some of the most beautiful coastline in South Australia. Some of the most beautiful coastline is in Kingston Park, and coastline that I would encourage all members to visit and have a look at. I also pay a tribute to the City of Holdfast Bay, who are the owners of this caravan park and who have developed it magnificently. There is beautiful white sand which, I might add, Mr Chairman, is there as a result of your very good work during your time as minister for the environment in ensuring that sand replenishment occurred in that location, and that has been one of the many attractions to people—

The CHAIRMAN: The chair appreciates the compliments that are being passed, but there is nothing about sand replenishment in this bill.

The Hon. W.A. MATTHEW: I was about to make the point, sir, that it was your sand replenishment that had made this caravan park the success that it is today, and it is a very well managed caravan park. But I have a concern about this bill, because the tenants at that particular caravan park are often tenants who live there for a period of time and, as I explained to the House before, the areas of Brighton, Seacliff, Kingston Park and Marino are undergoing somewhat of a housing boom at this time.

Ms WHITE: Sir, I ask that you request the member to uphold your ruling that we should refer to the clause in front of us.

The CHAIRMAN: The chair is of the opinion that the minister is referring to matters that relate to the clause, but I will ask the minister to take that into account.

The Hon. W.A. MATTHEW: As I was endeavouring to say before the member tried to interrupt me, because of the developments occurring in those areas, people are demolishing houses and building new ones. They need somewhere to stay during the time of construction of their homes and often they may need somewhere to stay for six to eight months. The Kingston Park caravan park is a favoured location for that type of accommodation, so I have been particularly concerned to ensure that their rights as tenants during that period are protected. I have looked at this bill with that in mind: how my constituents are going to be protected in a caravan park during that period; but beyond my constituents, it is also important that I look at the rights of caravan owners who may have rented caravan park sites to people, to ensure that they are not trampled upon, and I refer particularly also to the rights of the caravan park operators.

I am concerned that the member for Taylor has indicated that she has consulted with the representative body of the owners of caravan parks and says that she does not believe that they have a problem with this clause. I would like to know whether they do or not: has she asked them about this particular clause or not? That is pretty important to know. She has also indicated that she has not actually consulted with the owners of caravans who are leasing. She has not consulted with any businesses that lease caravans to members of the public. As this clause affects them, affects their rights and their ability to recover their property if their property is not being treated in accord with the agreement they may have with the tenant, as it also affects the rights of caravan park operators to remove a caravan from their land, I think that a number of issues have to be canvassed here. I am also concerned that representative bodies do not appear to have been consulted with; people in the industry do not appear to have been consulted with: what consultation has the member for Taylor undertaken?

Ms WHITE: I think that the minister misunderstands this clause. This clause does not affect the right of leasing companies to remove their caravans: it affects the landlord's right to require them to remove their caravans. I wanted to quote from the original representation of the Caravan Parks Association, but I did not find it in time. There are two parts to this clause. The Caravan Parks Association would prefer not to see part of this clause included, so I might have misrepresented their view. They do not support this clause in total.

The Hon. W.A. MATTHEW: I am glad that we finally have that on the record, that they do not support the clause. I am not surprised. I am troubled that this clause, to quote the honourable member, 'affects landlords' rights to require them to remove the caravan'. The member is admitting that she is affecting the rights of the landlord to require the removal of a caravan. That is indeed problematical. If the honourable member wants this parliament to support the removal of a right, she needs to, at least, be able to advise the parliament why it should be necessary to have their rights restricted in that way. The honourable member has failed to advise the committee of the merits of her case. The honourable member was telling me that, first, she consulted with representative bodies of owners of caravan parks and she did not consult with owners of caravans; she was not sure whether or not the representative body of caravan parks supported this; and then she tells us later on that she might have misled us and that perhaps they do not support the clause—they definitely do not support the clause—and she wants us to, in this place, support the reduction of the rights of caravan park operators, and she has not given the parliament a reason for doing so. I would like to hear the member convince us why we should support the removal of rights in this way.

Ms WHITE: Part of this clause is clearly about requiring a landlord who wishes to have a third party, who is not a party to the tenancy agreement between a tenant and the landlord, remove the premises in which the tenant lives. This says that they cannot do that without the other party, the tenant, being part of that agreement.

The Hon. G.A. INGERSON: I would like to—

Ms Key: They are such heroes in government.

The Hon. G.A. INGERSON: I find it quite offensive to be told that I do not know much about caravan parks or, because—

Ms Key interjecting:

The CHAIRMAN: Order!

The Hon. G.A. INGERSON: Yes, I think it is quite offensive that a person should say that. I had the privilege of being Minister for Tourism for some three years and I can well remember the many very positive experiences in caravan parks and the fantastic upgrading that has occurred in our state over time, and is continuing to occur. What I am concerned about is that we are putting what I think are unreasonable demands on the caravan park operators, without giving them a bit of fairness.

I go back to my role as Minister for Industrial Relations: one of the things that we tried to do was shift the balance

back to the middle. All I am suggesting here is that this balance is being pushed right out to the left.

The Hon. W.A. Matthew interjecting:

The Hon. G.A. INGERSON: Absolutely, a very fair minister. The aspect that I would like to talk about relates to bathroom facilities. This clause basically says that they have to be open 24 hours a day, unless there is a reason for repair or renovation. Some of the small operators do not run 24 hours a day facilities; they never have and they never will, yet this clause is saying that these laundry and bathroom facilities must be available 24 hours a day. That is an impractical situation. It would make a lot more sense if it said that the hours should be within reasonable trading hours and reasonable expectations. This is an unreasonable provision, and that is the only point that I am making. I am not opposed to the fact that, in principle, facilities should be available—and they must be available—but, clearly, there are occasions when they cannot be. If you read this clause, you see that it mentions only repair or renovation. If the principles were more flexible, I would have no problem with it, but it seems to me that it has become too tight and that it could be improved by being more flexible.

Ms WHITE: I think that the member is misreading the clause, in that it says that, if it is a term of that agreement, that entitles the tenant to use these facilities. So, it would have to be a term of the agreement that entitles them to 24-hour use for his argument to apply. If that was not a term of the agreement, and the agreement said that they had use of facilities only during opening hours, then his argument does not apply, because this clause clicks in only when it is specified as a term of the agreement.

The Hon. G.A. INGERSON: That creates another problem for me now—

Ms WHITE: I rise on a point of order, Mr Chairman. This is the third, possibly the fourth or fifth, question on this clause by the honourable member.

The CHAIRMAN: The chair has to uphold the point of order. The member for Bragg has had three questions on this clause.

Mr MEIER: Perhaps I can take this a little further. What I cannot understand in this clause is why on earth we want to put this in writing. Surely, any caravan park proprietor has the right and access concerning bathroom and toilet facilities. In every caravan park I ever went to in earlier days—I have not been there for the past few years—and those I have visited, it is an automatic right. It is a classic case of saying that that exists now, but we will put it in writing so that there is absolutely no question at all that people who come into a caravan park or who want to be permanent residents have access to the toilet and bathroom facilities. It is just too prescriptive for words.

Ms Key: What is your question?

Mr MEIER: I do not only have to ask questions: I am allowed to make comments, as the honourable member would know as she has been here for a number of years now. The thing that really upsets me more than anything is the penalty if the landlord has not provided proper access: $2 000. What is the penalty at present? Zero, I suggest, because common sense prevails, and anyone who comes into a caravan park has the right to use the bathroom and toilet facilities. I believe this has the potential to place onerous costs on some operators. For example, in proposing that access to toilet, bathroom and laundry facilities be secure, and that there be access to alternatives if the park's facilities are not available for any reason other than cleaning, a small park with only one laundry facility and one block of toilets for use by males and one block of toilets for use by females may face significant cost to add to its facilities or provide access to alternatives, or face substantial fines if its facilities become unavailable for any reason. How does the honourable member propose to overcome that one in the small parks where there is only the one facility for toilets and if they are blocked up and out of action for a day or two? In that case, they will be subject to a $2 000 fine, whereas at present—

Ms Key: So they should.

Mr MEIER: The honourable member says, 'So they should'. This is unbelievable: this shows the attitude of the opposition to small business.

Ms Key interjecting:

The CHAIRMAN: Order! The honourable member is interjecting out of her seat.

Mr MEIER: It clearly shows their attitude to small business. If small business makes one mistake, throw them out, fine them, slap the $2 000 fine on them quick smart; that is what the opposition thinks. The truth has come out in the honourable member's interjection, and I am pleased she interjected. I can now see a little more the reason behind this whole bill. We are uncovering the sinister part of this bill, and I am very disappointed that that appears to be the real situation.

Ms WHITE: This clause simply requires the landlord, if extensive repairs are to be made, to provide an alternative facility for the time during which the repairs are being effected. That can be a temporary portaloo arrangement. It comes about because I was approached with examples of situations where whole toilet blocks had been shut down for extensive periods of time and no attempts had been made to make the repairs. Similarly, I have examples of laundry facilities that were part of the agreement. One case that came to me was where the owner decided to close down a facility, even though it was part of the agreement that it would be provided, and no other facility was put there in its place. It is a fair thing to say that, for purposes other than cleaning, you cannot just not make any other arrangement for tenants in relation to toilets and those sorts of facilities.

The Hon. R.L. BROKENSHIRE: It is with some serious concern that I rise on this clause. I have said that many of the caravan park proprietors in my area go out of their way to assist people with special needs and requirements as it stands already, and without those caravan park owners doing that I would be very concerned about the wellbeing and welfare of particular people who often have no choice (some by choice, obviously, but others by no choice) but to reside in a caravan park or, unfortunately, perhaps stay in their car. I am absolutely amazed that the member for Taylor would put in something like this.

It seems that there is enormous ambiguity around requirements and imposts on them as small businesses when it comes to whether they have to have toilets open or provided. What happens to people if the toilets are not open? I find the whole exercise bizarre. It smacks very much of what we heard in the federal campaign where I picked up that this was a national role, one of the Beazley-type initiatives to appeal to the social heart strings of certain people. They tried it federally, and overwhelmingly the South Australian and Australian community said, 'We don't want to have a bar of that nonsense,' to use the often used words of the member for Stuart—it is one of his favourite phrases.

In the best interests of the caravan park proprietors and in the best interests of those people who seek to reside in these

parks, we do not want a bar of this nonsense with respect to this clause or the nonsense that will work against those people who socially our government wants to support. I find it so bizarre that someone—

Ms WHITE: On a point of order, sir, how do the minister's statements relate to bathrooms, which are the substance of this clause?

The CHAIRMAN: With due respect, there has been a considerable amount of discussion about bathrooms on this clause for some time, but I ask that the minister's contribution relate to the clause.

The Hon. R.L. BROKENSHIRE: I refer to proposed new section 65B(1), headed 'Tenant's rights to bathroom facilities, etc., under caravan agreement'. It purports to put in place a maximum penalty of $2 000 against that particular caravan park owner. This is a classic example of something which has been ill thought through and, sadly and importantly to me, which will work against the best interests of those people with whom caravan park proprietors deal so very much. I congratulate those caravan park owners who provide accommodation, often at a minute's notice, and I want to see those opportunities remain. But at the time it is important that we are fair and reasonable not only on the caravan park proprietors but also on those other people who decide to live in a caravan park so that they can have security, knowing that they can travel around Australia in winter and come back to their—

Ms WHITE: On a point of order, the minister still is not talking about bathrooms, the substance of this clause.

The CHAIRMAN: With respect, the clause is wider than that.

Ms White: Not as wide as the minister's comments.

The CHAIRMAN: Again, I ask the minister to restrict his comments to the clause, which is pretty wide.

The Hon. R.L. BROKENSHIRE: Then, these people can come back after they have been away and know that their toilets, bathrooms and laundry facilities are provided and that their wellbeing, when it comes to a proprietor who can manage that park in a balanced and sensible way, is protected if someone comes in and becomes disruptive. I am opposed to this bill and to this clause.

Clause passed.

Clause 9.

The Hon. G.A. INGERSON: I am concerned about the additional clauses that get lumped on landlords. It is the whole issue of moving the balance of power from the right back to the left instead of keeping the balance of power in the middle. That is what I am concerned about.

Mr McEwen interjecting:

The Hon. G.A. INGERSON: I thank the member for Gordon. That is the first time he has ever agreed with me!

Ms KEY: On a point of order, I do not know what this political analysis by the member for Bragg has to do with the clause.

The Hon. G.A. Ingerson: It says 'additional'—

The CHAIRMAN: The chair was distracted, but I ask the honourable member to link his comments to the clause that the committee is presently considering.

The Hon. G.A. INGERSON: I was saying that new section 68A provides for a shifting of the balance of responsibility from tenants further onto landlords, and that is unreasonable. As I said, I agree with many parts of this bill. However, it is unreasonable to put additional responsibilities on the landlord. Let us face it, unless at the end of the day the landlord makes a profit out of this exercise, we will get lower standard and lower quality caravan parks.

Debate adjourned.

ADELAIDE TO DARWIN RAILWAY

Mr SCALZI (Hartley): I move:

That this House congratulates the government, the current and the previous Premiers on their successful efforts to secure the construction of the $1.3 billion Adelaide to Darwin rail link, the biggest single project Australia has seen since the Snowy Mountains Hydro-Electric Scheme, and the economic stimulus that it will provide to South Australia.

The SPEAKER: Order! I ask the member for Hartley to move his motion in the form in which he gave notice.

Mr SCALZI: Yes, sir. I move:

That this House congratulates the Premier on his successful efforts to secure the construction of the $1.3 billion Adelaide to Darwin rail link, the biggest single project Australia has seen since the Snowy Mountains Hydro-Electric Scheme, and the economic stimulus that it will provide to South Australia.

Mr SNELLING: I rise on a point of order, Mr Speaker. The motion congratulates the Premier. I presume that the member for Hartley is referring to the former Premier, the member for Kavel.

The SPEAKER: Order! I do not accept the point of order. The term 'Premier' is broad terminology. The honourable member has not even made his speech. The chair is of the opinion that the honourable member should be allowed to proceed.

Mr SCALZI: Thank you, Mr Speaker. This House should congratulate the government, and the current and previous Premiers on their successful efforts to secure the construction of the $1.3 billion Adelaide to Darwin rail link. It is the biggest single project Australia has seen since the Snowy Mountains Hydro-electric scheme, and the economic stimulus it is providing for South Australia is well evident. In July, I was fortunate to be with the member for Stuart at the turning of the sod in Alice Springs. It was certainly a great day, and we actually saw the train that will be going north to Darwin. The commencement of the construction of the Adelaide to Darwin rail link is an historic step. After 100 years of waiting and several false starts since the concept was first mooted, this government—with the help of the federal Howard government and the Northern Territory government—has brought the project to realisation.

The personal efforts of the member for Kavel, John Olsen, to achieve this project deserve to be recognised by the House. He worked unceasingly to ensure that the project finally went ahead. He worked on persuading the commonwealth to put in its share of the funding and was involved in the contract negotiations with the consortium, not the least of which was the consideration for maximising the benefits to the state's economy on this proposal. He also worked tirelessly to assist in overcoming the last minute issues arising from the withdrawal of one of the groups in the consortium and to ensure that the project went ahead. He assisted in putting together the Partners in Rail initiative, and facilitated and encouraged local firms to access railway work.

There is no doubt that this railway will be important to the future of South Australia. Its $1.3 billion construction phase will generate 7 000 jobs, directly and indirectly. This will contribute $340 million to $640 million to the state economy in industry contracts, employment and other benefits (and members would all be aware of the multiplier effect), as well

as the morale stimulus that this great project has given not only to South Australia but to Australians in general.

The consortium has undertaken that 75 per cent of all goods, services and labour will be sourced locally in South Australia or the Northern Territory. More than 900 South Australian companies have registered with Partners in Rail to be part of this work. Already South Australian firms have won more than $150 million of business in contracts so far. This is underestimated, because already it has gone much higher. The contract with OneSteel for the supply of approximately 144 000 tonnes of rail alone will lead to the creation of 40 new jobs and spending in excess of $1 million in plant upgrade at OneSteel. The completion of the link will position South Australia as the export hub for the eastern seaboard and boost South Australia's own exports with new opportunities to get our products into the Asian market. It will provide a further stimulus to the state's surging exports already increasing at 20 per cent annually, and this will complement that export culture fostered by this government over the last eight years. It will also be a stimulus to tourism.

The Adelaide-Darwin link has the potential to provide one of the world's great rail journeys. It is a project that will inject millions of dollars into the state regional economies and provide untold benefits for South Australia into the future. Only on Wednesday Premier Kerin, along with the member for Stuart, saw the first steel rails come out of OneSteel ready to be sent to Alice Springs and, of course, there are the ballast wagons that have come from Port Augusta. Given the advantages this project has brought to those two regional centres—Whyalla and Port Augusta—it is evident that it will be of great benefit to South Australia.

So, this motion recognises how important the railway is. It recognises the government's formidable efforts to ensure that it will finally go ahead after 100 years of waiting. It recognises the efforts by the then Premier, John Olsen (the member for Kavel) and the current Premier, Rob Kerin, together with the government, who had the vision to push ahead. Of course, it recognises the commitment of the federal government under John Howard, together with the Northern Territory government and Denis Burke, at the time, to work together to ensure that this great project will go ahead after 100 years. We will all reap the benefits as a state and as Australians.

The Hon. R.B. SUCH (Fisher): I, too, congratulate the former Premier (the member for Kavel) and also the Premier previous to him, the Hon. Dean Brown (the member for Finniss) and all those who, over many years, have worked hard to bring about this project, including the former Chief Minister of the Northern Territory and his predecessors, because it is a great project. If we look at it in strict economic terms, there is a question mark about the net return to the economy; although, as I often say, governments waste money on a lot of things. However, at least in this case the government contribution, which is not quite half, will be more productive than what we often see governments do, that is, waste money on things which have very little community benefit.

So, the jury is out in terms of whether or not this project is strictly economic. I suppose a cynic would say the fact that the governments—commonwealth, state and Northern Territory governments—had to put in so much money shows that it is not strictly economic in an economic rationalist sense. But it has enormous spin-off benefits in terms of employment and, as the member for Hartley said, it gives significant lift, I guess, to the morale of the nation and a sense of national unity and pride.

In terms of defence possibilities, it can be significant, although, as I point out to people, the enemy can also use the railway line to come the other way, and railway lines are very vulnerable to air attack. Roads are less vulnerable because you just drive around or build about the bomb craters, but that is not so easily done with rail. But, putting that aside, it has significant defence capability and will help in the transportation of good and services from southern Australia.

As to who will benefit most, I suspect it will be the Northern Territory because that is the port of entry and exit. But I am not going to be churlish about that: I think it is great if we have a strong and developing Northern Territory. I think that is in the interests of South Australia as well. But it will enable, over time, the use of large barges between Darwin and countries to the north, particularly parts of Indonesia. So, it will, eventually, generate a significant transport hub out of Darwin, and that will be in the interests of not only the Northern Territory and Darwin in particular, but also of South Australia and all of southern Australia.

Without being too pedantic, I point out that the railway does not actually go to Darwin—it goes to the North Arm, and I have been there on several occasions. Unfortunately, the railway can not go into Darwin itself, and the reason therefor was pointed out to me by senior members of the bureaucracy in Northern Territory not long ago: that the cost of land acquisition from Palmerston (which is the satellite city of Darwin) to the heart of Darwin would be more than the cost of attaining land between Alice Springs and Palmerston. That is the simple reason why there is no rail link right into Darwin itself. The railway goes to the North Arm, which is the newly developed port near Darwin, and passengers who use the new line thinking that they will go right into Darwin unfortunately will not do so: they will have to alight at what will be a new railway station somewhere near Palmerston and find their way in by bus or stretch limousine, which is a very popular form of transport in Darwin.

This project has been a bit like an elephant's pregnancy—although, in some ways, it makes an elephant's pregnancy of 22 months seem very short. There have been promises. I think more politicians' promises have been made in respect of this project than any that I can think of. But, at long last, it is happening. We saw, this week, the transportation of steel rails north to Tennant Creek, so the project is finally and realistically under way.

I add my congratulations to all those involved—and that is not to detract from the efforts of the member for Kavel. I know he worked hard to help bring this about, but I also acknowledge that there have been many others (including the previous Premier, Dean Brown, and other politicians, state and federal) who have worked hard and had a vision for this railway. To see it become a reality is a great thing for Australia, even though, as I said earlier, a question mark must remain as to the net economic viability, at least in the short term, unless we find some significant mineral deposits close to the expanded rail line.

Mr FOLEY (Hart): No doubt the member for Schubert heard us talking about a train line. It is a fact of life that whenever this parliament is discussing or debating train lines the member for Schubert always has an interesting contribution—that is probably the best I can put it—because sometimes they tend to lean a bit towards the boring side. But, the

important thing is that we are here to talk about the Alice Springs to Darwin railway line.

Unfortunately, the member for Hartley did not have the good grace to make mention in his motion that it involves simply not just the work of the former Premier, the member for Kavel; it was also the work of many on this side of the chamber—many in the Labor Party, and, most importantly, the Leader of the Opposition, Mike Rann. That in no way diminishes the efforts of the government of the day, and it would be churlish for us to be anything less than congratulatory in our approach to the efforts of the member for Kavel because, as the head of government, with the resources of government, he is clearly the key player in negotiating such work.

The Hon. R.L. Brokenshire: Who was?

Mr FOLEY: Your former Premier, John Olsen. Yes, Robert, I am doing something that you are not capable of doing, that is, acknowledging good on the other side of the House. You do that very rarely. But, equally, in a project of such importance—and, dare I say, longevity—it is vital that there is bipartisan support for it, because the investment community would not be prepared to take the risk for such a project without the support of the alternative government of the day. Therefore, the role played by the Leader of the Opposition, Mike Rann, in supporting former Premier John Olsen—if I may use their names for the first and only time in this contribution—was of great significance and importance. Indeed, the Leader of the Opposition was called upon many times to travel to Darwin to ensure that there was support in a bipartisan way both at the territory level, as it clearly was, and, also, at the federal level.

The federal Labor Party, which was managing the competing interests of all the states—as, indeed, was the federal Liberal conservative government—had to deal with the competing interests of every state. Let us not forget the One Nation proposal effectively put forward by the Melbourne to Darwin consortium that went through all the National Party seats that the conservatives were concerned might fall to One Nation. They looped around the eastern seaboard.

The Hon. R.B. Such: It would be a great train ride.

Mr FOLEY: It would be—a very long one. But it was, clearly, a proposal that had more political opportunism than any project I had seen for a long time. The role of both sides of politics was very important. But, equally, very tense moments developed at the eleventh hour of the negotiations (and I can recall having participated in some of these discussions), where we had been advised by the former Premier, as a parliament and as an opposition, that the ask to the state taxpayer was, I think at that point, $100 million. It then went to $125 million, then we threw in a loan guarantee to $150 million, from memory, then a further $25 million. The ask on the taxpayer grew quite significantly. The former Premier, again, to his credit—I will give him credit—discussed with the opposition leader and me whether the opposition would be prepared to support the further ask on the budget. As we said publicly at the time, it was a very difficult decision, because this is a very expensive project and we have to be very careful about agreeing to large sums of money. But we were persuaded by the arguments of the government of the day, because it was important to get this project up and running.

I should also point out that there was that somewhat questionable process where the Premier flew off to Hong Kong to try to get money out of CKI. That was more to do with the theatre of being seen to be rescuing the project than about the proper financing of this project and, in the end, as the former Premier well knows, it caused some degree of angst from the consortium involved in constructing the project. Anyway, that was worked through.

As the member for Fisher pointed out, it is a project with risk, a project with a large amount of taxpayer commitment and a project that will be managed and steered over time by governments of both Labor and Liberal persuasions here in South Australia—because this will be a very long project. I am confident that the Labor Party will win office some time in the next 50 years. So, at some point, we will have responsibility for it. It will be important for the government of the day to work closely with the territorian government (which is a Labor government at this point) to make sure that we maximise the value from this rail. That is where the real pressure will be on governments of South Australia and the Northern Territory: we have to make this rail line work, and deliver on the very high expectations that have been created about its benefit to our economy. That will mean, I think, very hard work and a continuous process of ensuring that manufacturers, primary producers and mining companies here in South Australia use the rail corridor, because the public sector, through the public purse, is putting up an enormous amount of risk capital to benefit our economy and to benefit producers of goods and services here in South Australia.

So, the challenge must be taken up by the private sector in South Australia to get behind this project, to use this project and to ensure that taxpayers receive a fair and decent return on the very large capital investment, both private and public, that has been poured into it. We have to make sure that we do not simply fund an alternative way of getting goods to Darwin as distinct from using the existing road corridor. If all we did with this rail project was to transfer domestic freight from road to rail, I would question the value of that outcome, if that is what it was to be in the next 10 to 20 years. We have to make sure (and all the predictions are that this will occur) that we grow the Northern Territory economy, so that we get a net value gain from the growth in that economy, and that we also, most importantly, get a transport corridor from the port of Darwin to the Asian markets and other markets of the world.

A lot of work needs to be done, and I would be interested to see and hear from government over time (and it may well be that these are things for the next government to look at very seriously) about how we encourage, motivate and stimulate the private sector to really get in behind this project and ship their goods. I must say at this point, being the state member for Port Adelaide, that a strategy to use the rail corridor to Darwin is not at the exclusion of the port of Adelaide. Quite the opposite. They are to complement each other, they are to offer competition—and that is a good thing—diversity and alternative options. My hope is that what we see in South Australia over the years ahead is a growing economy—

Mr Venning: Do you support a deep-sea port at Outer Harbor?

Mr FOLEY: I support a deep-sea port.

Mr Venning: At Outer Harbor?

Mr FOLEY: My view on that is firmly on the public record.

Mr Venning: Remind me.

Mr FOLEY: We will talk later. My view on the deep sea port is very similar to the view of AusBulk.

Mr Venning: What's that?

Mr FOLEY: The member is a shareholder: I would hope that he knows what his company's views are on the deep-sea port.

Mr Venning interjecting:

Mr FOLEY: Fair enough. But I know what they are. The views of AusBulk are in good and safe hands. I hope that we have a growing economy here in South Australia that sees the very serious and rapid growth of the port of Adelaide as well as the Alice Springs to Darwin railway corridor. This has been a triumph for bipartisanship, a triumph for the efforts of a government led by former Premier John Olsen and a triumph for an opposition led by Mike Rann. It just shows that, when both sides of politics get behind a project such as this, where a government is prepared to embrace an opposition, we achieve success.

Mr VENNING (Schubert): I want to thank the member for Hart for that kind introduction he gave me. He was right in this instance. I was in my office and I heard the speech of the member for Hartley, so I came straight down—not just because it is a railway project but also because it is a project of national significance. I certainly support this motion by the member for Hartley, and I congratulate him on his foresight in moving it. I think that the House will support this motion unanimously. I also join him in paying tribute to the former Premier, the Hon. John Olsen, and I note the input of the Leader of the Opposition. However, I think that the current Leader of the Opposition (I do not know for how much longer) had the opportunity as a member of the previous Bannon government, at the time of the Hawke-Keating government, to address this matter and nothing happened. I am not just saying it was the Hawke-Keating government's problem: this matter has been a problem for governments for 80 years. For 80 years we were going to deliver this project—

Mr Foley interjecting:

Mr VENNING: Yes, I will go along with it—the Menzies government, and all those, were going to deliver this railway line. It is part of the deal that was made when they took the territory off South Australia all those years ago, but they never delivered it. At this point in time, we have to pinch ourselves and say, 'It's happening.' And who brought this about? This Liberal government, the current federal Liberal government and, indeed, all those people who have pushed for it over all these years. It is, indeed, a tribute to all those involved, particularly the Hon. John Olsen: it will long be a tribute to him. I am very aggrieved about what has happened in recent days to the Hon. John Olsen, who is no longer the Premier. I advised him that he should not have done what he did, but he did it for the sake of the state. Certainly, whatever happens in the future, as old men in the long distant future, we will look back at this project and say, 'This is a project that would not have happened if it had not been for the involvement of the Hon. John Wayne Olsen.' It will be a memorial to him, and long may he live to enjoy it. I hope that he is able to be on the first passenger train travelling to Darwin.

I also want to pay a tribute to the former Chief Minister of the Northern Territory, the Hon. Mr Burke. He worked in liaison with our government, as did the Prime Minister, John Howard. If it were not for Mr Howard's commitment of the federal funding, we would not have been able to achieve this, because I believe that the South Australian government was flat out with its commitment, as was the territory government, and the Prime Minister's offer sealed the deal. I think this project is part of the tribute which the nation paid to John Howard last Saturday.

I also want to pay a tribute to our current Premier, Rob Kerin. He has kept a close eye on this project, as he always does on projects such as this. Of course, Port Pirie, which is in his electorate, will be vitally affected in terms of jobs and opportunities for the people who live there. Yesterday, the Premier visited Whyalla and Port Augusta to see the first rail leaving OneSteel's factory in Whyalla, with it then passing through Port Augusta. So, it is actually happening. You have to pinch yourself: after 80 years, it is a little hard to believe. The Premier was there yesterday, and I am sure that we will see the first trains on this rail during the next government.

I noted the comments of the member for Hart. Labor will win an election within the next 50 years.

The Hon. R.B. Such interjecting:

Mr VENNING: I think that's right—I agree that they will within the next 50 years. With a bit of luck, they will just sneak in before for those 50 years are up. I do not often wholeheartedly agree with the member for Hart, but I do in this instance. I do not think he will still be here, though; if he is, he will be a very old man.

Ms Key: Will you still be here?

Mr VENNING: No, I won't be here; I will be back on the farm or I will be fertiliser for the farm. Goodness knows where I will be. When we have all retired from this place and hopefully are enjoying our retirement—and I hope that I will still speak to members of the opposition in retirement—we can look back on these times and say that we did something for our state. We can look back at projects such as this and say, 'That was built in the years when we were in this place,' irrespective of which side we are on, because what we are about is getting major projects such as this for our state.

I want to pay a tribute to the Hon. Barry Coulter, who was the minister for the Northern Territory railway. The Northern Territory did not have much of a railway: it was only about 100 yards long. The Hon. Barry Coulter, whom I met on several occasions, was a very keen promoter of the Northern Territory rail, and he spent many years putting concept plans together. I addressed the annual general meeting of the Country Liberal Party (CLP) at Alice Springs in, I think, 1996, and I spoke on this subject and about what it would mean. I met Barry then, together with Shane Stone, the then leader.

Ms Key interjecting:

Mr VENNING: In 1996. So, I have had a close affiliation with this project and all who have been associated with it. I also want to pay tribute to the Hon. Diana Laidlaw, who has been a strong promoter of this railway line. The member for Hart talked about me and railways, but the Hon. Diana Laidlaw can eclipse me because, if something can be taken by rail, the minister would not support a road alongside of it. That has always been her belief, and she is doing that right now, because I am looking for further upgrades of the Barossa's roads. However, I think the Hon. Diana Laidlaw is looking more at the railway line more than I am at the road. That is an ongoing dispute that we have. However, it is a friendly debate. I respect the minister, because she certainly puts in a lot of effort. If you try to outsmart the minister you will have to do your homework and bring it on quickly, because if you give her any time at all she will do her work and be ahead of you. The Gomersal Road in my electorate is under construction now, and I hope that it will be opened during the Christmas break before parliament resumes again. Now that the people of the Barossa experience clean filtered

water, this road will have the greatest impact because it will provide a 10 minute shorter trip to Adelaide.

I have listened long and hard to the debate about whether this will be a viable railway line over many years. All that is required is that it pay its way and give a reasonable return on the investment, because the most important reason for this railway is strategic, particularly in the defence of our country, which is sparsely populated in the north—and, of course, the north is the direction from which any threat to this country would come.

I conclude by saying that our future lies in exports to our north. This is an extra option with a rail corridor to Darwin, with fast catamarans to either China or Japan. This option, which the Hon. Barry Coulter has raised strongly several times, should not be overlooked, because we could get things to Japan in under four days in this way—and that is a lot cheaper than air freight. All things considered, particularly when this project will open up the interior of our state and when we heard only yesterday about another successful mining venture in the centre of our state, this railway line, which will go right through to Darwin, will be important strategically by opening up this vast rich area that we have in the north of our state. I support the motion of the member for Hartley, and I hope that I am still in parliament when this rail line is opened and that I get to be on the first train.

Ms CICCARELLO (Norwood): I have always been a strong supporter of the rail system, particularly for environmental reasons. I think it is important that we have this railway line linking us to the other end of the country. As has just been said, it opens up the interior of Australia. I only hope that we will increase our rail links not just between Adelaide and Darwin but also between some of our country towns and even the metropolitan area. In that way, we might get some of the big road trains and trucks off the road—but that is an argument that I will put forward on another day.

I was glad to hear the member for Hart speak very eloquently about some of the history of this railway line and put on the record that the state opposition and certainly its leader, Mike Rann, played a big part in ensuring the viability and the commencement of this project. The churlishness and the mean-spiritedness of the government disappoints me not only with regard to this issue but also because it can never acknowledge that the opposition often plays an important role in legislation in this state. It is easy to talk about bipartisanship—and we want a lot more of it—but we do offer it many times and it is never recognised. I hope that before this parliament rises I will have the opportunity to put forward my views about a lot of the things that have been said in this parliament with regard to bipartisanship.

I think this is a good project, but I think that there will be many challenges to overcome to ensure that it is viable. It is interesting to see that the push for the other rail link from Melbourne to Brisbane and Darwin is also on the agenda. I hope that this will lead to good competition and that it will not be at the expense of the Adelaide-Darwin rail link.

Mr WILLIAMS (MacKillop): I rise to support this motion. As has already been said, this is one of the most important projects to be undertaken in the whole of the nation for many years. I was delighted to see in today's *Advertiser* a picture of the Premier flagging off a trainload of rail from Whyalla yesterday.

Ms Ciccarello interjecting:

Mr WILLIAMS: I know that I am not supposed to be tempted to answer interjections, but I would like to say that the speech given by the member for Hart was remarkable. He spoke about bipartisanship. The Leader of the Opposition was not game to try to undermine this project as he has actively tried to undermine every other thing that this government has done to rebuild South Australia after the mess that was created when he was sitting around the cabinet table back in the late 1980s and early 1990s. Now he talks about bipartisanship and tries to get on the coat tails of every decent project that has happened in this nation—and I find that flabbergasting.

It is a fantastic project, and, as reported in today's paper, the 144 000 tonnes of rail which will be produced by One Steel in Whyalla has created more than 40 jobs in that city. An additional 60 jobs are reported to have been created at EDI Rail in Port Augusta, and that company is constructing 65 new multipurpose hopper wagons, I believe, for carting and spreading ballast, and a lot of other contracts have been awarded and will be awarded as this project goes through its construction phase and towards completion in a few years time. It has revitalised the Iron Triangle area, the Whyalla-Port Augusta area of South Australia, and that was incredibly important for that part of South Australia. But as I have said many times in this place, it has also opened up the whole of South Australia to the new port of Darwin.

I have had the opportunity on several occasions to travel to Darwin, and on both occasions in the last couple of years, since the new port has been under construction, I had the opportunity to go out and inspect the construction and development work at the new port and to see first-hand what the Northern Territory government has been doing to build the infrastructure to connect the rail network of Australia, via, as the member for Schubert said, shipping lanes into Asia. We were briefed first-hand on the dream of many in the Northern Territory that faster ferries, the Seacat type ferries, will be able to go from the Darwin harbour at the railhead to places like Singapore where they can then interconnect with the major world shipping lanes.

We do not realise here, being stuck so far south halfway along the bottom edge of the Australian continent, how difficult it is for shipping. In a place like Singapore there are ships going past there in every direction probably more often than you would see with buses down at the bus stops in King William Street. You can ship from Singapore to anywhere in the world with virtually no delay and with quick turnaround times. If we can access that shipping point I think it will make a great contribution to our marketing, particularly of our perishable primary products of which we produce an abundance in South Australia.

So with the rail project, in the first instance to get this project off the ground has been great for the Iron Triangle region in particular, and for the Australian economy, because we know that with the billion dollar price tag a lot of that money will be spent in South Australia. Further to that, once the rail is completed and opened I think it will make a great contribution to the marketability of our primary produce into the Asian area.

Like other members, I would like to comment on the efforts that the former premier, John Olsen, the member for Kavel, has made. Since I have been in this place I have on many occasion seen the single-minded determination of John Olsen to get this project nailed down, and it was fantastic that John was able to achieve that. He will go down in history as being the person in South Australia, from the South

Australian end, who achieved a dream of Australians, a dream which has been held by Australians for well over 100 years.

The member for Schubert mentioned Barry Coulter. I was fortunate to be at a meeting in Darwin several years ago when Barry Coulter was the keynote speaker and he spoke on the work that he had done and the work that was done from the Northern Territory end to achieve the fruition of this project, and I would certainly like to acknowledge the work that Barry Coulter has done. The other player—and I do not know that any other member has mentioned this—who was a key to the success of this project was John Howard, the Prime Minister. Prime ministers for something like 90-odd years have been promising but never delivering. John Howard was convinced of the worthwhileness of this project and, indeed, for the first time in almost 100 years the federal government came along, after promising to build a rail link at the time when the Northern Territory was separated from South Australia, almost 100 years ago, and delivered on that promise. That John Howard did that I think needs to be acknowledged, too. In an historical sense, in years to come people will not understand and will have forgotten how difficult it was to achieve, but I am sure they will be appreciative of having that rail there for many generations to come.

Motion carried.

FRUIT FLY

Ms KEY (Hanson): I move:

That this House notes with concern the outbreak of both Mediterranean and Queensland fruit fly in the Adelaide metropolitan area and directs the Minister for Primary Industries to report to the House on the following matters by the end of this session:

(a) the extent of the problem in South Australia;
(b) the method of dealing with these pests;
(c) the impact on residents (particularly children and the aged), animals and birds with regard to the sprays and baits used by PIRSA;
(d) the occupational health and safety measures being taken to protect PIRSA workers;
(e) the impact of sprays and baits on the local environment and gardens; and
(f) the expenditure by the government on research into alternative and more safe and environmentally friendly methods of eradication.

Since drafting this motion I am very pleased to say that the Premier and Minister for Primary Industries has acted on most of those points that I raised in my motion, some six months ago, and I do commend him for doing that. However, there are still a number of issues that residents in the area that I represent and in the area of Unley, and I believe in the area of Bragg, have still not had answered.

Basically, from my perspective this whole issue revolves around the tenet that I hold very dear, and I know a number of people on our side hold dear, that residents have the right know what chemicals, what pollution and what substances are being introduced into their own backyards. For those reasons, a number of my colleagues on this side of the House and I have been campaigning to make sure that not only do residents have knowledge but that they also have the opportunity to campaign and put their points of view forward. It is the role of members in this House to present those issues.

I am sad to report, however, that a number of my colleagues from the other side of the House do not seem to have followed up on some of these issues. Maybe it is because they have a different philosophical or ideological point of view, but I think that this is a fundamental right that residents should have.

Much concern has been raised about the process of trying to keep South Australia free from fruit fly. I emphasise the fact that the opposition understands the seriousness of having both Mediterranean and Queensland fruit fly in South Australia. I pay some tribute to the primary producers in South Australia, particularly in the fruit and vegetable areas, recognising the struggles that they have had with Mediterranean fruit fly. Neither I nor any of the people who are concerned about the process and the methods that have been used to fight this pest take anything away from the fact that this is a major issue for South Australia, not only affecting the livelihood of a number of growers but also considering the importance that both the fruit and vegetable industries play in the South Australian economy.

I know that a lot of work has been done in South Australia to make us a food state that is seen to provide good produce, produce that is chemically free. There has obviously been a lot of discussion about the role of genetic modification and interference with the produce that comes out of South Australia. I, for one, would like to see South Australia seen as a green and, wherever possible, organic vegetable and fruit producing state. The other reason why I am really interested to follow up on this issue is that there is a number of organic gardeners in the area of Hanson (and I also understand in the new area of Ashford), and I would like to pay tribute to some of the activists in the area who want to make sure that they can continue to have their organic gardens, and that members of the local community have as much information as possible about what is going on in their own backyard.

I would like to compliment Ashley Campbell, who is the coordinator of the Clarence Park Environment Association. It has really been through that association that the first public meeting was held at the Clarence Park community centre some six months ago, followed up by a second meeting. The third meeting was the one that I organised with the support of the member for Unley in the last couple of weeks. This has been an issue that has been at the top of the series of concerns that have been raised in the community, particularly in Ashford but, as I said, also in Unley and the area of Bragg.

The Premier and Minister for Primary Industries commissioned a review, and PPK has put out quite a heavy tome entitled, 'The Review of the PIRSA Fruit Fly Program'. I am sure that members in this House will recall some of the complaints and allegations that were made about the way in which the prevention of fruit fly program was conducted in South Australia. The department has done a very good job in addressing the issues that have been raised, and I think that the officers of PIRSA deserve praise, as they have really tried to make sure that, where possible, we use alternative measures and look at environmentally friendly methods of eradication of fruit fly. That has been a good initiative and I compliment not only the environment associations in the area but also the public for making sure that their representatives (in this case me) have taken up the issue and have put pressure on Primary Industries and the government to examine alternative and safer ways of dealing with this pest.

I understand that some 33 community members made submissions to the review and the Premier kept his word and set up a community reference panel, where a number of people from throughout the community had an opportunity to contribute to the recommendations that finally came out of the PPK report. In particular, I would like to pay some tribute to Mr Peter Bennett, who has been an activist in the organic

gardening area for quite some time, and also South Australia's not very well-known (I believe) but very hard-working and efficient Soil Association, which has also contributed to the debate and to the lobbying that has taken place in the community.

One of the concerns that is still outstanding, however, is that a number of residents have said that they do not believe that there are adequate notification methods put in place by the government, by the PIRSA workers, with regard to whether their backyards will be baited or sprayed. A number of people who, as I have already said, are organic gardeners really do not want to have chemicals introduced into their gardens because of the choice that they have made about the type of gardening in which they will be involved. A number of older people in our community have said that they have suffered quite serious, they believe, health effects associated with the spraying that has been taking place. They would also like to have an opportunity to opt out of having their backyards sprayed. The other concern that has been raised is that a number of residents say that, although they do not have a problem with their backyards being sprayed as a prevention for fruit fly, they would like proper notice so that they can make sure that they cover fish ponds, that their bird aviaries are secured so that the birds do not get sprayed, and also that they can take measures to make sure that young children and pets are not going anywhere near the areas that have been sprayed or baited. One of the problems is that the brightly coloured pink pellets that are in the baits look like different forms of lollies, and some issues have been raised about smaller children being attracted to the colours of the bait. It is important that a proper notification and education program is associated with this prevention program.

The other point that is important to note—and this came out of the PPK review—is that we have very few animal and plant officers in South Australia. A number of claims are made about the border control aspect of fruit fly prevention, and there is still a case to answer in that area. The other concern is that there is proper research that goes into alternative ways of dealing with these pests and, where possible, environmentally friendly methods as well.

I note that although the Premier and primary industries minister has seen fit to increase the staff, I understand we are only talking about eight animal and plant control officers in South Australia. Of the two additional people who have been employed, one is an entomologist (which is an important addition) and the other a communications education person (which again is a good initiative).

The Public Service Association has come out on record a number of times and said that these workers are very much under pressure and that there needs to be more animal and plant officers on board in South Australia, because not only do they have to deal with fruit fly but also there are a number of other pests for which they have responsibility. I ask the Minister for Primary Industries to think about that issue and, if possible, reconsider the resources in that area.

A number of claims have been made about the casual and seasonal staff employed to deal with fruit fly. I understand that that concern has been taken up seriously by the department and that there has been considerable training in the past couple of months with regard to health and safety and measures of public health with regard to this area.

In summary, overall this has been a very successful exercise. Public awareness is very high. The public have had a few wins with regard to the action taken on this matter, and that is a positive situation. I urge the minister and the Premier to consider the staffing issue of animal and plant control, which is still outstanding.

Also, there are still concerns in the community about the level of pesticides and chemicals in our suburbs and country areas as well. That needs further focus. There is a call for environmentally friendly and organic methods of dealing with eradication of pests, and one of the most fundamental issues is the right to know what is going on in one's backyard, with adequate notification to make sure that, if people are to have baits, spray or any pesticides or any chemicals in their backyard, there is an opportunity to take proper precautions.

My real concern is that the information being given out by PIRSA does not talk about poison information; what number one rings if someone, particularly a young child, does start to chew or eat a bait, as has unfortunately happened; or what precautions people need to take if they come in contact with the spray. I urge the Minister for Primary Industries and the Minister for Health seriously to consider that matter.

On 30 October I asked Minister Dean Brown in his capacity as minister for public health to report on what was happening with regard to vegetables and fruit that come into South Australia, and some allegations were made that fenthion and dimethoate insecticides were still part present in vegetables and fruit that come into South Australia. I am still waiting for an answer on that question. The people whom I represent in the electorate are keen to find out what the level of chemicals is.

Debate adjourned.

[Sitting suspended from 1 to 2 p.m.]

QUESTIONS

AUDITOR GENERAL'S REPORT

In reply to **Ms STEVENS** (23 October).

The Hon. DEAN BROWN:

1. The Capital Program approved by Cabinet in May 2001 incorporates the 2001-02 capital budget and the forward estimates for 2002-03 and 2003-04. The funding provided in the three-year period for The Queen Elizabeth Hospital (TQEH) will complete the $37.4 million Stage 1 of the redevelopment, scheduled for completion in April 2003.

The tenders for Stage 1 closed on 26 October 2001 and are currently being assessed.

The immediate priority is to prepare a tender recommendation for consideration by Cabinet and the subsequent execution of a construction contract such that Stage 1 of the redevelopment can get under way.

Planning for subsequent stages of the redevelopment is about to commence. Funding for these stages will be made available in due course.

2. In relation to Lyell McEwin Hospital Stage A, the Capital Program approved by Cabinet in May 2001 incorporates funding of $12.685 million in 2001-02 with the forward estimates incorporating a further $69.126 million across the years 2002-03 and 2003-04. That will complete the $87.4 million funding approved for Stage A, scheduled for completion in June 2004. The project is meeting its programmed targets.

3. The priority has been the successful commencement of Stage A, including the appointment of a managing contractor, Hansen & Yuncken. Preliminary works are now well advanced.

Stage B can only commence following the completion of Stage A, which is scheduled for June 2004. Therefore, funding for the implementation of Stage B is not required in the current forward estimates period. The planning for Stage B will commence shortly with a view to developing the scope and cost of Stage B such that funding can be allocated as required in future forward estimates.

Health Services have overrun their budgets by $61.1 million.

The broad categories are detailed in the table below.

Category	Confirmed Debt
Aboriginal Health Services	$4 120
Country Health Services	$5 625 980
Disability Services	$3 988 950
Primary Health Services	$856 384
Metropolitan Hospitals	$50 662 448
Total	$61 137 882

5. The Aboriginal Housing Authority (AHA) was proclaimed in October 1998 and commenced operations in February 2000. At this time, 1790 SA Housing Trust (SAHT) properties were transferred to AHA by a gazettal process. From February 2000 to 30 June 2001, an additional 43 SAHT properties have been transferred to AHA. 5 properties have been transferred to AHA in the period 1 July to 30 September 2001.

6. From 1 July 1994 to 30 June 2001, 7 560 SAHT houses have been sold to tenants or other purchasers. An additional 378 properties are currently under contract to existing Trust tenants who are purchasing their homes under the Progressive Purchase Scheme.

7. In 1996-7 a decision was taken to expand the Community Housing sector through the transfer of SAHT housing to SA Community Housing Association (SACHA) for use by Community Housing Organisations. Since that time, through to 25 October 2001, the Trust has transferred 918 properties (including leases) to SACHA.

8. Since 1994, no additional houses have been transferred to authorities such as the Defence Housing Authority.

9. In the period (1 July 1994 to 30 June 2001), 7 560 houses have been sold, 1833 have been transferred to AHA, 889 transferred to SACHA (including leases), and 378 sold to Trust tenants under the Progressive Purchase Scheme.

10. The SAHT has forecast that the New Build Program for the financial year 2001-02 will generate 280 housing opportunities. In addition the Trust plans to purchase 16 homes under the House Purchase Program.

SACHA revised targets for completions for 2001-02 as at October 2001 is 263 new build properties.

This financial year, AHA will build 28 new homes (in the far north) under the National Aboriginal Health Service Program. 5 new homes will be completed in the Metropolitan area under the Rental House Program, and AHA proposes to purchase one home in the metropolitan area.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Human Services (Hon. Dean Brown)—

Chiropractors Board of South Australia—Report, 2000-01
Guardianship Board of South Australia—Report, 2000-01
Nurses Board of South Australia—Report, 2000-01
Occupational Therapists Registration Board of South Australia—Report, 2000-01
Office of the Public Advocate—Report, 2000-01
Pharmacy Board of South Australia—Report, 2000-01

By the Minister for Government Enterprises (Hon. M.H. Armitage)—

Department for Administrative and Information Services—Report, 2000-01
Freedom of Information Act—Report, 2000-01
Passenger Transport Board—Report, 2000-01
Privacy Committee of South Australia—Report, 2000-01
SA Water—Report, 2000-01
South Australian Totalizator Agency Board (SA TAB Pty Ltd)—Report, 2000-01
State Records of South Australia—Report on the State Records Act, 2000-01
TransAdelaide—Report, 2000-01

By the Minister for Environment and Heritage (Hon. I.F. Evans)—

Land Board—Report, 2000-01

By the Minister for Water Resources (Hon. M.K. Brindal)—

Attorney-General's Department (Incorporating the Department of Justice)—Report, 2000-01
Construction Industry Training Board—Report, 2000-01
South Eastern Water Conservation and Drainage Board—Report, 2000-01.

QUESTION TIME

GOVERNMENT RADIO NETWORK

The Hon. M.D. RANN (Leader of the Opposition): Does the Premier now have full confidence in the $250 million government radio network and its ability to work effectively between all the users, including fire, ambulance and police services, during the coming bushfire season?

The Hon. R.G. KERIN (Premier): A lot of work has been done on the government radio network. The Minister for Police, Correctional Services and Emergency Services, and the Minister for Administrative and Information Services in the other House have been working on a number of issues. I know there are some issues with pagers at present, and a lot of work is being done to try to get those out to the fire brigades before we have a problem. We do not underestimate the importance of the network.

We are about to head into a summer where, by late January or February, the fuel load will be enormous because of the season we have had. I am confident that everything possible is being done to make sure that the government radio network is in the best position to do the job in those areas where it is in operation this coming summer. As members will know, some of the areas will still be on the old system until, say, March or April, and then it will roll out across the state. I am confident that everything is being done to make sure that the system is in the best possible nick.

HARRIS SCARFE

Mr HAMILTON-SMITH (Waite): Will the Premier provide guidance to the House with respect to any action the government may have taken in response to a request for financial assistance for Harris Scarfe?

The Hon. R.G. KERIN (Premier): Yes, I can give guidance to the House on this issue. I am pleased today that we have been able to offer Harris Scarfe a taxation package. There is absolutely no doubt that Harris Scarfe is an iconic business within South Australia. We are interested in two components of its business. Its retail stores are very important in South Australia. If we lost Harris Scarfe, we would lose about 835 jobs, including 550 full-time jobs within the retail sector. The head office is also important to us, and we are hoping that we will see 125 jobs retained in that area over time.

The package we have come up with is a mixture of stamp duty relief on the sum involved in the management buyout of the business. We looked at and agreed in principle on—as long as a couple of details are tidied up—payroll tax relief on the head office staff over the next two years. That is what we have been asked to do in relation to the buyout of Harris Scarfe.

The issue now is probably whether or not the other parties involved in the sale agree to its going ahead. A couple of key decisions still need to be made. We are told that the decision we have made this morning goes a long way to ensuring the future of the organisation. However, we look forward to the other parties involved in this making decisions which will ensure the future of Harris Scarfe, will maximise the number

of workers and will keep Harris Scarfe stores—not only in Rundle Mall but its other stores—working into the future.

GOVERNMENT RADIO NETWORK

Mr CONLON (Elder): Will the Premier give the House the details of briefings he has received about contingency plans prepared by the government, which include members of the Premier's own media unit, in the event of a breakdown in the $250 million government radio network?

The Hon. R.G. KERIN (Premier): I have not been briefed on the detail of contingency plans. However, I have discussed where we are going with the Minister for Administrative and Information Services, and we have certainly discussed it at some length with the Minister for Police, Correctional Services and Emergency Services. Some issues are involved there. As far as contingency plans—

An honourable member interjecting:

The Hon. R.G. KERIN: No. As I said in answer to the previous question, I am confident that everything possible is being done to make sure that our emergency services in the coming summer run in the best possible way and that the issues that are outstanding with the GRN are being addressed at present.

EMPLOYMENT, REGIONAL

Mr VENNING (Schubert): Can the Minister for Employment and Training provide the House with information about jobs growth in regional South Australia, especially growth in the wine industry?

The Hon. M.K. BRINDAL (Minister for Employment and Training): I can, and I thank the member for his question, because it is a most important one, especially to people on this side of the House—although no less, I hope, to members of the Labor Party. Yesterday, while travelling to one of the schools in the member for Hart's electorate, I think—Mount Carmel; I think that is in the member for Hart's—

An honourable member interjecting:

The Hon. M.K. BRINDAL: The member for Price's electorate. As I travelled down Port Road, I went past the ACI bottling plant, I think it is, on Port Road. I noticed that it looks as though they have virtually pulled down half the plant at the back and they are obviously rebuilding that half of the plant, and are growing considerably. This is a good news story not only for those areas ably represented by the member for Stuart, the member for Light, the member for Finniss and the member for Mawson, who have pivotal wine growing areas in their electorates, but also for other electorates around the state.

Some 10 years ago, wine in this state was worth $100 million a year, when Labor was in office. Today, it is worth $1 000 million a year. That is a tenfold increase, and it is still growing. In fact, a 10-month federal government study released earlier this year found that employment in viticulture had doubled in the past decade. That is against the background of when the then Premier told this House about the growth that he expected of the wine industry, and not only did people in this House doubt him, but people within the industry also doubted him.

An honourable member interjecting:

The Hon. M.K. BRINDAL: You go back and count votes: 45 behind, and losing rapidly.

An honourable member interjecting:

The Hon. M.K. BRINDAL: You're not smiling! There also has been—

An honourable member interjecting:

The Hon. M.K. BRINDAL: Cheering loudly! There also has been tremendous growth in the supporting industries—bottling, packaging and transportation. Wine industry job growth has occurred right across our state and in many electorates on both sides of the House. I would have thought that members opposite—especially the Leader of the Opposition's Rottweiler, the member for Bart—would have been more circumspect about their denigration of the wine centre. It offers direct linkages with our booming wine industry and our push for ever increasing exports. One seriously has to ask whether the opposition wants our state to prosper or whether it wants to preside over a backward slide.

I will briefly outline some of the new investments in jobs in the wine industry. In the member for Light's seat, the state's biggest bottling plant is being built, which will involve some 600 jobs during construction, and 200 ongoing jobs when it is completed.

Members interjecting:

The SPEAKER: Order! The minister has the call.

The Hon. M.K. BRINDAL: That will be $130 million worth of celebration, which will be presided over probably by the Liberal Premier or one of his ministers—certainly by no-one on that side of the House. In the member for Hammond's seat, last winter, Langhorne Grape Growers brought 600 employees into the area for vine pruning, propagation and the development of new vineyards. That is great news not only for the member for Hammond but also for the 600 families that gained employment because of the work being done in the member's electorate. In the Barossa—which is represented by the companion baron of the Barossa, the member for Schubert—there were more than 60 extra seasonal jobs last vintage at Orlando's winery alone. Orlando's winery is investing $24 million in infrastructure, processing facilities, storage and waste management.

Also in the member for Schubert's electorate, the Australian Vine Improvement Association is developing the nation's most advanced virus free propagation facility in a multimillion dollar development near Kapunda, resulting in permanent direct jobs for nursery staff. This is happening right across the state and right through our electorate. I hope that, shortly, we will be able to add the member for Flinders' electorate to the great wine growing districts of South Australia. All that the minister for infrastructure and I must do is find a bit more water for them, I think.

An honourable member interjecting:

The Hon. M.K. BRINDAL: Sorry. I am reminded of Boston Bay Wines—I do apologise. It is interesting that, on Tuesday, the leader did not ask one question about the wine centre. That sends a message to me and every member of this side of the House and the wider public that the leader simply is not particularly interested in this industry. So, perhaps when the member for Hart talks about extravagant waste—as he does every night when he can grab a mean 30 seconds on television—

Mr Atkinson interjecting:

The Hon. M.K. BRINDAL: Memories of waste might be bad memories for the leader; he might not want to be reminded that when he was the Minister for Business and Regional Development, in 1993, just before an election, he presided over a spend of $765 000 on a Business Asia convention. That was just—

Mr CONLON: I rise on a point of order, Mr Speaker. I took the same point of order on a different subject yesterday when the minister was debating the issue and not answering the substance of the question. He is now trying to sneak it into a different question today.

The SPEAKER: Order! I ask the minister to come back to the substance of the question.

The Hon. M.K. BRINDAL: It was indeed about—

Mr Conlon interjecting:

The SPEAKER: Order, the member for Elder!

The Hon. M.K. BRINDAL: —job growth in, and assistance that the government can provide for, the wine industry. Following this line of reasoning, I am pointing out to the House that you cannot waste money and spend money on developing the wine industry at the same time. Perhaps when the Leader of the Opposition personally wasted $765 000—

The SPEAKER: Order! The chair has asked the minister to stick to the question. I again ask him to do so.

An honourable member interjecting:

The Hon. M.K. BRINDAL: The member is obviously a real lady. We have money to spend on developing the wine industry in this state. We have fixed up Labor's debts. We have reduced the jobless rate to 7.2 per cent, which is within .1 per cent of the national average. We have not grown it by 1 per cent in less than 12 months, as did the Leader of the Opposition.

That is why we do not want to denigrate every achievement of this government. We want to celebrate with all South Australians their hard-won achievements over the last seven years. We have played a part as a government responsibly in developing South Australia, but it has been only a part. The vignerons, the industry, the bankers and the kids in schools who study viticulture—indeed, every part of the South Australian community—has got behind the government so that South Australia has gone from a state which was doing it tough to one which is now prospering. We want to celebrate those achievements, not join the member for Hart nightly on television as he looks for the grubbiest little deal that he can find to make everyone think that this state is going down the tube.

GOVERNMENT RADIO NETWORK

The SPEAKER: The member for Elder.

Mr CONLON (Elder): Thank you, sir.

Members interjecting:

Mr CONLON: They're sensitive today, sir. Someone must have touched on a raw nerve, I think.

Members interjecting:

The SPEAKER: Order!

Mr CONLON: My question is directed to the Premier. Will he explain why there is a need—and how much it is costing—to retain two public relations agencies to be on stand-by to execute a crisis plan designed to suppress damaging publicity that would arise in the event of anything going wrong with the $250 million government radio network? The opposition has received a leaked copy of a 25 page crisis communications plan. That details a minute by minute, hour by hour plan—

Members interjecting:

The SPEAKER: Order!

Mr CONLON: —to control media information in the event of a full or partial breakdown of the government radio network. The plan includes activating an information control room, complete with near round the clock catering and which would be equipped with computers, faxes, photocopiers, year planners, white boards for brainstorming, TV, video, radio, stationery, and so on. The plan's overview says, and I quote:

> The SA government radio network management team recognises the potential threat to management of any emergency and to user and general public support for the network if the network itself becomes the centre of a crisis that is poorly handled.

I quote again:

> This document addresses communications management only and not the management of the actual crisis.

Members interjecting:

The SPEAKER: Order!

The Hon. R.G. KERIN (Premier): Can I just point out to the member—

Members interjecting:

The SPEAKER: Order, members on my left!

The Hon. M.D. Rann interjecting:

The SPEAKER: Order, Leader of the Opposition!

The Hon. R.G. KERIN: I point out to the member for Elder to start with that we always have emergency plans in this state, and we have for a long time. For him to claim—

Members interjecting:

The SPEAKER: Order!

Mr Foley interjecting:

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

The Hon. R.G. KERIN: For someone who holds himself up as a potential minister for emergency services he has a lot to learn. You have a lot to learn—but you will not have to learn too quickly, anyway, so do not worry about it.

Members interjecting:

The Hon. R.G. KERIN: What we have in South Australia is a disaster plan, and within that plan—

Members interjecting:

The SPEAKER: Order! I warn the member for Elder and the Leader of the Opposition.

The Hon. R.G. KERIN: I will just explain a couple of things to you. Having sat on the State Disaster Committee—

Mr Foley interjecting:

The Hon. R.G. KERIN: Yes, of course I have. What the member for Elder fails to realise—and this makes us understand why communications were in such a mess when we took over—is that a major part—

Members interjecting:

The Hon. R.G. KERIN: The first issue that was brought to the Premier back in 1993-94 was the fact that communications which you guys had left us were a disaster. You only have to go back to a Coroner's report which your government chose to ignore.

Members interjecting:

The Hon. R.G. KERIN: The Labor Party was willing to put lives and property at risk in South Australia by ignoring the issue.

Members interjecting:

The SPEAKER: Order! I warn the member for Elder for a second time, and the member for Colton.

The Hon. R.G. KERIN: There are some people on this side, and I thought there were on that side, who have actually been out to fires with the CFS and whatever. If the member for Elder thinks that he is going to have a disaster plan and that they can go about fighting fires and doing things without communications then he is badly mistaken.

With a disaster plan—and the committee has looked at this—that there are levels for everything, because if we have another Ash Wednesday in this state we have to be ready for

it. If you think that communications are not a vital part of that, then you do not understand. That explains why, when we took over in 1993, communications were in an absolute mess, because members opposite never understood; the penny never dropped and, now that we are addressing it, you just pick and pick.

SAFE WORK WEEK

The Hon. G.A. INGERSON (Bragg): Can the Minister for Government Enterprises outline to the House the details of Safe Work Week and indicate the benefits and increased efficiencies to South Australians through achieving the government's emphasis on safe work?

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): It is pleasing to be able to report to the House that the benefits of South Australians working more safely are, in fact, beginning to show. It is really good news. Our workplaces are becoming safer because, while our work force continues to grow (which in itself is pleasing), the rate of injury is declining. The measure of that is that over the past three years claim rates have fallen by 5 per cent per annum. This all has to be considered in the context of an inheritance in 1993, after 11 years of supposed care—I guess you could classify it as 'all care but no responsibility'—wreaked on the economy of South Australia by the Labor government.

This government has repaired the levels of funding to WorkCover from a low of 70.6 per cent funding seven years ago to where the last reported figures for the 1999-2000 financial year showed that the scheme was 97.4 per cent funded. What that means is that when there is a level of 70.6 per cent funding for WorkCover, of which members opposite appear to be proud, they are putting in jeopardy the WorkCover of the employees of South Australia because it was not funded.

Over the past five years, while the South Australian work force grew by 10 per cent, we have seen a 20 per cent reduction in workers' compensation claims. That is clearly good news. What it means is that, under this government, WorkCover has been able to reduce its costs for business, and in the 2000-01 financial year we provided a rebate to the tune of $25 million, and earlier this year we announced a reduction in the average levy rate by 14 per cent to 2.46 per cent, something for which businesses have been clamouring for ages. What that means overall is that, directly because of the effects of government moves, we will return some $108 million to all South Australian employers over two financial years through creating the opportunity for business to flourish and through prudent management. That means that businesses have $108 million to invest in new machinery; that is $108 million that businesses have to attempt new marketing plans for export; it is $108 million that businesses have to employ more South Australians—all of which I would have thought would make members opposite glad and smiling instead of being morose—absolutely morose.

It is a very stark contrast to what happened opposite. As the Minister for Water Resources was saying earlier, not only was the Business Asia Forum being overspent by $400 000 but also in the last full year that the Labor Party was in power the total number of non-exempt injured work claims was 39 400. Under this government, the same figures for the total number of non-exempt incurred claims for the last available financial year was not 39 400 but 31 020.

The Hon. M.K. Brindal: And I bet we didn't pay for any wedding dresses.

The Hon. M.H. ARMITAGE: And I do not think we paid for any wedding dresses, either. Despite the increasing work force, we have dramatically reduced the number of incurred claims, which is good news for the employees. We are pleased about that, because we are able to invest money in businesses and because, since the last full year when the Labor Government was in power, there have been 8 380 (I believe my maths is right) fewer non-exempt incurred claims, which means fewer workers getting injured. I worry about the future of WorkCover were the Labor Party ever to be given another opportunity and, because of the benefits we have been able to put back into the economy—

The Hon. G.M. Gunn interjecting:

The Hon. M.H. ARMITAGE: I have some updates on some other figures. I understand that some very positive figures are coming in. The member for Peake may like to give us an update. While we are talking about figures, I must say that Labor, through wasted maladministration, gave us a $3 billion debt. We all remember the $900 million Myer-Remm Centre and the $560 million 333 Collins Street, the $33 million Collinsville stud, goat breeders and so on. These are all reasons why we have to keep Labor off the Treasury benches.

GOVERNMENT RADIO NETWORK

Mr CONLON (Elder): My question is directed to the Minister for Emergency Services. If the minister has complete confidence in the reliability of the $250 million government radio network, especially in the coming bushfire season—

Members interjecting:

Mr CONLON: They are sensitive today, aren't they! Someone must have annoyed them. Why is the minister anticipating—

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. Ingerson: What's it like to be a loser?

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

Mr CONLON: My question is to the Minister for Emergency Services. If the minister has complete confidence in the reliability of the $250 million government radio network, especially in the coming bushfire season, why is he anticipating a total collapse of the network and the ensuing public relations nightmare that it would create? The government's 25 page crisis communication plan says—and I quote—

Members interjecting:

Mr CONLON: No, we will give it all to you, don't worry. It states:

> The plan is based on the Executive Director having overall media responsibility. This was formally agreed with Graham Foreman and Robert Lawson. However, in practical terms he may not be available to issue a news release or to go live on radio one hour after the collapse of all or part of the network. Alternatives are provided in the plan.

The plan also requires a regional spokesperson to be on hand to control information about the government radio network, and again I quote, as follows:

> . . . where media attend an activity—such as a fire—where the work of emergency services is handicapped through radio deficiencies.

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I thank the honourable member for his question. He talked about anticipation. For two years I have been anticipating but not expecting ever to get a bona fide question on the government radio network where it relates to the portfolios for which I am responsible, but I never get one. Mr Speaker, I should tell you that this will take a little while to answer. There has been so much innuendo and so much misrepresentation that I want to put the facts on the table. I not only want to put the facts on the table, but I am also happy to actually spend time with any of the media—and in fact I will be inviting them to have a look—

The SPEAKER: Order! The minister will resume his seat. I warn the member for Elder for the third time. Minister.

The Hon. R.L. BROKENSHIRE:—at how good the government radio network is. In answering this question, let us look at a few things. Members opposite constantly call for more question time, but rarely do we get a question. Then on a Friday, when I am not available, they run out some innuendo or cut and paste something and run it out about the GRN and emergency services. They normally talk about things such as $250 million, blow-outs, Motorola, and so on.

I will give them the facts. First, Motorola has only just over 20 per cent of the whole contract. Telstra, a company known not only in Australia but also internationally, is the major company involved in developing and building the government radio network. Telstra is very proud of this radio network, and a senior manager in Telstra told me that he will back this radio network 100 per cent.

Members interjecting:

The Hon. R.L. BROKENSHIRE: Yes I am, because I am prepared to talk about the facts and not the fiction. Let us look at a few other things about this government radio network. It is a government radio network that will be fully integrated to police when it is completely built; fully integrated to ambulance when it is completely built; fully integrated to SES; fully integrated to CFS; fully integrated to allow SA Water and forestry to be involved in a major state disaster or major bushfire situation; and fully integrated to the Metropolitan Fire Service. I can tell members that this is rolling out across the state; it is a 226 000 square kilometres footprint, bigger than the whole of Victoria—and they are looking at this at the moment. In fact, four states will be going through the control room of the GRN in the State Administration Centre to look at it in the near future.

The fact is that we will have a fully integrated system. In building and rolling it out, there will be some areas which need finetuning. You cannot build anything that will be good for the future without having to finetune it. In fact, you cannot even buy a car without having to go back to get a little warranty work done on it—which is the reason why you are given a warranty. The minute they find that they have to do some tweaking (as they call it) with a cell, then Telstra is down there fixing it.

I want to get two or three other things on the record. There is the government radio network I talked about. Some $13 million a year for seven years is paid for by the emergency services fund. It is not the sort of innuendo that the shadow spokesperson continually pedals out in the media. I hope the media is listening to this today: it is $13 million a year for seven years. I hope they are listening, and I offer my assistance to them at any time to give the facts on the GRN, not the fiction from the other side. In addition, there is a paging system which will be able to page across the state. Sometimes there will have to be a dual paging system across the state. Of course, that was known, because you cannot get a paging system into every nook and cranny for 436 brigades across the state. Our government will keep working on it until we get it to where I am satisfied with it. We do have contingency plans, but we will roll out a statewide paging system. In addition, there is the simplex VHF system, which is an issue for the Country Fire Service, about which the shadow spokesperson should know. There are three systems. The GRN is working exceptionally well: $22.50 per person in this state for seven years to buy, build, operate, maintain and manage a radio network; $22.50 to give them fully integrated network coverage between all the services 24 hours a day seven days a week—and other states are trying to do the same thing.

That is the way it should be looked at. In addition, it will not be on the bankcard; it is paid for. We are dealing with a situation in which we have had a 22 year old radio network. When the Leader of the Opposition was a senior cabinet minister he had an opportunity to make some proper decisions in government, but he failed. We are delivering a government radio network that will be built, owned, operated, managed and maintained, and it will paid for in seven years, and not put on the bankcard. It will then have another seven years life, minimum.

Finally, like a lot of people who like to talk about fact and not faction, I have had a gutful of the innuendo, games and lack of credibility when it comes to supporting the more important initiatives. Therefore, I extend to the Leader of the Opposition and to the members for Hart and Elder a personal opportunity to meet with me next week. I will put it in writing. They can meet with police, the CFS and the SES. Then they will be able to see how good the government radio network is and tell the truth about the matter.

MINOTAUR

The Hon. G.M. GUNN (Stuart): I direct my question to the Minister for Minerals and Energy.

Members interjecting:

The Hon. G.M. GUNN: Get Patrick a drink of water; he's having a bad day. Will the minister inform the House about the exciting new mineral discovery in South Australia's Outback by the exploration company Minotaur and the role the state government has played in this exciting new discovery which will bring great benefit to the people of South Australia—unlike the member for Elder and his colleagues?

The Hon. W.A. MATTHEW (Minister for Minerals and Energy): The member for Stuart has championed the opportunities for mining in the northern region of our state through much of the 32 years that he has been a member in this place. While I am aware that the region to which he refers is not included in the boundaries of his new electorate, there is no doubting that he is still very much a representative of that northern part of the state. The member for Stuart still is the member of parliament who champions what occurs in the northern part of our state. Therefore, I am always very pleased to answer questions from the honourable member as he continues to represent in this chamber the people of northern South Australia.

I am delighted to have this opportunity to advise the House about this exciting new mineral discovery in northern South Australia. The company to which the member for Stuart alluded, Minotaur, has a joint venture at Mount

Woods, which is halfway between Coober Pedy and Olympic Dam. Minotaur's main partner in the joint venture is BHP Billiton, and Adelaide based Normandy Mining also is a stakeholder in this venture. It is also worth mentioning that Minotaur is also an Adelaide based company. So, two Adelaide based companies are associated with this exciting venture.

This discovery in itself confirms the excellent work of the government's targeted exploration initiative program (TEISA) about which I have spoken a number of times in this chamber during this calendar year. To date, only one drill hole has been put into the ground in this location. So, with regard to the results of this venture, we need to keep in mind that so far only one hole has been drilled. However, the results of this drilling program already are exciting. Already the company is describing the intercept as an Olympic Dam look alike. The structures are almost identical, and the region is in the general vicinity. Minotaur has announced that the intersection, which is some 107 metres, has some 2 per cent copper and .66 grams per tonne of gold. That is very similar to the early intercepts at Olympic Dam made by Western Mining. In 1975-76, by way of example, hole one (38 metres) was 1 per cent copper; and hole nine (170 metres) was 2.1 per cent copper. This is comparable with the best of Western Mining. This is the first hole, and there are many more holes to drill, but it is a very exciting initial discovery.

I would hope that on this occasion the Labor Party supports this venture. The Labor Party is devoid of any policy on mining in South Australia. Indeed, the Leader of the Opposition was recently a guest speaker at a luncheon for the Chamber of Mines and Energy. The attendees at that luncheon were very disappointed, because they heard nothing from the Labor Party about its mining policy. They are all still waiting. I have had messages conveyed back to me about the Leader of the Opposition's very disappointing performance at that luncheon and about the fact that he still has not been able to give to the industry any assurance about a future Labor government (God forbid should a Labor government be elected in South Australia);nor have they been given any indication that Labor would support those ventures that are presently under way. The Leader of the Opposition needs to stand in this chamber and state publicly whether he is a supporter of this opportunity, or whether he will take the same role as the Labor leader before him, John Bannon, and ridicule this project.

It was 20 years ago almost to the day—certainly, within the month of November of 1981—when John Bannon, the then Leader of the Opposition, described the Olympic Dam venture as 'a mirage in the desert', and claimed that the Tonkin government should not be focusing on pie in the sky projects such as Olympic Dam. That was the view of the Labor Party then, and the mining industry wants to know whether the Labor Party of today has a changed view or whether it is like the Labor Party of yesteryear—carping, whingeing, negative, knocking the mining industry and, importantly, failing to have the judgment that is necessary to allow such ventures to move forward. This first drill hole result is very similar to the results that were previously ridiculed by Labor. Where does the Labor Party stand? I will wait with interest to see.

The member for Stuart asked me about the government's role in this venture. I was pleased to have the opportunity earlier today to talk to Derek Carter, who is the Managing Director of Minotaur. I congratulated him, naturally, on the success of his company to date with respect to its exploration. He was pleased to remind me that it was the 1999 TEISA data of this government that helped them home in on the location to undertake this drilling program. So, the government data that has been made publicly available has been of assistance in this discovery. I am eager to see how that moves forward.

The first hole is in an area measuring some 1 500 by 500 metres. It passed through 108 metres of younger sediments before intersecting this exciting find. Not surprisingly, Minotaur intends to dig further into this first hole to see what else it may be able to find in that location before, over the next few months, drilling tens of holes in many other locations to determine the extent of the opportunity and the extent of the mine. It could be that the next drill holes will determine whether we have a mine that will be looking for tens of millions or hundreds of millions of tonnes of product.

There is no doubt that the member for Stuart will be able to tell the people whom he represents so ably in the northern part of South Australia that the Liberal government continues to support the exciting mining ventures that are occurring in this state, and he will be able to draw the strong parallels of contrast between Labor's activities and ours.

Ms HURLEY: On a point of order, Mr Speaker, the opposition has asked four questions so far and we are three-quarters of the way through question time.

The SPEAKER: Order! The deputy leader will resume her seat. There is no point of order. Has the minister completed his remarks?

The Hon. M.K. Brindal interjecting:

The SPEAKER: He has. The member for Elder.

Members interjecting:

The SPEAKER: Order!

The Hon. M.K. Brindal interjecting:

The SPEAKER: I warn the Minister for Water Resources!

GOVERNMENT RADIO NETWORK

Mr CONLON (Elder): Will the Minister for Emergency Services confirm the cost to taxpayers of replacing new VHF radio units in each of the 3 000 fire trucks owned by the CFS across the state which will enable firefighters to communicate with each other on the fire ground, and will the CFS be expected to pick up the tab for these new units? A September 2001 CFS communications newsletter states:

> Eventually the Australian Communications Authority will issue new VHF channels to the CFS and completely new equipment will then be issued to all brigades.

The opposition has been informed that the new VHF radio units are expected to cost about $2 000 each, which for 3 000 fire trucks means an expected outlay of about $6 million. This would be in addition to the $250 million cost of the government radio network.

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): In the light of that question, it is important that next week I put in writing my invitation to the Leader of the Opposition, the member for Hart and the member for Elder to come and have a look at the radio network and see how it works. I will be there, and I hope the three of them will come, because they will see what it is all about. Clearly, the shadow spokesperson identifies that he does not understand the situation.

Mr Conlon: I understand fully.

The Hon. R.L. BROKENSHIRE: No, you do not. The shadow spokesperson does not understand fully, because he

just said that VHF Simplex radios would cost about $2 000 each.

Mr Conlon interjecting:

The Hon. R.L. BROKENSHIRE: That's what you said, wasn't it?

Mr Conlon: Tell us how much they cost.

The Hon. R.L. BROKENSHIRE: Now he says, 'Tell us how much they cost.' That is because he does not understand, he is not interested or he wants to continue to turn the innuendo around. A VHF Simplex costs about $700 brand new. The honourable member is confusing the existing VHF Simplex system which the CFS wants to keep for the time being. That is not the government network. This is where the innuendo comes in again. Let us get this right. The government radio network is trunk, digital, analog, command, talk channel and integration. It is about talking to all the services, the fire truck going back to the brigade and the brigade being able to talk to headquarters. That is what the government radio network is about.

Then there is the fire ground: that is, the truck to the firefighter, with the hose and the nozzle, mopping up, or it is from truck to truck. You can have VHF Simplex broadband or you can have VHF Simplex narrowband, or you can have UHF Simplex. In most of the United States of America where they have pretty interesting terrain, I understand that the absolute majority of the fire services use UHF Simplex. I understand that a number of states of Australia are starting to go that way as well.

The shadow spokesperson referred in his question to the Australian Communications Authority (ACA), which actually sold the VHF Simplex system to the private band. So, because—

Mr Foley interjecting:

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

The Hon. R.L. BROKENSHIRE: —there are some issues around VHF Simplex, which some would like to continue to use at this point in time, they were trying to get the Australian Communications Authority to guarantee that they could keep a primary emergency band on the existing VHF simplex.

An honourable member interjecting:

The SPEAKER: And the member for Spence.

The Hon. R.L. BROKENSHIRE: The advice that I received on Friday is that the ACA will not allow that to happen. The final point that the shadow spokesperson needs to know is that, together with the actual radio in the truck, there is a hand-held radio which has a UHF Simplex capability and is compatible with the GRN in the truck. They are staying there now. Originally they were going to give more of those out, but because they have opted on the fire ground to stick with the VHF Simplex for the time being they are simply buying new batteries and some additional handsets, that cost about $700 each. The other UHF Simplexes that were already budgeted for will go out as we roll out through the Eyre Peninsula and through further north, through the Riverland and the Mallee. They are $2 000 each. The others are $700. Initial advice given to me by the CFS is that, therefore, it should be about a similar figure. The CFS is still working through that. It is their situation. The money is available. There are contingencies as well—unlike with the opposition where the only contingency was to bankrupt South Australia.

CANCER STATISTICS

Mrs PENFOLD (Flinders): Can the Deputy Premier tell the House about the latest cancer statistics from the South Australia Cancer Registry?

The Hon. DEAN BROWN (Deputy Premier): Each year we release figures for the latest cancer treatment here in South Australia, and they are from the Cancer Register. Every state of Australia is asked to do so. We are about 18 months to two years, in some cases three years, ahead of the rest of Australia in terms of publishing the figures for this state. Last week I was able to release the figures for the year 2000, which are therefore the latest figures, and give a very good indication of where we are going with cancer treatment within this state. It is also relevant because, in fact, this week happens to be Skin Cancer Awareness Week. It is with some encouragement that I am able to say that the latest register shows that the death rate from prostate cancer in South Australia has dropped by about 13 per cent over the last four years. The death rate from breast cancer in the target group has dropped by about 19 per cent or 20 per cent over the last 10 years.

So, for the first time in some of these key areas of cancer we are now starting to get on top of the cancers in terms of the impact on people, and certainly reduce the death rate from those cancers. That does not mean that we do not have a major problem with cancers within our community. If you look at the figures for men from 1999 to year 2000, the incidence of cancers detected actually went up by 6 per cent, and the overall death rate for cancer for men went up by 4 per cent. For women, in the same period the cancer rate also went up. It went up by 2 per cent from 1999 to 2000, and the death rate in relation to women dying from all cancers went up by 4 per cent in that period. So although we are winning the war on certain types of cancers such as cervical cancer and breast cancer, and certainly we are reducing the incidence of skin cancer, there are other forms of cancer which are still out there and increasing in numbers and still causing considerable deaths within the community.

It is also worth noting some of the other forms of cancer. One area where I am able to report again some good news is in relation to lung cancer. For the period from 1977 to 1999 the incidence of lung cancer in men dropped by 25 per cent. That is a very significant reduction indeed over that period of about 20 years. That was clearly related to the reduced incidence of smoking amongst men. If you look at women, unfortunately for the period from 1977 to 1991 the incidence of lung cancer in women actually went up by 56 per cent as a result of an increased incidence of smoking. From 1991 to 1999 that increase in lung cancer in women slowed very dramatically, and the good news is that for the first time it now appears to have plateaued, and actually slightly declined. So we are keeping our fingers crossed. We think that, even there, our anti-smoking campaign, which has brought about a reduction in the incidence of smoking in women, as well as in men, is starting to have an impact on reducing the incidence of lung cancer within the community.

I think there is one other cancer about which the community would be particularly concerned and of which it has become much more aware, and that is malignant melanomas, that is, skin cancers. In the 15 years up to 1992, there was a doubling of skin cancers within our community, and that is very significant indeed. The good news is that in subsequent years it plateaued, and now in the latest year it has actually declined slightly. Therefore, with our campaign out

there about using sunblock, appropriate clothing and hats, etc., the message is clearly starting to get through, and it is something that we need to continue to push very strongly among young people in our community.

The good news is that in some areas, such as those involving prostate cancer, breast cancer, skin cancer and lung cancer, we are now starting to have some success. It needs an ongoing commitment. This government has done that: we have expanded the breast screening program. Despite some claims two years ago that this government was about trying to close down the breast screening program—nothing of the sort—we have expanded it and we have put in new investment. I recently opened a new mobile clinic, and two new mobile clinics are being established for country areas. We have invested over $7 million in the last 12 months alone at the Royal Adelaide Hospital in some of the best medical equipment available. We now have at that hospital the best equipped cancer centre of any state in the whole of Australia and, whereas in the past we have had to send people interstate for treatment, they can now receive that treatment here in Adelaide.

We are winning the war in some areas, although we still have a long way to go. I believe that this week is an appropriate week for people to heed the advice that comes from medical specialists, and make sure that we are very wary of cancers.

GOVERNMENT RADIO NETWORK

Mr CONLON (Elder): My question is directed to the Minister for Emergency Services. Was Gary Bau, the Communications Project Officer of the Country Fire Service, correct in writing in his April 2001 position paper that the CFS requires an additional $11.4 million over the next three years in capital funding for the GRN, and that any shortfall in funding will have a direct effect on the CFS's ability to fight fires? In a report written in April, Mr Bau said:

> Prior to the GRN, CFS expended less than $100 000 annually on its own network. It has now identified that an additional $11.4 million in unfunded capital is required over the next three years to implement the GRN for CFS across the state. . . A further $1.8 million is also required in recurrent funding. Any additional requirement for capital expenditure on the GRN will have to come from CFS's funding allocation and this will have a direct effect on CFS's ability to provide necessary operational resources such as fire stations and fire appliances.

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I must say at the outset that this is interesting—things are a bit up and down when it comes to the shadow spokesperson. After the Tulka fires last year, the shadow spokesperson was critical of me and critical of the government, saying, 'Well, if you had had the new GRN out there in the fire field, things could have been managed a lot better.'

Mr Conlon interjecting:

The Hon. R.L. BROKENSHIRE: That is what you said.

Mr Conlon interjecting:

The Hon. R.L. BROKENSHIRE: Do you agree with that? You do not agree now? He agrees when he wants to and does not agree when he does not want to. I am sure that—

Members interjecting:

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

Mr CONLON: I simply point this out to you—

Members interjecting:

The SPEAKER: Order!

Mr CONLON: I have been warned for interjections. The minister is deliberately trying to elicit an interjection.

The SPEAKER: Order! There is no point of order—absolutely no point of order. I caution members about using standing orders to get debating points.

The Hon. R.L. BROKENSHIRE: To get the facts on that particular point that I just raised—which is relevant to the importance of the GRN—I know the date: it was when we were at a community cabinet meeting in Clare, and it was about 7.30 in the morning when I heard it on the ABC. I am sure that a transcript is available that will confirm that the shadow spokesperson, the member for Elder, was then critical of the government, saying that it could not roll out the GRN quickly enough to be able to assist with better fire prevention, because the old radio network, the old Labor radio network, was failing. When it comes to the issues around that document, that has already been reported in one of the print media in recent times, and that is part of the paper comprising several pages back in April. It was to do with a lot of the work around like for like. Do members notice that the shadow spokesperson's body language is not towards being appreciative of the answer?

Members interjecting:

The SPEAKER: Order! The minister will get on with the answer.

The Hon. R.L. BROKENSHIRE: That paper was internally circulated, talking about issues around like for like, whether they needed other radio networks and other equipment over and above what they had initially ordered, and so on, from my understanding. I can tell the honourable member that there is a contingency in the GRN and in the Emergency Services Fund budget. We are delivering significant increases in capital works to the tune of $11.5 million that we are spending now, and the money is available, unlike Labor which sank the state.

INDIGENOUS SPORTS

The Hon. D.C. KOTZ (Minister for Aboriginal Affairs): I seek leave to make a statement.

Leave granted.

The Hon. D.C. KOTZ: I take this opportunity to publicly congratulate our local indigenous sporting champions who again have tasted success at the recent national indigenous football and netball carnivals. Members may recall that last year I advised the House that South Australia had won both the netball and football competitions at the national carnival conducted here in Adelaide. I am delighted to advise that South Australia has done it again, taking out both competitions for the second year in a row.

This year's carnival was held at Alice Springs in October. The carnival attracted a healthy 12 teams, representing many parts of Australia, including five local and community teams and seven other teams from Victoria, Western Australia, the Northern Territory and, of course, South Australia.

I am sure members will be pleased to hear that it was the Victorian sides whom South Australia defeated in both the football and netball grand finals. We won the football grand final by 20 points and went through the entire carnival undefeated. South Australians featured prominently in the all-Australian football team selected at the conclusion of the

carnival. Of the 26 players named in the team, there were 11 South Australians.

In addition, the South Australian coach, Mr Phillip Graham, was named the coach of the all-Australian football team. On behalf of the government I extend sincere congratulations to the South Australians selected in the all-Australian team, including: Jeremy Johncock, Shannon Goldsmith, Michael Hooker, Richard Jones, Aaron Mitchell, Damian Rigby, Tim Carpany, Peter Carter, Matt Hooker, Adrian Wilson and former Crows player Ricky O'Loughlin.

In the netball grand final South Australia fought out a close battle with Victoria, eventually taking the honours by seven goals. There was a strong South Australian showing in the all-Australian netball team, with five South Australian representatives in the 12 member squad. South Australia's coach, Beryl Wilson, was also given the top job of the all-Australian team. Congratulations go to the following South Australians selected in the all-Australian team: Kendall Agius, Krista Carbine-Warrior, Janolan Miller, Tara Pickett and Vanessa Wilson.

I am told that the carnival was attended by hundreds of spectators from across the country, including special appearances by Brisbane Lions 2001 premiership player Darryl White and Kangaroos 1999 premiership player and the 1998 Norwich Rising Star Award winner Byron Pickett from Port Lincoln.

Again, I congratulate all those who represented South Australia, in particular all the coaches and supporters who have obviously given so much of their time to assist our athletes. Well done on your tremendous success.

GRIEVANCE DEBATE

Mr CONLON (Elder): The subject matter of my grievance today is obvious: the discovery of this government's Joseph Goebbels' plan for managing the media when its radio network fails. One of the things that occurs frequently in politics is that, when you are doing something wrong, you accuse the other side of it. The minister has persistently accused us in here—not in public—of innuendo, misrepresenting the case and not telling the truth. That is in fact what this minister has been doing on the government radio network for a number of months. He has made a couple of quite serious misrepresentations to this House. First, he has said that this new $250 million radio network—and he has said it several times—was not intended to replace the simplex VHF system used by the CFS; that it is not a failure because it was never intended to do that.

We have documents to show that the minister is simply not telling the truth. The CFS has spent two years trying to get the new GRN simplex system to work and it has failed. The minister simply will not face up to that. This government will not face up to the failures in its government radio network and address the problems. The Premier referred to a disaster plan—a disaster plan to protect the government from a political disaster! The government has set out and drawn up a 25-page plan to manage the media if its radio network fails. It will set up a control room to manage the media; it has two paid consultants to manage information if its radio network fails. Why is this government so frightened of its excellent radio network failing?

Of course, they all have fled. The minister, who wanted to put the facts on the table a little earlier, has scarpered. When danger reared its ugly head, he quickly turned his tail and fled. I refer to this crisis management plan. As soon as the radio network fails, the government insists that everyone go into a building, gets them all together, locks out the media, and then puts out press releases. The government even has draft press releases that it wants put out when the radio network fails. What will it say when the network fails; what is the recommended press release? The first paragraph states:

> The South Australia government radio network provides substantially improved radio communications services. . .

That is the first paragraph of its press release when the radio network fails. What else will they say? It 'will enable agencies to intercommunicate for the first time.' I heard that today: I think it is what the minister said. It continues:

> . . . [it is] based on proven technology. . . [it] has coverage across 97 per cent. . .

This is what they are going to say when it fails. This is their press release. It also deals with 'what should we tell the media'. The document states:

> Do not accept liability as an individual or on behalf of government/SAGRN—

we have seen that today, too—

> Do not allow media onto your premises. . . When you do agree to have media on premises, an SAGRN or other approved staff member must accompany them at all times.

This is what members of the government do if it breaks down. But they have one point in there for the public of South Australia, and I quote:

> If the occasion requires it, do express compassion/concern.

What raging hypocrites! This government this week has talked about its new openness since all its sleazy deals and disgraced premiers, yet what have they got: the Joseph Goebbels' plan for making sure no-one finds out what happened when the radio network goes down. This is an absolute disgrace. It is a $250 million disgrace. As we have learnt today, the minister refuses to answer questions about the blow-out in the CFS budget to pay for their part of it, so it is more than a $250 million scandal. This government stands condemned time and again. They have stuffed up Hindmarsh stadium; it looks like they have stuffed up the wine centre; they have stuffed up the radio network: they are not fit to govern and they should go.

Members interjecting:

The SPEAKER: Order!

The Hon. G.M. Gunn interjecting:

The SPEAKER: Order, the member for Stuart!

The Hon. J.W. OLSEN (Kavel): What we have is a state that has gone from a mendicant state—a Cinderella state, a rust bucket state—in 1993 to a state that can now hold its head high among the other states in Australia in terms of economic development. Over the past eight years, in particular the past five years, we have seen very fundamental and important economic reform in South Australia, the envy of a number of other states of this country, and, importantly, the most important economic reform in at least four decades in this state's history.

Mr Atkinson interjecting:

Mr Foley interjecting:

The SPEAKER: Order, the member for Spence and the member for Hart!

The Hon. J.W. OLSEN: I have no doubt that, in time, it will be seen as such. I did not have the opportunity, because of the time constraint on Tuesday, to list the series, but I would like to put it in context of performance and policy implementation of the past eight years. The sale of ETSA not

only removed the risk on taxpayers of South Australia but also, importantly, that risk having been removed, we have seen something like $5.3 billion worth of debt wiped off the books. That has secured the future. It is no longer mortgage. We have freedom. We have repaired the state's finances.

In addition, both in the water industry and in the IT industry, over the past eight years we have outsourced various management functions. That outsourcing is linked to economic development and export market potential. We have seen the development of an industry and, in addition, jobs being created in South Australia. To diversify the economy further, back office call centres and service centres have been put in place. Those centres have created some 10 000 new jobs in South Australia, with the capacity to grow substantially further. That has brought about substantial jobs growth, whether with Cable and Wireless Optus, BHP or JP Morgan, which is putting its Asia-Pacific centre in South Australia.In the area of industrial relations, workplace relations legislation has been put in place which complements that of the federal government.

Mr Foley interjecting:

The Hon. J.W. OLSEN: The work force has increased from four or six employers in 1994 to 513 or 518 on the payroll today. That is my rejoinder to the member for Hart, and I would do it all over again because it has been important economic development for South Australia. In relation to WorkCover reform—

Mr Wright interjecting:

The Hon. J.W. OLSEN: I will say privately what I want to say to the member for Lee, based on some of his comments in the House yesterday. In relation to WorkCover reform, we are now seeing Workcover premiums reduced compared with New South Wales. We saw some 20 360 jobs reduced in our public sector in South Australia, therefore giving a very extensive cost reduction. We were the lead legislators for the gas access regime and an alternative gas supply to South Australia. Our transport outsourcing tender for the public transport system is now seeing a return of people using public transport in our state. Our port sale process will enable panamax sized vessels to enter our port and will put in place significant advantages not only for grain growers, saving $5 to $7 per tonne in exports, but also for motor vehicles or wine going to the export market, thus reducing their costs.

We have the Southern Expressway, the hills tunnel and now the rail link to Darwin. We have tourism infrastructures, the Convention Centre, the National Wine Centre of Australia, airstrips in the outback to assist regional tourism, and the Murray River and the national agenda we have established for that. In addition, we are putting in place the first in Australia maths-science campus at Flinders University; vocation education schools; le Cordon Bleu diploma and degree courses in our state; the Regency School of Hotel Management; our Food for the Future strategy, which was put in place in 1997; the construction industry, which has seen Holdfast Shores established after stagnation of some 15 years; the $850 million redevelopment of Mawson Lakes; and the Port Adelaide redevelopment now on the drawing board receiving tenders. We have an industrial park at Holdens—

Time expired.

Ms STEVENS (Elizabeth): This afternoon I want to put on the record some information about a real coup by Elizabeth Vale Primary School, one of the local primary schools in my electorate. The coup relates to the attendance of both teachers and students at the World Computers in Education Conference in Copenhagen earlier this year. The World Computers in Education conference was held from 30 July to 3 August in Copenhagen, Denmark. This conference comes under the umbrella of the IT committee of UNESCO and happens every several years. Aside from the professional development gained by the participants, one of the outcomes of the conference is that a number of position papers developed by working groups at the conference are presented for further reference to the UNESCO IT committee.

Elizabeth Vale CPC-7 school was successful in being selected to present a workshop session about the innovative approaches to learning and technology that operate on its site. The Vale school believes strongly in developing the voice of its students, and it has worked hard to establish opportunities for its children's voices to be heard in the widest possible contexts.

It was on this basis that three 12 year old students—Rebecca Maher, Chloe Worden and Samantha Burge—winged their way across the world to be the presenters for the session. These students returned to South Australia, having done an outstanding job representing their school. They were accompanied by their principal, Ms Lisa-Jane O'Connor, and their IT manager, Ms Sue Fewster.

The workshop they presented was well attended and received very favourable feedback. In fact, they were so successful that one of the members of the international organising committee who attended their session invited them to speak at the closing ceremony of the conference. The three stood and spoke very proudly to the 1 200 delegates from 38 countries about what they had learnt during the conference and their impressions of the sessions that they had attended. They closed the conference with a challenge to all participants to go back to their education sites and use what they had learnt to make a difference for the learners with whom they worked.

I was able to spend some time at Elizabeth Vale Primary School last week. In fact, I was able to take with me my colleague the shadow minister for education, the member for Taylor. We saw a video clip of the students addressing the 1 200 delegates at the closing ceremony of that conference. We had an opportunity to speak with two of those students about the innovative curriculum and methodology that is occurring at their school. It is a state school, and I want to congratulate it.

I particularly want to congratulate the principal of that school, Lisa-Jane O'Connor. For a school to do such things—not just the international conference they attended but the fantastic innovations that are occurring there—it requires vision, leadership, energy and commitment from its Principal. That school and our community is greatly benefiting from the expertise of Lisa-Jane O'Connor. I close by saying that this is an outstanding example of what young people and schools can do when they work in partnerships with their students, teachers and community.

The Hon. G.M. GUNN (Stuart): Let me say from the outset that it is a great pity that the member for Elder engaged himself in such outrageous behaviour this afternoon, making inaccurate and quite misleading remarks. The member for Elder obviously has little or no knowledge of radio networks, how they operate—

Members interjecting:

The Hon. G.M. GUNN: I actually have a licence to use radio. I don't know whether you have. So, I know a little of

what I am talking about. If you get a pilot's licence, you have to be licensed to use radio, both HF and VHF. I also have a lot to do with UHF, so I understand them.

Mr Hanna: You can use a calculator, but that doesn't mean you can understand the state budget.

The Hon. G.M. GUNN: That's on your standard. If the member for Elder wants to make practical and responsible comments, suggestions or criticism, let him do it in a manner that brings some dignity to this House. He obviously is feeling very chafed today, and he is feeling some great remorse, so he is putting on this front to try to hide activities in which we all know he should not have been engaged.

For some time, I have been concerned about the EPA. The EPA has had a job to do. However, one of the greatest things in this world is commonsense. The EPA needs to take a balanced and responsible view and to understand that, if it encourages people to take certain courses of action, it should understand and try to think ahead to where it will end. I have a letter from J. Morgan and Sons, hardwood and softwood sawmillers, of Box 64, Wirrabara, South Australia. It has been involved in the industry for 100 years. It has been involved with the sawmill that has been established at the current site since 1968 as J. Morgan and Sons, and have been milling logs and timber since that date—some 33 years.

It is my understanding that in March next year this sawmill will close, and seven people will lose their jobs and have to transfer to Jamestown. Wirrabara is a very nice place in which to live. It is a small community, and it can ill afford to lose a major employer of this nature. It has all been brought about because three people came to the town after the sawmill was established and have continued to complain about and make criticisms of the company. They contacted the EPA, and together they have achieved their objectives. But at what cost?

We should just think about what will happen to those people who worked in that sawmill and who own a home there. Will they be able to sell their home and transfer to Jamestown? Unfortunately, I doubt it. So, this will have a significant effect on that small community. It is most unfortunate that the EPA would not tell those people what the end result will be.

About 15 months ago I spoke to the management and I went through it with them. I spoke to the EPA. I told the EPA in the clearest terms my views on its actions. It needs to use a bit of commonsense. It has caused trouble at the race track at Port Augusta, and it was rude and inconsiderate to the Flinders Ranges council at Quorn in relation to its rubbish dump. With regard to these people who have caused the trouble, one gentleman has lived in a house there for two or three years, one has lived there for 22 years and the other one for 21 years.

I have considered naming these people, and I probably will next week. I hope they look in the mirror and clearly recognise what they have done. One, who is unemployed, has been there five years. He started to complain virtually from the time he got there. They knew the sawmill was there. The other people were all in the same position. This company operates from 8 a.m. to 5 p.m., five days a week inclusive. It does not work Sunday nights or over the weekends. I will continue this next week.

Time expired.

Ms THOMPSON (Reynell): I am pleased today to be able to speak after the member for Elizabeth, who has brought us such good news about what children from what is generally regarded as a pretty disadvantaged area have been able to achieve in terms of their education. They have been able to do it because of the dedication of, obviously, an inspired leader. No doubt, they had parents working very hard to raise the funds that would have been required to do this, because it is just so hard to raise money in poorer areas. And they demonstrated that brains are not distributed by local government code or by postcode. However, if we look at the enrolments in our universities, we would have every reason to believe that brains are distributed by postcode because, when we find out who is attending our universities, we find that children from the higher advantaged postcode areas have five times the chance of going to university than have students from areas such as Elizabeth, Christie Downs, Hackham West, Reynella and Morphett Vale. Yet what the member for Elizabeth has shown us today is that those children clearly have the ability to aspire to do whatever they want to do. What they need is the support.

One of the reasons why they need the support has been demonstrated by Eleanor Marsh, a parliamentary intern, in the report she prepared for me a couple of years ago entitled 'The value of higher education: risks and opportunities for residents of Reynell'. This report is just so rich that I am taking several sessions to go through and get some of the information on the record, because it needs to be looked at by every teacher in every disadvantaged school in this state. But, most importantly, it needs to be looked at by the minister, to see how the funding for schools in disadvantaged areas must be addressed.

It is not equitable to allow those children to go through life without the opportunity spoken of by the member for Elizabeth, and most of them simply do not have it, or else they would be getting to university; they would be staying at school. We would not have a retention rate in South Australia of only 52 per cent, down from 97 per cent in the days of the Labor government. Eleanor's work looks at some of the reasons why people are not attending university. While the Minister for Water Resources suggests that it is due to Gough Whitlam, the research suggests that it is due to their environment; that the money is a problem, but the money is not nearly as much of a problem as the fact that they do not know people who go to university. They do not have them in their streets. They make their decisions about their career and their study aspirations just the same as the young people in Burnside do.

In Christie Downs, they look around and see what people are doing and who is getting on and who is not, the same as they do in Burnside, except that in Christie Downs about 3 per cent of the population has been to university. I do not have the figures for Burnside, but I would hazard at something like 35 per cent. So, the children in Burnside looking around see a very different picture from the children at Christie Downs. They have a different information base to decide just how hard they will study, how many nights they will put into the grind of study instead of doing some work and getting some money to buy a CD or to send a few more SMS messages. They are not making the same decision.

Eleanor's work shows that children who are not exposed, on a regular formal and informal basis, to people who have gone to university need special resources and special attention to give them the information to enable them to make a valid decision, to enable them to use the brains that they certainly have, the talent, the insights that they have to offer our community to enrich it, and not to be seen as someone from a certain postcode who does not have brains. This needs extra

resources from the minister. It needs the minister to work with the universities to develop special programs to inform these people about the value of university.

Time expired.

Mr MEIER (Goyder): Yesterday, I commented on the federal election result, and I would like to continue today. I mentioned how the Labor Party had sought to distort the situation concerning the amount of money going to students in different schools, whether it be government schools or private schools. I informed members that the amount of money per student at a government school was about $6 500 and, for a student attending a private school, about $3 500. Yet, Labor tried to argue that the private schools should not be receiving so much money. No wonder people saw through those false arguments. I also want to comment today on an advertisement that appeared in the *Advertiser* on the Friday before the election. The advertisement stated:

> Risk a surprise increase in the GST or vote Labor for a fairer, simpler GST.

Many of us would recall that during the campaign Mr Beazley and others said that, if the Liberals were returned, we would have an increase in the GST. How totally false. There never has been even a hint of that. I could not believe this advertisement when I saw it. The Labor Party would know better than anyone that the only way in which the GST can be increased is if all states agreed to an increase. And guess what: we are the only Liberal state left in Australia; all the other states are Labor. So, if anyone should have been a little wary and a little concerned, it would be the people living in the Labor states if, heaven forbid, South Australia ever were to go to a Labor government. Then we would have a potential problem—in fact, a huge problem.

I want to pay compliments to one or two people, and the first is the member for Spence, for his honesty. I think it was very good that he was able to predict, shortly before the election, a big win for John Howard and the coalition in Saturday's poll. He was asked on Radio 5AA who he thought would win, and he said:

> John Howard, the Liberals, win easily.

He went on to say:

> Won't even be close, won't even be interesting.

I guess it cannot always be easy for a Labor member to be so open and honest, and I will give him credit there. I will also give credit to the Leader of the Opposition, Mike Rann, who identified in caucus that the Labor campaign was a shambles. In fact, the *Advertiser* stated:

> Opposition leader Mike Rann has launched an internal attack over Labor's federal campaign tactics, telling fellow MPs that communications were a shambles.

It is interesting that members of the Labor Party are quite happy to tear at each other and among themselves in apportioning blame. I think it is not so surprising that Kim Beazley, therefore, was not the winner in the end, because he obviously did not have a united party behind him; that is very clear. I even question Kim Beazley's affirmation time and again that his policy and the Labor Party's policy was very clearly against asylum seekers and against terrorism. He was quite unequivocal about that, and tried to get over the point that the Labor Party would be much tougher on asylum seekers and boat people and terrorism than the Liberal Party. Of course, now that the election is over, we are finding that many members of the Labor Party are saying, 'That's not what we wanted to say; it's not really what we were on about.' Thank goodness they did not win, because people do hope that honesty will prevail there.

I was very annoyed to see at least one letter to the editor (in fact, there were more) saying that John Howard had gone back on his word that he would not introduce the GST. Let us remember that John Howard, after saying that, then went to a separate election, after having been re-elected, on the sole policy of introducing a GST, and he won on that. Of course, he did change his mind, and he went to the people and said, 'Right, I have a new policy. I want you to decide whether or not you want it.' So, let us stick to the facts.

LAW REFORM (DELAY IN RESOLUTION OF PERSONAL INJURY CLAIMS) BILL

Received from the Legislative Council and read a first time.

FAIR TRADING (PYRAMID SELLING AND DEFENCES) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. M.K. BRINDAL (Minister for Water Resources): 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 amends the *Fair Trading Act 1987* by replacing the existing pyramid selling section with new, clearer provisions, and by tightening the defences available to those prosecuted for offences under the Act.
>
> Two separate precipitants have given rise to consideration being given to the need to re-draft the pyramid selling provisions in the *Fair Trading Act 1987*.
>
> A national audit of inconsistencies and deficiencies in consumer protection law initiated in 1996 by the Commonwealth identified the pyramid selling provisions in the *Trade Practices Act 1974* and State fair trading Acts as unclear and difficult to follow.
>
> Accordingly, in December 1999, the Standing Committee of Officials of Consumer Affairs requested the Parliamentary Counsels' Committee to undertake a re-drafting of the prohibition of pyramid selling provisions in the *Trade Practices Act 1974*, with a view to the Commonwealth making amendments and States and Territories following suit in relation to their respective fair trading Acts.
>
> Separately, the decision of the Supreme Court of South Australia in *Gilmore v Poole-Blunden* (1999) 74 SASR 1 identified, in the context of a prosecution under the pyramid selling provisions, the need to amend the general defence provisions under the *Fair Trading Act 1987* (and the *Trade Practices Act 1974* and other State fair trading Acts) if the unintended consequences of those provisions to be avoided in the future. In that case, the defendants successfully relied on the fact that they had received legal advice to the effect that the pyramid scheme in which they were involved was lawful, to avoid conviction.
>
> In October 2000, in light of the decision in *Gilmore v Poole-Blunden*, the Standing Committee of Officials on Consumers Affair extended the brief given to the Parliamentary Counsel's Committee to include a review of the general defence provisions to avoid such an outcome in the future. The Parliamentary Counsel's Committee delegated the task of re-writing the provisions to the ACT Parliamentary Counsel.
>
> The amendments will be introduced into other Fair Trading Acts interstate and the *Trade Practices Act 1975* shortly.
>
> *Pyramid selling provisions*
>
> The current pyramid selling provisions are contained within section 70 of the *Fair Trading Act 1987*. The proposed amendments simplify the language of section 70 and clarify its application without altering the intent of the section.
>
> The pyramid selling scheme provisions will be amended to clarify the definition of such a scheme, a participant in it and what is meant by a 'payment' made in the context of such a scheme.

The basic elements of a pyramid scheme will be:

- A person makes a payment to a participant in the scheme to participate in the scheme; and
- The payment is substantially or entirely induced by a promise to the new participant; and
- The promise is that the new participant will be entitled under the scheme to receive a payment; and
- The payment is a payment in relation the introduction to the scheme of another participant.

The prohibition will extend to participation in a pyramid scheme and/or inducing or attempting to induce a person to participate in a pyramid scheme and a breach of either of these prohibitions will constitute an offence and attract a penalty.

Defence provisions

Section 88(1) provides a defence to a person charged with an offence under the Act if they can establish that they 'reasonably relied on information supplied by another person'. In *Gilmore v Poole-Blunden*, the court found that 'information' extended to legal advice. Accordingly, the defendants had that defence available to them.

The amendment simply re-words section 88(1) such that the construction upon which the defendants relied can no longer be sustained.

I commend this bill to honourable members.

Explanation of clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be brought into operation by proclamation.

Clause 3: Insertion of heading

This is a consequential amendment.

Clause 4: Repeal of s. 70

The provision of the Act dealing with pyramid selling is to be replaced with a new set of model provisions based on a 'plain English' rewrite (*see* clause 5).

Clause 5: Insertion of new subdivision

It is proposed to enact a new set of provisions relating to pyramid selling. It will continue to be illegal to promote or take part in a pyramid selling scheme. New section 74C provides that a pyramid selling scheme is a scheme by which, in return for a payment by new participants (a participation payment), the prospect is held out to them of obtaining a payment (a recruitment payment) for the recruitment of further participants in the scheme. However, as provided by subsection (1)*(b)*, the participation payments must be 'entirely or substantially induced' by the prospect of the recruitment payments. New section 74D sets out some criteria for determining what is a 'substantial inducement', especially in the context of marketing schemes.

In order to assist in an understanding of these provisions, the following examples describe different schemes so as to illustrate the factors relevant to determining whether a scheme is a pyramid selling scheme. (These examples are not exhaustive illustrations of how these provisions might work.)

Example 1—Non-marketing scheme

Silver dollar scenario

The silver dollar scenario is promoted by SDS Pty Ltd. Frank participates in the *silver dollar scenario* by obtaining a 'silver card' (the *original card*) from Emma.

- The original card has a list of five numbered names on it: (1) Alice; (2) Bruno; (3) Carla; (4) David; (5) Emma.
- Frank must make a total payment of $60 (the *participation payment* for s. 74C(1)*(a)*) to participate in the scheme: $20 to SDS Pty Ltd; $20 to Alice (at no 1); and $20 to Emma (at no 5).
- In return, SDS Pty Ltd gives Frank three silver cards for the recruitment of further participants. The names on the original card obtained from Emma have all been moved up, with Alice's name removed, as follows: (1) Bruno (2) Carla (3) David; (4) Emma; (5) Frank.
- The prospect is thus held out to Frank of obtaining two payments (*recruitment payments* for s. 74C(1)*(b)*) for the introduction of further participants:
  - $60 ($20 x 3) for the introduction of each of three participants directly by Frank himself; and
  - almost $5 000 (potentially) on Frank's name reaching no 1 position (by the chain of further recruitment initiated by Frank's three recruits).
- The silver dollar scenario is a *pyramid selling scheme* if, as indicated by these facts, participation payments by new participants are entirely or substantially induced by the prospect of their receiving recruitment payments.

Example 2—Marketing scheme for personal development workshop

Personal enrichment plan

Georgi is attracted by a scheme (the *personal enrichment plan*) promoted by PEP Pty Ltd. Through the plan, PEP Pty Ltd holds out the prospect that if Georgi joins the plan, he will receive payments for recruiting other members to the personal enrichment plan, and for the recruitment of still further members by those recruits, and so on (*recruitment payments* for s. 74C(1)*(b)*).

- Georgi is told that he must pay $2 000 to attend a 1-day personal development workshop presented by Hui, the author of a popular self-help book.
  - This is the *participation payment* for s. 74C(1)*(a)*.
  - This is also a payment for a service (supplied by Hui) (*see* s. 74D(1)).
- A comparable workshop in personal development with no recruitment aspects, and no connection with the personal enrichment plan, is offered by Raoul, an expert psychologist, for a payment of $500 from each participant.
- The fee required for attendance at Raoul's workshop, compared with the payment for Hui's workshop, indicates that—
  - the fee of $2 000 for participation in the personal enrichment plan may not bear a reasonable relationship to the value of Hui's workshop; and thus
  - the participation payment may be 'entirely or substantially induced' by the prospect of recruitment payments (*see* s. 74D(1)*(a)*).
- The small print of a promotional brochure given to Georgi states that he may attend Hui's workshop (by paying $2 000) without joining the plan).
  - But Georgi is not told this by anyone associated with the plan.
  - The lack of promotional emphasis given to the possibility of paying for attendance at the workshop without joining the plan also indicates that the participation payment may be 'entirely or substantially induced' by the prospect of recruitment payments (*see* s. 74D(1)*(b)*).
- The brochure does make it clear, however, that payment for attendance at the workshop would not of itself entitle Georgi to membership of the personal enrichment plan. There are two further conditions, as follows:
  - Actual attendance at the course and award of a course completion certificate by Hui.
  - Payment of an additional $300 'application fee' to PEP Pty Ltd.
  - Approval at an interview with an officer of PEP Pty Ltd.
- These additional membership conditions do not prevent the plan from being characterised as a pyramid selling scheme (*see* s. 74D(3)*(c)*).
- The personal enrichment plan is a *pyramid selling scheme* if, as indicated by these facts, participation payments by new participants are entirely or substantially induced by the prospect of receiving recruitment payments.

Example 3—Marketing scheme offering discounts

Discount dress club

Sally is given a brochure by a friend inviting her to participate in a scheme (the *discount dress club*) by paying a $200 membership fee to DDC Ltd, the promoter of the scheme (the *participation payment*).

- The brochure states that if Sally joins the discount dress club, DDC Ltd would pay her commissions if she recruits four further members of the club, and for further recruitment by each of those members, and so on. These are *recruitment payments*.
  - The commissions are partly in cash (financial benefits) and partly in the form of reinvestment in the discount club (non-financial benefits, potentially entitling Sally to further commissions). Both are *payments* for s. 74A
- The $200 payment would also entitle Sally to a 1 per cent discount on purchases from a small chain of five dress shops.
- The $200 is a *participation payment* for s. 74C(1)*(a)*.
- The $200 is also a payment for a service (the discount) (*see* s. 74D(1)).
- There are no directly comparable discount schemes currently operating with which to compare the discount dress club scheme. But the fact that the discount is small, and limited to a small chain of shops, indicates that—
  - the payment of $200 for participation in the discount dress club may not bear a reasonable relationship to the value of the discount; and thus

- the participation payment may be 'entirely or substantially induced' by the prospect of recruitment payments (*see* s. 74D(1)*(a)*).
- Sally joins the discount dress club. As a member, Sally is entitled to the discounts, whether or not she recruits further members.
- But when she attends a workshop for new recruits, run for DDC Ltd by a company known as DDC Training Ltd, it is indicated that in trying to recruit members to the discount dress club, Sally should mention this only if the prospective member specifically asks.
  - DDC Training Ltd recommends that the response to such a question should emphasise the prospects of recruitment payments rather than the benefit of the discounts.
  - The lack of promotional emphasis given to the possibility of participating without recruiting further members also indicates that the participation payment may be 'entirely or substantially induced' by the prospect of recruitment payments (*see* s. 74D(1)*(b)*).
- The discount dress club is a *pyramid selling scheme* if, as indicated by these facts, participation payments by new participants are entirely or substantially induced by the prospect of receiving recruitment payments.

Example 4—Marketing scheme for garden products

Green fingers foundation

Graham becomes a member of a scheme (the *green fingers foundation*) that requires the purchase of garden products from the promoters, GFF Ltd, to a minimum value every three months.

- Graham becomes a member by agreeing to buy garden products from GFF Ltd to a required minimum value of $50 each quarter from the catalogue (a supply of goods for s. 74D(1)) (the $50 per quarter is the *participation payment*).
- As a member of the foundation, Graham is entitled to a small commission on the sale of garden products by the foundation to other foundation members whom he recruits. This is a *recruitment payment*.
- The prices of the garden products are on the high side, but comparable to the retail price of similar products of comparable quality available elsewhere. In addition, special deals are offered to members to allow them to obtain some products more cheaply than through retail outlets. These facts indicate that—
  - the participation payment may bear a reasonable relationship to the value of the garden products; and thus
  - the participation payment may not be 'entirely or substantially induced' by the prospect of the commissions (the recruitment payments).
- The green fingers foundation is promoted with most emphasis on the garden products available through the scheme, and the special deals available. The entitlement to the commissions is presented as an additional, but not essential, benefit from membership.
  - The promotional emphasis given to the marketing of garden products also indicates that the participation payment may not be 'entirely or substantially induced' by the prospect of recruitment payments (*see* s. 74D(1)*(b)*).
- The green fingers foundation is not a *pyramid selling scheme* if, as indicated by these facts, participation payments by new participants are not entirely or substantially induced by the prospect of receiving recruitment payments.

Clause 6: Amendment of s. 88—Defence

This amendment addresses the decision of the Supreme Court in *Gilmore v Poole-Blunden*. In particular, the majority of judges in that decision found that the reference to 'information' in section 88(1)*(b)* of the Act extended to legal opinions. In order to exclude this interpretation, the relevant paragraph is to be combined with paragraph *(a)*, and to refer to 'a mistake of fact caused by reasonable reliance on information supplied by another person'.

Clause 7: Corporations Law amendments

Schedule

The opportunity is to be taken to revise references to the *Corporations Law*.

Ms HURLEY secured the adjournment of the debate.

RETAIL AND COMMERCIAL LEASES (CASUAL MALL LICENCES) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. M.K. BRINDAL (Minister for Water Resources): 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 amends the *Retail and Commercial Leases Act 1995* to provide that a lessor of shops in a retail shopping centre must comply with the provisions of the Casual Mall Licensing Code as set out in a new Schedule to the Act. The Code will provide a legislated framework in which casual mall licensing can operate. It will clarify the entitlements and expectations of affected parties, ensure that lessees have access to greater information about casual mall licensing in retail shopping centres and significantly reduce the tensions which have occurred from time to time between shopping centre owners/managers and retail lessees over this issue.

The use of common areas of shopping centres by retailers selling goods or services pursuant to licences granted by shopping centre owners (casual mall licensing) is widespread. A number of issues have arisen in relation to the practice. Some tenants are concerned that casual mall licensing can result in the unreasonable introduction of competition. There is also concern that, in some cases, the holders of casual mall licences are subsidised by lessees' payments for outgoings.

In December 2000, the Hon N Xenophon MLC introduced the *Retail and Commercial Leases (Casual Leases) Amendment Bill* as a Private Members Bill in the Legislative Council. The issue of casual mall licensing has also been raised in debate on other Government amendments to the principal Act.

Following on from the earlier Bill and, as a result of ongoing concerns in the industry, the issue of casual mall licensing was referred to the Retail Shop Leases Advisory Committee (the Committee) for consideration.

The Committee is set up under the *Retail and Commercial Leases Act 1995* to keep the administration of the Act under review and to make reports to the Minister on subjects that, in the Committee's opinion, justify a report, or on which the Minister requests a report. The Committee has broad representation from retailers, property owners and shopping centre managers. The Minister for Consumer Affairs chairs the Committee.

Members of the Committee agreed that the amendments contained in the Private Members Bill needed to be the subject of further discussion and refinement. As a result, the Government has worked extensively with members of the Committee to develop a code to regulate casual mall licensing. There have been ten meetings of the full Committee where this issue has been considered and eleven meetings of a small working group from the membership of the Committee.

In developing a code, a number of issues needed to be addressed including the fundamental issue of whether or not the code should be a voluntary or a mandatory code.

Considerable time and effort have been put in by members of the Committee culminating in the Bill before the House. The Committee has a good record of achieving consensus on difficult issues requiring compromise by the various stakeholders. This issue has been no exception. As a result, the proposed amendments to the Act are supported by industry representatives on the Committee listed on the copy letter which I now seek leave to table.

The State Retailers Association, although a participant in the Committee, has indicated it neither supports nor opposes the Bill. All the others support the Bill without amendment.

The Code addresses casual mall licensing according to a set of agreed principles. It recognises that some circumstances, such as activities in a shopping centre's centre court, designated sale periods and special events, warrant special consideration.

Clause 2 of the Schedule provides that a lessor must not grant a casual mall licence in a retail shopping centre unless the lessor has prepared a document that sets out the lessor's policy in relation to the granting of casual mall licences. The policy must include a floor plan showing the mall areas where casual mall licences may be granted. The floor plan must also show if any part of the mall area is designated as a centre court.

The policy must also provide information about the number of sale periods designated for the shopping centre and whether the lessor reserves the right to grant a casual mall licence otherwise than in accordance with clauses 4, 5 and 6 in respect of special events.

A lessor must not grant a casual mall licence unless the lessor has given each lessee in the shopping centre a copy of the casual mall

policy, a copy of the Schedule to the Act and the name of a contact officer to deal with complaints about casual mall licences.

Clause 4 of the Schedule provides that a lessor must not grant a casual mall licence except in accordance with the casual mall policy in force at the time the licence is granted.

The Code will provide additional protection for lessees. Clause 5 of the Schedule provides that a lessor must ensure that the business conducted by a holder of a casual mall licence does not unreasonably interfere with the sightlines to a lessee's shopfront in the shopping centre.

Clause 6(1) provides that a lessor must not grant a casual mall licence that results in the unreasonable introduction of an external competitor of an adjacent lessee. In addition, clause 6(2) provides that a lessor must not grant a casual mall licence that results in the unreasonable introduction of an internal competitor of an adjacent lessee unless:

- the internal competitor is a lessee of a retail shop situated in the same retail precinct as the casual mall licence area or if the shopping centre is not divided into precincts in the vicinity of the casual mall licence; or
- the casual mall licence area is the area closest to the internal competitor's retail shop that is available for the casual mall licensing at the time the casual mall licence is granted ; or
- the term for which the casual mall licence is granted falls within a designated sale period provided there have been no more than five previous sales periods in the preceding twelve months; or
- the casual mall licence is within the centre court of the shopping centre.

The operation of clauses 5(1) and 6(2) is qualified. Clause 5(1) does not apply, if before the grant of the casual mall licence, the lessor informs the lessee of the proposal to grant a licence that might result in interference of a kind referred to in subclause (1) and obtains the written consent of the lessee to the grant of the licence. Likewise, clause 6(2) does not apply in relation to an adjacent lessee if before the grant of the casual mall licence, the lessor informs the lessee of the proposal to grant a licence that might result in the introduction of an internal competitor, and obtains the written consent of the lessee to the grant of the licence.

The Code also provides for an adjustment of non-specific outgoings to take into account casual mall licences granted during the accounting period. This will ensure that existing lessees do not subsidise the holders of casual mall licences.

Clause 9 of the Schedule acknowledges that the intention of the Code is to encourage industry to work through issues relating to casual mall licensing at the local level. It provides that no proceedings are to be taken or continued against a lessor in respect of a breach of clauses 5, 6 or 8 unless the lessor fails to rectify the breach as soon as reasonably practicable after being requested in writing to do so by a lessee who is directly affected by the breach.

Introduction of the Code will require an education and publicity campaign to advise shopping centre owners and managers and retailers of the new requirements associated with casual mall licensing. This work will be undertaken in conjunction with industry.

This agreement is a landmark agreement on a particularly difficult issue. This Bill represents the best proposal that can be achieved. Compromises have had to be made. Obviously, how the Code works will require monitoring and that will be done by the Advisory Committee.

I commend this Bill to honourable members.

Explanation of clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Insertion of s. 62A

This clause provides that a lessor of a retail shopping centre must comply with the Casual Mall Licensing Code.

Clause 4: Insertion of Schedule

This clause inserts a Schedule to the Act, which incorporates the Casual Mall Licensing Code.

SCHEDULE

Casual Mall Licensing Code

1. Interpretation

This clause of the Schedule sets out the definitions of the terms used. Some important terms include: "casual mall licence"—this is a licence which gives a person the right to occupy part of the mall area of the shopping centre for the purpose of selling goods and services; "casual mall licence area"—this is the part of the mall area to which the licence applies. Another important concept is that of competitors, which distinguishes between competitors who are lessees of shops within the shopping centre ("internal competitors") and those derived from outside the shopping centre ("external competitors"). In relation to the sale of goods, a person is a competitor of another person if 50 per cent of goods displayed for sale by the person (on an area occupied by display basis) are of the same general kind as 20 per cent of the goods displayed for sale (on an area occupied by display basis) by the other person.

2. Casual mall licence policy

This clause of the Schedule provides that a lessor must not grant a casual mall licence unless he or she has prepared a casual mall licence policy for the shopping centre. The policy must include a floor plan that shows where in the shopping centre the licences may be granted and the area designated as a centre court of the shopping centre (which relates to clause 6 of the Schedule). The policy must also set out the number of sales periods that will be held in the shopping centre (this relates to clause 6 of the Schedule), and whether the lessor reserves the right to grant casual mall licences in relation to special events that do not comply with certain provisions of the Schedule. The lessor must give 30 days written notice to the lessees of the shopping centre if the lessor amends the policy.

3. Provision of information

The lessor must provide to all lessees of the shopping centre, a copy of the casual mall licence policy, a copy of the Schedule and the contact details of the person nominated to deal with complaints about casual mall licences.

4. Obligations of lessor relating to casual mall licence policy

This clause of the Schedule provides that a lessor must not grant a casual mall licence that does not comply with the casual mall licence policy or with respect to an area that is not included on the plan.

5. Sightlines to shopfront

This provision of the Schedule requires that the lessor must ensure that a casual mall licence does not substantially interfere with the sightlines of a lessee's shopfront, unless the lessor has obtained the lessee's written consent.

6. Competitors

This clause of the Schedule covers the grant of casual mall licences to competitors of adjacent lessees. An "adjacent lessee" is defined to mean a lessee of a shop that is situated in front of or immediately adjacent to the casual mall licence area.

A licence cannot be granted so that it results in the unreasonable introduction of an external competitor of an adjacent lessee. (A person is an external competitor if 20 per cent of the goods displayed for sale by the person granted the casual mall licence are of the same general kind as 50 per cent of the goods displayed for sale by the adjacent lessee, and that person is not a lessee of another shop in the retail shopping centre).

Unless the lessor obtains the written consent of an adjacent lessee, a licence must not be granted that results in the unreasonable introduction of an internal competitor of an adjacent lessee (i.e., another lessee of the shopping centre who is granted a licence, the business of which will compete with the adjacent lessee). However, a casual mall licence may be granted to an internal competitor of an adjacent lessee if—

- the competitor has a shop in the same precinct as the adjacent lessee; or
- the relevant casual mall licence area is the closest available to the internal competitor's shop; or
- the term of the casual mall licence falls within a sale period of the shopping centre (there being no more than a total of six sale periods in any twelve month period); or
- the casual mall licence is granted in relation to the centre court of the shopping centre (as set out on the casual mall licence plan).

An introduction of a competitor of an adjacent lessee will be "unreasonable" if it has a significant adverse effect on the trading of the adjacent lessee.

7. Special events

This clause of the Schedule provides that clauses 4, 5, and 6 (i.e., obligations of lessor relating to casual mall licence policy, sightlines to shopfront and competitors) do not apply to casual mall licences that are granted in respect of a special event in the shopping centre. A "special event" means a special community, cultural, arts, entertainment, recreational, sporting or promotional event held in the shopping centre. For this clause to apply, the lessor must give 24 hours written notice of the details of the

special event to the lessees of the shopping centre and must have reserved the right to grant licences in these circumstances in the casual mall licence policy.

8. Adjustment of outgoings

This clause sets out a formula to adjust the calculation of the amount a lessee of the shopping centre is required to contribute to the outgoings of the centre to take account of the grant of casual mall licences. The effect of the formula is to work out the ratio of the total lettable area of the shopping centre to the total amount of the shopping centre's outgoings in an accounting period. This ratio is then applied to the number of days each licence holder was permitted to trade under the licence and the area occupied by the particular licence during an accounting period. The total amount of the outgoings of the shopping centre to which lessees must contribute in an accounting period is then reduced by this amount.

9. Rectification of certain breaches

This clause of the Schedule provides that no proceedings can be taken against a lessor for breach of clauses 5, 6 or 8 of the Schedule (i.e., sightlines to shopfront, competitors and adjustment of outgoings) unless the lessor fails to rectify the breach as soon as reasonably practicable after being requested in writing to do so by a lessee affected by the breach.

Ms HURLEY secured the adjournment of the debate.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (MISCELLANEOUS No. 3) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. M.K. BRINDAL (Minister for Water Resources: 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 is necessitated by amendments to the Commonwealth Act of the same name which passed the Commonwealth Parliament last March, and is based on model complementary legislation to be implemented by all States and Territories. The Commonwealth law, that is, the *Classification (Publications Films and Computer Games) Amendment Act (No 1) 2001* was the subject of consultation with censorship Ministers nationally through the Standing Committee of Attorneys-General and makes minor and chiefly technical amendments to the national scheme. It will take effect when all States and Territories have enacted their complementary amendments and in any case no later than 23rd March 2002.

As members are aware, the *Classification (Publications Films and Computer Games) Act 1995* is part of a national co-operative scheme for the classification of publications, films and games. The Commonwealth Act provides the national machinery for classification, including establishing the Classification Board and the Classification Review Board, and provides the categories into which the various items may be classified. The State and Territory enforcement Acts provide the legal restrictions on the advertising, exhibition and sale of these items, depending on their classification.

The amendments to the principal Commonwealth Act arise from experience with the scheme over the last five years, and seek either to address minor defects in that Act, or make improvements to its operation. As examples of the technical amendments, the Commonwealth Act amends the definition of 'film' to ensure that the soundtrack accompanying the film is included, and includes a new definition of an 'add-on', to deal with computer programs which add supplementary material to an existing computer game and may require separate classification.

To mention examples of amendments which are intended to improve the operation of the scheme, the Commonwealth Act provides that the Board may require that a publication be sold in a sealed bag, even where the publication is classified Unrestricted, that is, there are no legal restrictions on its sale. This could be used to prevent minors from leafing through such a publication in a shop. Likewise, the amendments give the Board a discretion to determine consumer advice for a publication classified Unrestricted. At present, it cannot do so. This may better inform consumers as to what they are buying. The application of the scheme is also somewhat expanded by the amendment of the definition of 'contentious material' to cover material which would cause the item to be classified M, rather than as at present, MA. Conversely, the range of films exempt from classification is expanded, to include material such as current affairs films, and documentaries of a hobbyist, sporting, religious or cultural nature, among others. However, such a film is not exempt if it contains material which would warrant a classification of M or higher.

Again, the Commonwealth Act expands the definition of persons who have standing to seek a review of a classification by the Review Board, to include persons or organisations which have a role in relation to the contentious aspects of the theme or subject matter of the item. This might be used, for example, by an organisation formed for the protection of children, to seek a review of a decision in relation to a film dealing with child abuse or paedophilia. This could help to ensure that the concerns of qualified persons and groups are aired in the classification process.

There are also amendments intended to improve the practical operation of the Act, for example, provision that in the case of a computer game which is an arcade game, access can be given to the premises where the game is situated, rather than the game having to be submitted to the Board. Similarly, provision is made for classification of an item in the case where the Board cannot verify whether the item is identical with one which has already been classified. If this proves to be the case, the earlier classification can be revoked.

Some of the amendments in the Commonwealth Act necessitate consequential amendments to the State and Territory Acts. Accordingly, model provisions have been prepared through the Standing Committee of Attorneys-General for national use, and are likely to be implemented in all jurisdictions in the near future. The present bill is based on those model provisions. However, there are some additions to accommodate the fact that South Australia retains its own Classification Council which has power to classify an item for South Australia, and also retains a power for the Minister to do so. There are also some amendments intended to ensure that the Act is not at risk of challenge under the principles in the High Court case of *R v Hughes*.

I refer first to the amendments which are required to be made in all States and Territories. First, there are amendments to the definitions used in the Act. One of interest is the inclusion of a new definition of an 'international flight'. This reflects the fact that while the scheme is intended to apply to the screening of films on domestic flights, it is not intended to catch international flights which merely pass through Australian airspace as part of a longer voyage. Similarly, there is a definition of an 'international voyage'. It is not the intention of the scheme to require an international carrier to have a film shown on board classified, merely because part of the journey passes over Australian airspace, or through Australian waters.

Under the Commonwealth Act, the range of films and computer games which are exempt from the requirement to be classified under the scheme has been expanded. To match the Commonwealth Act, there is therefore also a specific provision that the State Act does not apply to an exempt film or exempt computer game. That is, there is no obligation to have that item classified. Note that under the Commonwealth Act, it will be possible for a person to apply for a certificate that a film or game is exempt, if that person wishes for certainty on the point.

The amendments also accommodate the fact that, under the amended Commonwealth law, there are new provisions for a classification to be revoked, or a film to be reclassified. This can be necessary for technical reasons, or because of contentious material discovered in a film or game which has previously been classified without knowledge of that material. It is already the case under our Act that where there is a reclassification, the previously required markings and advice can continue to be used for 30 days. This gives the publisher or distributor a reasonable opportunity to ensure that product complies with the law. The bill extends this provision to cover the situation where the classification is revoked.

A minor anomaly in respect of restricted publications is addressed. Under the present law, while a Category 2 publication must be sold only in restricted premises, and must be in an opaque package on delivery, it need not be wrapped while it is in the restricted premises, whereas in the case of a Category 1 publication, that is, a lower classified publication, this must be in a sealed opaque wrapper at all times until sold. That is, patrons of restricted premises can examine Category 2 publications in the restricted premises before purchase, but may not examine Category 1 publications in the restricted premises.

The bill amends the Act so that a Category 1 publication offered for sale in restricted premises does not need to be in a sealed opaque bag while it is in the premises. However, the Commonwealth Act as amended will permit the Board to require that any Category 1 publication must be sold in a sealed package made of plain opaque material, regardless of the location of sale. The State Act is amended so that any such requirement is given legal force here. It is also amended to give legal force to a requirement of the Board that an Unrestricted publication carry consumer advice.

The bill also amends the call-in powers of the National Director so that they cover all films and computer games which are not exempt, and so that they cover the situation where the national Board wishes to re-classify a previously classified item. They are also extended to cover publications, which had not been the case under the scheme hitherto.

Because the amended Commonwealth Act expands the categories of persons who can seek a review of a classification decision, the amendments to the State Act also provide for the Director to require the original applicant to provide a copy of the film for consideration, where the Board or the Review Board no longer has a copy. This reflects the fact that where the review applicant is not the publisher or distributor of the item, he or she may not have access to a copy.

The bill also provides transitional provisions. In general, the amendments will only apply to material first published or first submitted for classification after this law comes into effect. However, the power to call in items which are not exempt and require classification, the requirement for arcade games to display the determined markings, and the power to obtain a copy of an item for the purpose of review, will apply immediately to all material covered by the Act.

The bill also makes certain amendments to the functions of the Classification Council and the Minister. This has been done to mirror the amendments to the functions of the National Classification Board, because it has always been the intention in South Australia that while the national classification will normally apply, in particular cases action can be taken by the Council or the Minister to deal with community concerns about particular items. Hence, the bill provides for the Council and the Minister to have powers mirroring those of the National Classification Board in respect of classifying publications which are part of a series, attaching consumer advice to publications, and revoking the classification of films or games which are later found to contain contentious material. Of course, the Council and the Minister already have power under s. 19A to classify a series of publications based on the content of one issue and the effect of the amendment is simply to expand this provision so that the powers are similar to those of the National Classification Board. In particular, the effect of this is that the classification of the series must be revoked if any publication contains material which would result in a higher classification or contains an advertisement which would be refused approval.

In addition to amending the State Act as necessitated by the Commonwealth amendments, this bill makes other minor amendments to ensure that the Act does not risk invalidity as a result of the decision of the High Court in the case of *R v Hughes*. I should say that in the government's view the likelihood of any successful challenge to the validity of the scheme on this basis is extremely remote. However, it was considered best to close off any possibility. Members will be aware that in the *Hughes* case, the High Court indicated that to the extent that State legislation seeks to confer duties on Commonwealth officials, such duties must be supported by Commonwealth heads of power. Further, a duty may be found even where the expression of the statute suggests merely a power, if in reality the power is coupled with a duty. This may be the case where the State Act does not confer any similar duty or power on a State officer.

Our Act presently provides that the National Director or the Minister may grant exemptions from the Act for particular films, games or publications (s. 76) and may exempt approved organisations in relation to the exhibition of films (s. 77). It also confers on the National Director powers to call in various items for classification (Schedule 1). To avoid argument as to the validity of some action taken by the National Director under the Act, the bill removes the power of the National Director to grant exemptions, leaving this solely to the Minister. Similarly, the bill invests the Classification Council with call-in powers similar to those given to the National Director. Although the Council has already the power to require production of a film, game or publication, the rewording avoids any doubt that the powers of the National Director are co-extensive with those of the Council in this respect.

I commend this bill to honourable members and would urge that, as it reflects model provisions and is necessitated by the Commonwealth amendments, effort be made to facilitate its passage in the present session.

Explanation of clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 4—Interpretation

This clause amends various definitions in the principal Act to ensure consistency with the Commonwealth legislation and to reflect the inclusion of call-in powers for State classification authorities.

Clause 4: Substitution of s. 6

A new section 6 is substituted so that the Act will not apply to exempt films or exempt computer games (which are defined under the Commonwealth Act).

Clause 5: Amendment of s. 14—Powers

This clause is consequential to clause 10. Section 14 currently gives the Council power to require production of a publication, film or computer game. This is now the subject of specific call-in powers under proposed section 24A.

Clause 6: Substitution of s. 19A

This clause replaces section 19A with new provisions which make the powers of the State classification authorities more consistent with the powers of the National Board under the Commonwealth Act.

Clause7: Amendment of s. 20—Considered form of publication, film or computer game to be final

This clause amends section 20 of the principal Act to make it consistent with the Commonwealth Act.

Clause 8: Amendment of s. 21—Consumer advice for publications, films and computer games

This clause amends section 20 of the principal Act to make it consistent with the Commonwealth Act.

Clause 9: Insertion of s. 23A

This clause inserts a new section 23A to make the powers of the State classification authorities more consistent with the powers of the National Board under the Commonwealth Act.

Clause 10: Insertion of s. 24A

This clause inserts a new section 24A into the principal Act to make it clear that State classification authorities have call-in powers that are substantially the same as those of the National Director.

Clause 11: Amendment of s. 27—Calling in advertisements

This clause makes the offence in section 27(2) expiable, for consistency with the offence in clause 3(2) of Schedule 1.

Clause 12: Amendment of s. 40—Films to bear determined markings and consumer advice

This is consequential to the revocation powers given to the National Board under the Commonwealth Act and to the State classification authorities by clause 9 of this measure.

Clause 13: Amendment of s. 47—Category 1 restricted publications

This clause amends section 47 of the principal Act to provide that when Category 1 restricted publications are sold in a restricted publications area, they may be displayed without packaging but must be delivered in an opaque package (to be consistent with the packaging requirements relating to Category 2 restricted publications).

The substitution of subsection (2) is consequential to the revocation powers given to the National Board under the Commonwealth Act and to the State classification authorities by clause 6 of this measure.

Clause 14: Amendment of s. 48—Category 2 restricted publications

This is consequential to the revocation powers given to the National Board under the Commonwealth Act and to the State classification authorities by clause 6 of this measure.

Clause 15: Insertion of ss. 48A and 48B

48A. Sale or delivery of publications contrary to conditions

This ensures that conditions imposed by the National Board under the Commonwealth Act or by State classification authorities under proposed section 19B (included in clause 6 of this measure) are enforceable.

48B. Consumer advice for publications

This ensures that a requirement to display consumer advice imposed by the National Board under the Commonwealth Act or by State classification authorities under section 21 of the principal Act (as proposed to be amended by clause 8 of this measure) is enforceable.

Clause 16: Amendment of s. 50—Misleading or deceptive markings
This is consequential to the revocation powers given to the National Board under the Commonwealth Act and to the State classification authorities by clause 6 of this measure.

Clause 17: Amendment of s. 60—Computer games to bear determined markings and consumer advice
This clause clarifies the requirements in relation to the display of determined markings on 'pay and play' computer games (for example, coin operated arcade games). Proposed subsection (6) is consequential to the revocation powers given to the National Board under the Commonwealth Act and to the State classification authorities by clause 9 of this measure.

Clause 18: Amendment of s. 66—Certain advertisements not to be published
This is consequential to the revocation powers given to the National Board under the Commonwealth Act and to the State classification authorities by clauses 6 and 9 of this measure.

Clause 19: Amendment of s. 72—Advertisement to contain determined markings and consumer advice
This is consequential to the revocation powers given to the National Board under the Commonwealth Act and to the State classification authorities by clauses 6 and 9 of this measure.

Clause 20: Amendment of s. 73—Misleading or deceptive advertisements
This is consequential to the revocation powers given to the National Board under the Commonwealth Act and to the State classification authorities by clauses 6 and 9 of this measure.

Clause 21: Amendment of s. 76—Exemption of film, publication, computer game or advertisement
This clause removes the power of the National Director to grant an exemption in relation to a film, publication, computer game or advertisement.

Clause 22: Amendment of s. 77—Exemption of approved organisation
This clause removes the power of the National Director to grant an exemption in relation to the exhibition by an approved organisation of a film at an event.

Clause 23: Amendment of s. 78—Ministerial directions or guidelines
This clause is consequential to clauses 21 and 22.

Clause 24: Amendment of s. 79-Organisation may be approved
This clause removes the power of the National Director to approve an organisation for the purposes of the Part.

Clause 25: Amendment of Schedule 1
This clause amends Schedule 1—

- to expand the National Director's call-in powers consequentially to the introduction of 'exempt' films and computer games;
- to provide the National Director with a call-in power where the National Board proposes to reclassify a publication, film or computer game;
- to provide the National Director with a call-in power where an application for review has been made.
- to

Clause 26: Transitional provisions
This clause makes various transitional provisions.

Ms HURLEY secured the adjournment of the debate.

FISHERIES (CONTRAVENTION OF CORRESPONDING LAWS) AMENDMENT BILL

The Hon. R.G. KERIN (Minister for Primary Industries and Resources) obtained leave and introduced a bill for an act to amend the Fisheries Act 1982. Read a first time.

The Hon. R.G. KERIN: 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 seeks to amend the *Fisheries Act 1982* in a very simple but important manner relating to the enforcement of fisheries laws in jurisdictions adjacent to South Australia.

This amendment is being presented now in response to imminent changes to the management of the rock lobster fishery in adjacent western Victorian waters, which is a contiguous stock with the South Australian Southern Zone Rock Lobster Fishery.

The Victorian fishery is to be managed as a quota fishery, similar to the Southern Zone Rock Lobster Fishery, from November 2001. A particular concern is that approximately 19 Victorian licence holders live around and fish out of Port McDonnell. Of these Victorian licence holders, 12 also have South Australian rock lobster licences.

Under Victorian fisheries legislation it is an offence to possess or sell fish taken in contravention of a corresponding law of another State. This allows the Victorians to prosecute a person residing in Victoria for an offence against South Australia fisheries legislation. This kind of provision is now common in most other Australian jurisdictions.

However, this legal arrangement is currently not reciprocated in South Australia, which means that if a Victorian licence holder living in South Australia was to breach a Victorian fisheries law, the Victorians could not effectively detect and investigate any such breach.

With the introduction of a quota management system in Victoria from 1 November 2001, the need for proper reciprocal enforcement provisions has become a priority for both South Australia and Victoria. The only alternative to the proposed amendment is for the Victorian Government to require all Victorian licence holders to land in a Victorian port, the closest being Portland.

If this occurred a majority of Victorian licence holders might have to relocate to Victoria, causing significant economic and social upheaval in Port McDonnell for a number of families and the local economy, which relies on the fishing industry.

The amendment to the South Australian *Fisheries Act 1982* have the support of the Victorian Government and the licence holders in the Southern Zone Rock Lobster Fishery. The amendment will continue to ensure that the rock lobster resources across both States remain well managed and that quota limits are not exceeded.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title
This clause is formal.

Clause 2: Commencement
This clause provides for commencement of the measure on a day to be fixed by proclamation.

Clause 3: Amendment of s. 44—Offences with respect to sale, purchase or possession of fish
This clause amends section 44 of the *Fisheries Act 1982* to make it an offence to sell or purchase, or have possession or control of, fish taken in contravention of a law of the Commonwealth or another State or a Territory of the Commonwealth that corresponds to that Act.

Ms HURLEY secured the adjournment of the debate.

FISHERIES (VALIDATION OF ADMINISTRATIVE ACTS) BILL

The Hon. R.G. KERIN (Minister for Primary Industries and Resources) obtained leave and introduced a bill for an act to validate certain administrative acts and payments. Read a first time.

The Hon. R.G. KERIN: 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 seeks to validate certain administrative acts and payments.

The Bill specifically relates to the administration of the blue crab fishery under two sets of regulations between 11 June 1998 and 16 September 2001, being the *Scheme of Management (Blue Crab Fishery) Regulations 1998* and the *Scheme of Management (Marine Scalefish Fisheries) Regulations 1991*.

In early 2001 it became apparent that PIRSA Fisheries had incorrectly interpreted and applied some regulations relating to the allocation and transfer of blue crab quota and related gear entitlements. These errors affected the calculation of licence fees payable.

The Crown Solicitor has recommended that the regulations be amended to provide for correct administration of the fishery

prospectively and that a Bill be passed to validate the past incorrect acts or omissions to provide legal certainty for the management of the fishery in the future.

The Bill will also preserve the validity of negotiated and agreed licence fees paid by commercial fishers under the cost recovery policy during the period 1 July 1998 to 30 June 2001.

The passing of the Bill will not have any detrimental effect on any commercial blue crab fisher, as the Bill essentially validates the management arrangements for this fishery that were expected and understood by all licence holders for a long period of time before the errors were uncovered.

The Department was acting in good faith and in line with the best interests of the fishery and while Departmental officers thought the regulations provided for the arrangements in line with agreements with operators within the fishery, the regulations did not fully authorise these management arrangements.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for the measure to be taken to have come into operation on the day on which the Bill for the measure was first introduced in the Parliament.

Clause 3: Validation of certain administrative acts and payments

This clause validates acts done or omitted to be done prior to 17 September 2001 in or with respect to the variation of conditions of fishery licences relating to matters prescribed by regulations 14 and 15 of the *Scheme of Management (Blue Crab Fishery) Regulations 1998* (see *Gazette* 11 June 1998 p. 2519), and regulations 14A and 14B of the *Scheme of Management (Marine Scalefish Fisheries) Regulations 1991* (see *Gazette* 27 June 1991 p. 2187), as in force from time to time. It also validates the collection of amounts paid prior to 27 June 2001 purportedly as renewal fees or instalments of renewal fees under regulation 8 and Schedule 2 of the *Scheme of Management (Blue Crab Fishery) Regulations 1998*, and regulation 8 and Schedule 2 of the *Scheme of Management (Marine Scalefish Fisheries) Regulations 1991*, as in force from time to time.

Ms HURLEY secured the adjournment of the debate.

GOOD SAMARITANS (LIMITATION OF LIABILITY) BILL

The Hon. I.F. EVANS (Minister for Recreation, Sport and Racing) obtained leave and introduced a bill for an act to limit the liability of certain persons for injury arising out of genuine attempts to help victims in emergency situations. Read a first time.

The Hon. I.F. EVANS: 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.

Mr Speaker, I introduce to the House today a Bill which will ensure that a person who provides emergency care, advice or counselling to a person in immediate need of aid, will be protected from liability for civil damages, unless that person is grossly negligent, reckless, or engages in intentional misconduct.

The intent behind this proposed law is clear; the Bill is designed to encourage more people to act and become involved in emergency situations—to step in and lend a hand. This immediate attention is often critical at the scene of a road accident, for example, but it is equally as important in any emergency, especially those that occur in remote areas of the State where ambulance or rescue help is often some time away.

Despite this, at present, the civil liability risk of persons who do step in and provide emergency care, advice or counselling at the site of an emergency remains unclear in South Australia.

In fact, while there are very few decided court cases on the subject, it seems to be accepted that a Good Samaritan, who freely tries their best to assist, can be liable where, through their actions, the victim's situation is unintentionally worsened.

In our increasingly litigious society it would seem then, that the incentive to attempt to provide emergency care, advice or counselling to victims is under threat. The disincentive is even greater in the case of health professionals where professional indemnity insurance does not apply when actions are taken outside of the normal course of duty.

But this Bill does more than help save lives—it is designed to promote community spirit in the face of adversity. It makes it clear that well-intentioned efforts voluntarily undertaken by would-be rescuers, including doctors and nurses, are protected and encouraged.

However, this Bill does not make it compulsory to help—the duty to assist remains a moral issue and not a legal duty, and of course a victim is, if conscious and aware of his or her situation, entitled to refuse the assistance offered by a good samaritan. But if there ever were an argument for protecting those who do choose to help, now is the time.

I commend this Bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Good samaritans

Clause 3(1) establishes that a good samaritan is a person who, with no expectation of payment or reward, comes to the aid of another in an emergency situation or gives telephone advice for the purpose of assisting in the provision of emergency treatment.

Clause 3(2) limits the liability of a good samaritan for any personal injury suffered as a result of well intentioned intervention in an emergency situation. If a victim suffers harm as a result of a good samaritan's genuine attempt to provide assistance, the good samaritan is not liable to pay compensation to the victim. The good samaritan is not entitled to this protection if it is established that the victim's injury is the result of gross negligence on the part of the good samaritan.

Clause 3(3) states that the section does not apply if the victim's injury is covered by a policy of third party motor vehicle insurance.

Ms HURLEY secured the adjournment of the debate.

AGRICULTURAL AND VETERINARY PRODUCTS (CONTROL OF USE) BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 2801.)

Mr LEWIS (Hammond): At the point of departure from my discussions last night I was referring to the definition of an unregistered agricultural chemical. I understand it to mean that if you are using some sort of a chemical in agriculture and it is not registered, then it is unregistered, and that will be an offence. That is a problem for me. I also want to point out that people who used to treat their own meat trade species (that is, animals) with veterinary and chemical products will not be able to do so in future. They will have to follow written instructions from a veterinary surgeon who is responsible for treating the animal. I think that will be pretty tough for most people to swallow when they realise what the legislation contains in that respect.

From what I have been told during the time that this measure has been available to me, there are other elements within the bill that disturb me. One of those is something which I am told by the member for Stuart he has rectified, and that is the manner in which authorised officers cannot become involved. I refer to clause 28, which provides that an authorised officer when using powers cannot use offensive language or do anything that is offensive. The penalty for that is only $10 000, but if another person who is being pursued by the authorised officer does the same sort of thing the penalty is not only $10 000 but imprisonment for two years. There should be a quid pro quo in both directions, in my judgment.

There is very little time left to me. I simply summarise my concerns by pointing out that what the commonwealth parliament produces is unrepresentative swill—to use Paul

Keating's remark—since most of the legislation, the Agvet code of practice and so on, never gets debated.

Time expired.

The Hon. R.G. KERIN (Minister for Primary Industries and Resources): I thank the members who have made a contribution to the bill. There are a few issues that need to be picked up out of that. I thank the Deputy Leader for her general support of the bill, and I take on board her reference to the fact that, in her opinion, the compliance measures are a little bit strict, and there will be an amendment which will partly offset her concerns there. There has been considerable work done on this bill over a period of time—a long gestation period, as the member for Ross Smith said—but I think there very much is a way forward. The member for Ross Smith, after indicating general support, really took up the cudgels. There must be a few organic farmers in Kilburn, I think. A lot of conservation issues were raised. He took a rather hard line on a lot of things.

There are a few issues raised by the member for Ross Smith which I would pick up on. I think some of the comments were made in the absence of the knowledge of the improved technology that we are working with nowadays, whether that be the application technology which is available, but also the technology of the products that we actually use, where there have been enormous advances over time not only in the form in which those products appear but also a lot of the more dangerous products have disappeared over time. We have seen a move from the old hormone type products to much more sophisticated products, whereby not only do you not have the same level of drift problems but also far more specificity as to the way that a lot of these chemicals work, and in many case a real move towards integrated pest control, which is a good way to go.

The member spoke at some length about drums being handed in. I think that is a good thing. What we have gradually been able to do across South Australia is clean up a lot of the legacy of chemical use in the past. Products were used in the past at quite high concentration rates and that left a lot of drums around the place. Farmers, going back some years, were not as conscious of rinsing of drums and disposing of drums properly. There was a backlog on many farms. There has been a lot of work done by the industry and local government and other bodies over the years to clean up a lot of that. Nowadays there are a lot of recyclable drums and a lot of farmers are starting to use a technology now where they actually come back and refill the drums out of bigger tanks, which is addressing the issue of empty drums lying around farms, and the potential for them finding their way into waterways or whatever has been greatly reduced over time.

The other point is that, as far as chemical usage goes and as far as conservation farming goes, we have been lucky in Australia. We have very fragile soils and what we have found is that what has been good environmental practice of working the soil a lot less has also worked out as very good economic practice as far as yields go and as far as sustainability goes. So thank goodness they have worked in the same direction, and we have seen a lot of farmers use chemicals in a way which is extremely environmentally friendly. The other thing with that is that, with chemical usage, it has never been compulsory for farmers to actually do accreditation courses, but a very high percentage of farmers have actually taken the time out to do the accreditation courses.

Mr Clarke: What percentage is it?

The Hon. R.G. KERIN: Very high. I am not sure of the latest percentage, but it is a high percentage, and most people have actually passed the test. The member for Ross Smith also said that there was a need for coordination between agencies such as PIRSA, EPA, Health and whatever. I think, importantly, Part 2—General Duty, clause 5(6) provides a legislative relationship on which coordination can be based, that is:

> This section operates in addition to, and does not limit or derogate from, the provisions of the Environment Protection Act 1993 or any other Act.

So it is not as though it overrides. The member for Schubert indicated support in many ways, and talked about the role of training and education, and I thank him for his contribution. The member for Hammond raised a few issues. He was concerned about the definitions of 'agricultural chemical product' and 'veterinary chemical product' and not being subject to parliamentary and public scrutiny. That is not correct. The definitions are sourced by reference to the Agvet Code of South Australia, which is under the Agricultural and Veterinary Chemicals (South Australia) Act 1994, which applies certain commonwealth laws, including the definitions of these products, to the laws of South Australia.

In reference to the Agvet Code, the member a couple of times mentioned the Agvet code of conduct, and I am not sure that there is not a confusion there as to what the Agvet Code actually is. The Agvet Code is something which sits under commonwealth legislation which sort of enables it. I do not know whether there is a confusion with a code of practice that the industry has got or some other thing, but the Agvet Code that is referred to is actually the code which sits under the federal legislation, which is perhaps somewhat different to what the member was referring to.

The member also had a concern about compliance orders not subject to scrutiny. There are appeal provisions within 28 days to the Administrative and Disciplinary Division of the District Court, and see clause 29(1)(e) for that. He also expressed the concern that products like common salt as a weed killer or as applied to animal wounds would be treated as an unregistered agricultural chemical product, and I think a similar but not identical analogy applies to the veterinary products. Yes, salt does fit the definitions. If salt is sold with claims for use for the purposes mentioned it is appropriately within the definitions. If salt is not sold for those purposes but used for such purposes it would not be pursued under this legislation. So exemptions can be included in the definitions if necessary, and I think that the use of hot water for weed control is probably another example.

The member for Ross Smith also mentioned the fruit fly campaign. With that one, we have been doing it for a lot of years. I became very concerned last year at some of the public perceptions. Most of the operators were good operators. I do not think we should be harsh on everyone that was involved, but there were obviously a couple of operators who did not do the right thing. That was quickly recognised and we have done a total review of the way we go about that, the recruitment, the training of these people and their operation. We are going for a program this year, which had been the intent, anyway, of using sterile fruit flies as a major weapon, which should reduce the chemical usage enormously. I identified with the public concern that was there. There was a lot of public concern. Some of it was because of perception, and there had been some quite alarmist comment which was not justified, but, at the end of the day, there was a lot of community concern and we had to acknowledge that and we

felt we had to do something about it to give confidence in the future for the fruit fly campaign to continue.

So I thank members for their contributions to the debate. No doubt there will be questions in committee. But I think that this has been useful. The member for Ross Smith made much mileage of the length of time this has taken, and it has taken a long time, but there has been an enormous amount of consultation, and I thank those within the department, John Kassebaum and others, who have carried that out. Everyone has had an opportunity to have their say and that is how we have come to this bill, and I hope that we will be able to deal with it today and get it into the other place, and hopefully they might have a go at it next week.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

Mr LEWIS: Can the minister tell me where the definition of 'active constituent' is to be found in the Agvet Code of South Australia?

The Hon. R.G. KERIN: I refer the member to page 24 for the 'agricultural chemical products' definition within the code, and page 25 for the definition of 'veterinary chemical products'.

Mr LEWIS: This is a very long clause, covering four pages. I have a lot of questions and I do not know whether or not the Premier is trying to play smart alecs. What I would like him to do is read out what 'active constituent' means and, having done so, tell me what Diproquat is and where its active constituent is identified in the Agvet Code, and explain what it is used for, when it was authorised for use in that form, and what it was formerly used for before it was used for that purpose agriculturally.

The Hon. R.G. KERIN: The code states:

> Unless the contrary intention appears, 'active constituent' in relation to a proposed or existing agricultural chemical product or veterinary chemical product means the substance or one of the substances that together are primarily responsible for the biological or other effect identifying the product as an agricultural chemical product or a veterinary chemical product, as the case may be.

Mr LEWIS: What I then asked was: what is Diproquat, when was it first registered under the Agvet Code of South Australia, and what was it used for before it was registered under that code?

The Hon. R.G. KERIN: That is nothing to do with the bill.

Mr Lewis: Yes, it is.

The Hon. R.G. KERIN: I will have to take that question on notice. You are talking about an individual product called Diproquat?

Mr Lewis: Yes.

The Hon. R.G. KERIN: I will have to take that on notice.

Mr LEWIS: That has serious implications because Diproquat is a chemical substance, as I understand it, that is now being used to sterilise earthmoving equipment, cultivation equipment, traction implements, and so on, from the likelihood of any viable seeds of orabanche ramosa, which is branched broomrape. It was not an agricultural chemical, yet it was found to have properties that were supposed to ensure that it would sterilise those seeds. It would have been an offence for anybody to use Diproquat. It is the only compound around that can be used, apart from methyl bromide, but it would have been an offence for anybody to use it prior to the time that it was registered. My point is that it was used, but it was not registered, and if it had not been used there would have been no other way of trying to kill branched broomrape seeds on any of those implements or pieces of equipment that I was talking about.

That is the sort of nonsense that we now have in place and propose to make even more convoluted in the way in which we sanction, that is, prevent or permit the use of chemicals in agricultural practices to such an extent that a land-holder or a contractor, who knows that they can get a result by using a certain chemical to do a certain thing, may not do so, under pain of severe prosecution for doing so, unless it has been registered. They may not use it unless it has been registered, and if they use it before it has been registered they are likely to get their throat cut. They will certainly have any licence they may have revoked. That is the kind of approach that will be taken in dealing with them. A farmer—perfectly well qualified, I might add, with academic qualifications equal to or better than those of the people employed in the Department of Primary Industries to enforce or implement these kinds of applied research programs, say, with a PhD or an honours degree in agriculture—will be committing an offence and will be at risk of being prosecuted for having used a compound to do a job that was not on the list of compounds that were said to be permissible to do that job—and that is simply because that list is created by the Agvet Code.

And we get that code through the federal parliament, from a group of people nationally who make the recommendations as to what will be on the code. It is a small group of people, and to my mind it is unrepresentative. We are delegating our authority, through law, to them without regard to or examination of what the consequences of so doing will be for us. Australia is a big place and there is a great variation in the climate between southern Tasmania, in the Huon Valley, and Mosman, north of Cairns, or Darwin, Katherine, Tennant Creek or Carnarvon, or for that matter Uraidla in the Adelaide Hills. There is a hell of a variation in climates, as well as ecosystems, and, as an additional overlay on that, in soil types and other significant, though perhaps less important, factors. And for a small group of people in Canberra to have the ultimate authority of determining which chemicals can be used for which jobs nationally, by virtue of this sort of flow-down approach to legislation, is stupid, in my opinion.

This bill ought to contain a provision—and this was the burden of the argument that I was trying to develop in my second reading contribution before I ran out of time—which requires the parliament to debate the changes to the Agvet Code, under which these chemicals are registered, and determine what the changes are and whether or not they are appropriate in the circumstances of South Australia. Just because it may seem boring to some members to have to study that does not mean that it is irrelevant. We are spending millions of dollars on programs like Food for the Future; we invest hundreds of millions of dollars in infrastructure in agriculture, and the way we are going we will place so many constraints on the people trying to make a living in the industry that it will pretty soon be impossible to make it profitable unless you are a large corporation that owns a large area of land and has a whole lot of specialists working for you—and that is a sorry pass.

Family farming under this kind of additional burden of regulation will be increasingly a thing of the past, whereas it has been the backbone of the development of Australia's economy for the past 200 years. It will become so difficult as to be an insignificant part of a much poorer economy within 20 years, unless we reverse the trend and begin to accept personal responsibility as members of parliament for the

kinds of things we introduce, rather than do what this bill proposes under these sorts of definitions and rely on a small group of people who do not understand the length and breadth of the diversity there is in this country, its climate and soils and the range of commodities and products that we seek to produce.

I therefore want the minister, given that this is my third shot under this clause (and I have not even got past the first definition—and I have concerns about a whole lot of other definitions), to tell me for what purpose (or if he does not know the purpose for which Diproquat was used, will he undertake to make a ministerial statement to the committee when we resume on 27 November) Diproquat was made and used prior to its being used as a sterilant of machinery and equipment? Then the committee will understand the point I am making about the enormous burden of difficulty that will confront people who wish to make change where change is necessary in the practical circumstances of their farms, rather than their having to rely upon getting approval from someone who does not know anything about their circumstances and who is off in Canberra or wherever under this Agvet code.

The Hon. R.G. KERIN: I will undertake to get that information for the honourable member. In relation to this being an impediment, we have had this system for a while. This is about the control of use, but in reply to the statement that the NRA is out of touch and is a very small group of people making the decisions in isolation, I must say that I have met with the NRA before and have known quite a few people who have been on the NRA. Indeed, I am meeting with them again in a couple of weeks. I have found over time that you have there a board which represents a broad range of the interest groups across Australia, and staff who absolutely understand. However, they do not make the decisions in isolation.

If you want a product registered or a change in the registration of a product, you need to drop an enormous amount of scientific data and test results on the table for that to be achieved. The confidence in the NRA system is high, and that shows with the number of trade incidents we have had, where chemicals have been used correctly, being virtually non-existent. As to the difference between states, a lot of products registered nowadays have different recommendations listed on the label for the various states. There is a panel on the label on many of them which differentiates between the states. On some of them there is differentiation as to soil type. Some of the soil based products will have recommendations for light, medium or heavy soils which will identify with that difference.

To say that this is an impost on farmers ignores the reality. If we are to have the Food for the Future program, and if we are to be a major exporter to the rest of the world, one thing we need is standards. To say that farmers have been impeded by not being able to use products that are registered, I can only say that, yes, sometimes it takes a bit of registering, but that is to protect the user and the environment. However, importantly in the case of chemical registrations, it is to protect our overseas trade. If the products used have not gone through the amount of testing as far as maximum residue limits go, then we have a real problem. If we allow farmers to use unregistered products, I promise members that we will soon come across some trade issues of chemical residues being found in food and that will cost us dearly.

Mr Lewis: This legislation won't even let us trial them.

The Hon. R.G. KERIN: Trials should not be done without the correct permits. This is where some of the problems in the past have occurred, and that is going way back. We must have a regulatory system in place; otherwise, we will get all types of things. If people want to trial things, with all these products there is a manufacturer. They can go to the manufacturer and get it to do those trials. If I was a manufacturer I would be extremely concerned if people without a connection to the company were out there trialing this on crops that had not been tested for maximum residue limits. That would be extremely dangerous to our trade situation.

Mr CLARKE: I have a general question following on from the member for Hammond. There are a number of references here to the Agvet code of South Australia. Also, the bill refers to the MRL standard and gives references there which I will not read out. It is stated that it is published by the Australian Government Publishing Service, Canberra, as amended from time to time. Farmers or others may well need to look at this legislation in order to know what they are allowed to do. They would need ready access to those codes of practice, referred to in these definitions, which will change from time to time and, in relation to the MRL standard and the like, they would also need ready and easy access. They would need to have a copy of the legislation, plus the regulations and the codes of practice in front of them, so that they do not inadvertently fall into error or outside the law simply because there is a paucity of information of tying everything together at the one time.

The Hon. R.G. KERIN: With farmers using chemicals there is one bible they should stick with, and that is to read the label. That is a task sometimes, but as far as MRLs and every risk with using the chemical goes, the label normally covers all the issues. There is then the issue of making sure that you do not go out and spray with certain products on a very windy day. That comes back to the educational process that farmers have taken up enormously. Commonsense comes also into this. However, most of the issues referred to by the honourable member are covered on the individual labels. The label is registered for that product, so the labels are very much a fount of information on maximum rates that can be used per hectare, and within that there are safety margins that keep them under the MRLs and other relevant rules.

Clause passed.

Clause 4 passed.

Clause 5.

Mr CLARKE: For my first question in my bracket of three, I draw the Premier's attention to clauses 5(1)(a), 5(1)(a)(i), 5(1)(b) and 5(2) because the questions I will put are similar. Clause 5(1)(a) provides:

> (a) in the case of an agricultural chemical product—
>
> (i) actual or potential contamination of land outside the target area that is not trivial, taking into account current or proposed land uses; or
>
> (ii) . . . contamination of animals or plants on land outside the target area, taking into account the economic or ecological value of the animals or plants. . .

Clause 5(2) provides:

> (a) land is contaminated if any soil, water or other environmental component of the land contains a residue of an agricultural chemical product; and

The definition of 'trivial' in the *Oxford Dictionary* is as follows:

> . . . of small value or importance; trifling; concerned only with trivial things; common place; humdrum; popular not scientific; giving rise to no difficulty or interest. . .

I know this is difficult because at the end of the day it will be for a court to decide in each circumstance whether it is trivial. For example, would damage to ornamental gardens and residential property be regarded by the Premier as trivial? There may be long-term accumulating effects with respect to health—and it may take many years—but is that trivial? Clause 5(2) fails to address the fact that some dangerous chemicals are active but at analytically undetectable levels. What about the harm caused by airborne chemicals which leave little concentrated residue but which still cause significant damage through human or plant absorption?

The Hon. R.G. KERIN: The definition of 'trivial' was debated at great length in the early stages of this bill. It is aimed at stopping trivial claims but the circumstances picked up by the member are included in not only clause 5(1)(a) but also clause 5(1)(b), which picks up the health aspect, and clause 5(1)(c), which picks up on the ornamental gardens, as does clause 5(1)(a) to some extent. In relation to subclause (1)(a), if a farmer is an organic farmer, then what would be trivial on his place would be a far lower level than if it were two cereal farmers alongside each other using the same product. We do not want someone setting up some litmus paper on the fence line to trap a particle coming through the fence, because that would stop people doing what they want to do. It is a matter of setting a benchmark that looks after people. Health is covered. If for some reason someone chooses to be organic and does not want any chemical at all to enter their place, then the neighbour has to be more careful. Perhaps he stays away by X number of metres, depending on conditions at the time and the products he is using.

The term 'trivial' or 'not trivial' was included after a lot of consultation and debate about what was the best way to do this. We did not want to create a situation where, all of a sudden, we had litigious neighbours up against each other and creating problems in the community. At the same time we wanted to look after organic farmers or people who genuinely felt that something had come through that caused damage. It was really to line up damage versus the fact that it might not have done anything, but not one drop should have been allowed onto a property. The fact that one drop did not cause any damage whatsoever other than become part of a dispute is the reason why that is there. It is intended to set a sensible benchmark for when action can be taken.

Mr CLARKE: I understand what the Premier is saying, but there is still the issue of residue. Some chemicals are dangerous but are not analytically detectable. The other issue relates to the national registration authority in Canberra, which gets its information from the chemical company and often, so I am advised, is somewhat slow at taking some of those chemicals off the list—it is very quick to put them on, but very slow to take them off—and which is entirely reliant on the relevant state agency to report any difficulties. What is the Premier's view in terms of Primary Industries, as the reporting state agency to the national registration authority, being able to ensure that if there are difficulties with particular chemical products they are promptly reported to the NRA? Subclause (4) provides:

> In determining what measures are required to be undertaken under subsection (1), regard is to be had, amongst other things—

And then there is a series of potential let-outs (I suppose I could put it that way), but in particular paragraph (g) provides:

> the financial implications of the various measures that might be taken as those implications relate to the class of persons using or disposing of the same or similar products in the same or similar circumstances;

I assume that this legislation is binding on the Crown as well—I cannot see any exemption from it. I am concerned that, as far as general duty is concerned, we take these matters into consideration and then talk about financial implications and the like. It seems to open the ambit. I am concerned about opening the scope for people to do certain things which they might not otherwise do. They would not necessarily conform with the legislation under general duty of care, but they will say that, because of the financial implications, they did it—and that is a defence.

The Hon. R.G. KERIN: The honourable member needs to read the whole clause. Subclause (4) provides:

> In determining what measures are required to be taken under subsection (1), regard is to be had, amongst other things, to—

It is one of a range of issues that needs to be taken into account. Part of this is to protect a neighbour from any impact from his neighbour's spraying. That is where we are headed. We want commonsense out there. We want to ensure that we do not put community member against community member. There has been a lot of discussion on how we look after people without creating a situation where frivolous cases arise, which does happen with a range of things. We do not want frivolous cases, but we genuinely want to look after the rights of someone who is there.

If the honourable member talked to a lot of the industry people—and I do not see many of them nowadays—he would find that a number of years of work go into getting anything registered with the NRA. It can take from seven to 10 years to get much of this work done. It takes trailer loads of data to get a product registered. It is an enormous undertaking, and some pretty strict things happen if problems occur with the products. I am familiar with the NRA system, and I can assure the member that it is extremely stringent. It costs millions of dollars to bring a new product to market, as an enormous amount of work needs to be done. While at the end of the day it means that the farmer probably pays a fair sort of a price for a lot of these products, it is worthwhile from the point of view of trade, the environment and health.

Mr CLARKE: I draw the Premier's attention to subclauses (5) and (6). Subclause (5) provides:

> Failure to comply with the duty under this section does not of itself constitute an offence, but compliance with the duty may be enforced by the issuing of a compliance order.

Clause 5 says, 'Here is your general duty of care.' However, if you do not comply with the duty, that is not an offence. But, if you are caught by EPA or somebody else who is responsible for enforcing this act and they issue you with a compliance order, you must abide by the compliance order, and if that does not happen an offence is committed. It seems to me that you have to rely heavily on sufficient numbers of inspectors—or whatever else you want to term them—to be out making sure right around the state that the general duty of care is being exercised by those who are using these chemicals. I would have thought that they had this general duty of care and that was it. If you are found to be in breach of your general duty of care, you can instigate prosecution measures, if that is deemed warranted. You do not have to wait to say, 'Here is a compliance order. If you breach the compliance order, then we might take you to court.' It concerns me that the enforcement measures seem somewhat weak.

Subclause (6) relates to the fact that this provision does not limit or derogate from the provisions of the EPA or any other act. This is more of an administrative criticism, Premier, but from the information I have received from people involved in this area and who have done some work in this, it seems to be a bit of a merry-go-round with respect to the EPA. If matters are reported to the EPA under its responsibility, but it tends to slide into this type of agricultural and veterinary products, they say, 'No, primary industries is responsible for that.' Some people criticised primary industries as being too close to the producers and not doing anything about enforcing the act. Then the matter could go to the licensing branch of human services. However, if you go there, it in turn will say that it is a primary industries issue. People who been actively involved in this field tell me that they go around the old merry-go-round of no one authority taking any responsibility, notwithstanding the fact that this legislation provides for a duty of care and it adds to the EPA act and other legislation.

The Hon. R.G. KERIN: With regard to the honourable member's first question about an offence not actually being committed, a couple of things are involved. The major thing is that someone could do absolutely everything right, given the technology they are using or whatever, yet a trespass could still occur. That is why we gave them the compliance order: because if there is a local situation we go in and put down a compliance order. Otherwise, it is totally outside their control. Just by being out and operating a trespass could occur. For that to be an offence when nothing deliberate has happened could be seen as somewhat over the top. As far as the policing of it goes, it is complaint based. It is important that we do not take a policeman approach with this. Where there are problems, complaints are lodged and they are followed up.

Mr Clarke interjecting:

The Hon. R.G. KERIN: No, it is a little more complex situation than that with speeding cameras, I must say. If there is a problem with the EPA, as the honourable member alluded to, with this legislation we are trying to set up a system so that, if there has been a breach of the Environment Protection Act, we can hand that on.

Ms HURLEY: I take it that most compliance orders would be of the nature of ceasing to do something or using a chemical in a proper way. As part of the compliance order, could the person undertake any restitution or compensation if, for example, it affects their neighbours in some adverse way?

The Hon. R.G. KERIN: Two issues are involved there. As far as the compliance order goes, if you look at the practical side of it, it may well be a problem because someone is using a chemical mister. So, a compliance order may well rule out the opportunity of their using a mister and they may have to go to other technology such as a boom spray, knapsack or whatever. There are those technical things that you can pick up in a compliance order; for example, distance or a certain time of the day. With grapevines there are certain distances for certain things. That is your compliance order.

In the past when incidents have occurred, the main way compensation has been handled is through the public liability insurance that farmers have. If the farmer drifts into the paddock next door and damages another farmer's crop—and this does happen—farmers have insurance. Normally, an assessor has a look, and compensation is paid through their insurance. In other perhaps more serious cases or where the matter becomes a dispute, they normally resort to common law under which a settlement is worked out.

Clause passed.

Clause 6 passed.

Clause 7.

Mr CLARKE: Clause 7 deals with mandatory instructions on an approved label for a registered agricultural chemical product. It provides:

> A person must not use or dispose of a registered agricultural chemical product in contravention of a mandatory instruction displayed on the approved label for containers for the product except as authorised by a permit.

This refers to something to which the Premier responded in his second reading reply, and to what I said in my second reading contribution, with respect to thousands of empty drums which have been used to store chemicals, which have been removed under a national project which was, as I understand it, supervised or overseen by the Premier's department. As I understand it, the legislation that was in place was not observed. In any event, the mere fact that so many thousands of chemical drums have been collected shows that, even though, as I understand it, legislation about their disposal was in place, and so on, it has not been observed, which is shown by the mere fact that something like, I think, 20 000 drums have been collected—the Mount Barker newspaper referred to something like 20 000 drums in the local area. I do not know whether a study has been undertaken on any possible injuries that may have resulted to people through the poor handling of these disused drums but, again, it goes back to the issue of enforcement and compliance with the legislation. I would be interested to know, under this section or another section, the number of officers that the Premier's department (or any other department) will have with respect to the enforcement of this legislation to ensure that compliance will, in fact, take place—that we will not just have the legislation on the books but no policemen on the beat to make sure that people obey the law.

The Hon. R.G. KERIN: Clause 7 also refers to the use of the chemical—to ensure that it is put out on a crop that it is registered to go out on, at a rate at which it is registered, where it will not cause minimum residue limit problems. With respect to what the member said about drums: as long as drums are stored in a safe fashion. The problem with drums, of course, is that sometimes a farmer will buy a 20 litre drum and use only seven litres in a year. So, there has to be a mechanism whereby they can safely store the chemical. It is not as if a person pours it out and gets rid of it and disposes of the drum straight away. There has to be a mechanism for storing drums partly filled with chemicals, and most farmers have now been pretty well educated on the safe way of doing that so that there is no hazard to children, other people or the environment.

With respect to the issue of empty drums, there has been encouragement over the past few years (and, remember, this is quite historic: a lot of these drums go back for quite a few years), and there has been an enormous effort by industry, to clean up the backlog of drums that are out there, and a very responsible attitude has been taken to that. Certainly, local government has played a major role in that, and I think that many local government bodies have done an extremely good job. I think we have cleaned up a lot of what was out there. I think that, as far as the policing of that side of it is concerned, it is a bit hard to say; certainly if people are throwing drums into waterways, or whatever, that needs to be well and truly looked at, and that is an EPA matter.

I am not too sure what the member is referring to with respect to the disposal of drums as far as the label is concerned. The label gives advice on drum disposal, but when it says 'dispose' there, it means to use the chemical on a crop for which it is registered at a rate that will not create any trade problems with residue limits.

Mr CLARKE: I suppose what I am getting at is that, under this national project, the department has collected some 20 000-odd drums just in that area alone in the Adelaide Hills, which would indicate that whatever legislation applied in terms of the safe disposal of these empty drums has not been complied with. There are literally tens of thousands of these empty drums lying around the place, and that is coming to light as a result of this overall national project—and good on it, too: I am not complaining about the national project. I think that highlights that whatever legislative regime applied with respect to the safe disposal of those empty chemical drums was not being complied with, so what gives the Premier any faith it will happen in the future?

The Hon. R.G. KERIN: I see where the member is coming from, but I think that, in reality, of those 20 000 drums that have been collected, a very small percentage would have been stored in an irresponsible manner. Many of those 20 000 drums would have been stored in sheds, in proper stacks, some of which would have been bunded. Most of those drums would have presented no threat to anything and would have been stored in a responsible fashion. The biggest driver to go with the drum muster program and the other chemical drum collection programs has been more that, if we continue to use these products over many years, we will finish up with an absolute mountain of the drums. Let us face it, going back 20 or 30 years, some farmers did not understand some of the risks associated with this and were unwittingly throwing drums in creeks and storing them there. There has been a terrific effort on their part—and I acknowledge the fact that the member for Ross Smith, basically, gave them a pat on the back.

I think that industry and farmers have done a very good job of looking at this matter responsibly, and trying to clear up the backlog. In the old days, there was no way of getting rid of the drums. A lot of the council dumps did not take them, for good reason—because there was no specified area. I do not think we should assume that laws have been broken by the fact that 20 000 drums were collected. I think that it is, basically, a plus for the industry that it has started to clean up a situation whereby we would otherwise have ended up with more and more drums out there, and that people have taken a proactive attitude.

Clause passed.

Clauses 8 to 17 passed.

Clause 18.

Mr CLARKE: This clause deals with trade protection orders where the minister, 'if there are reasonable grounds to believe that the order is necessary to prevent or reduce the possibility of serious harm to trade [I emphasise the words "to trade"] arising from the use or disposal of agricultural products or veterinary products or to mitigate the adverse consequences of such harm', may then issue a trade protection order. Clause 18(2) specifies that a trade protection order 'may do any one or more of the following', and I will not go into all that. This section covers commerce, but what I am interested to know from the minister is, what about humans? As I understand this section of the act, if you believe that you have to act quickly to prevent or reduce the possibility of serious harm to trade, what about the possibility of serious harm to human beings in terms of being able to do all the things that you can do under clause 18 with respect to protection of trade and commerce—whether you have the similar powers in terms of reducing the possibility of serious harm to human beings, or is that covered by some other particular legislation? For example (and I am not sure whether or not this relates to this clause but I might as well throw it in while I am on my feet), I understand that the environmental health branch licenses spraying contractors, and they pay about $40 for their licence and can then go around and carry out their business. In terms of what training and expertise they have with respect to their business is a question mark, as far as I am advised. Also, there does not seem to be any need for compulsory liability insurance for those contractors with respect to any damage they may cause arising from negligence, and as to whether or not those who suffer from the negligence of the spraying contractors can recover any of their costs if they are only of limited financial means.

The Hon. R.G. KERIN: The reason for the Trade Protection Board is that this part falls under the primary industries mantle. Other laws are covered by both the EPA and health which allow other issues to be worked on. In most cases, it is extraordinarily difficult to make a judgment in agricultural chemical legislation about whether someone has been made ill by the use of a particular product or what sort of a value should be put on that. I think that needs a totally different mechanism. It is normally worked out either through the courts or by mutual understanding—not that it happens very often.

The health aspects are very much dealt with through the registration of a chemical and the instructions for use. If you use it irresponsibly or in a way for which it is not registered, then you have committed a breach. It is then a matter of whether there has been a health impact and what, if any, compensation should be payable for that. That issue is well and truly outside the scope of the agricultural and veterinary chemicals legislation, but this does not affect the way in which this information is available.

Mr CLARKE: My reading of clause 18 is that, even though a chemical has been approved, if you believe that you need to prevent or reduce the possibility of serious harm from the use or disposal of already approved products, you can act decisively and do a whole range of things which are provided for in subclause (2). Can you act just as decisively on the use of those same legitimate chemicals if you become aware that they might be dangerous to human health in the same way as you can act to protect trade and, if you do not have the power to do that, does that fall within the responsibility of another minister such as the minister for health, for example, and, if so, does he have those same broad powers?

The Hon. R.G. KERIN: The national registration scheme is well and truly in place to make sure that if a chemical is not safe to human health it will either not be registered or some very strict limitations will be placed on its use. It is different from trade because many situations, such as cropping, are involved. A health risk is an acute situation, and that is picked up by the NRA. There are products which are never registered because of the health aspects. Others have strict applications for their use because of their health implications. That is done up front. There is always the possibility of incorrect use, and that is well and truly picked up by a range of measures if that occurs, particularly if one person endangers another person's health by any means, let alone by chemical means. The trade protection issue is far more

complex. It falls into a different scope of situations in which a chemical may, in some cases, be used for different purposes on different crops.

Mr CLARKE: I cite the example of 245D, the Agent Orange scenario going back a number of years ago. Presumably at one time or another DDT and chemicals of that nature were licensed as not being harmful to humans or this, that and the other. Subsequently, however, they were found to be harmful to humans in certain circumstances. If a similar situation arose today with a chemical which has been approved by the NRA but which subsequently is found to be dangerous in certain circumstances or potentially harmful to humans, does the Premier have power under this or any other act under his control to order the immediate cessation of its use or to control it in the same way as he can protect trade and commerce?

The Hon. R.G. KERIN: That is an NRA matter, and we would take it up urgently with the NRA. If the product is used in that particular way, there is a health aspect. If there is a health aspect, you can virtually remove the environmental factors which come into play with the use of these products in different situations. If it is shown to cause health problems, the states would decide to go to the NRA and have it banned.

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

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

Motion carried.

Clause passed.

Clauses 19 to 22 passed.

Clause 23.

Mr CLARKE: How many authorised officers will be appointed under this act? Presumably, there are equivalent authorised officers (who currently do some of the work that this bill contemplates) under other legislation which this act will supersede. How many current officers are involved in this type of work; how many are anticipated to be appointed after this bill is enacted; what type of resources will be provided to them; and what skills and qualifications will be required to become an authorised officer?

My questions relate to the point I made earlier in my second reading speech and in some of my earlier questions to the Premier, that is, that this act, which is a step forward—let me not be seen to be downplaying this measure—as with everything, relies upon compliance. Anyone who wilfully disobeys the law knows that, if they do so, they have a good chance of being caught, just like those in the community who speed and engage in drink driving know that they have a reasonable chance of being picked up by the police in the metropolitan areas of Adelaide. Hence, I think it is particularly important that this act have a sufficient complement of authorised officers to ensure compliance.

We are dealing with a number of very dangerous chemicals. If they are used incorrectly it gets into our water supply, and there is a whole range of things that are potentially harmful to human beings and to animals. It therefore seems to me that anyone who is engaged in this industry should know that if they disobey the law then there is a reasonable chance that not only will they be detected but they will be prosecuted to the fullest extent of the law, to ensure that there is the maximum compliance.

The Hon. R.G. KERIN: In relation to compliance, wherever there are complaints there needs to be a certain amount of inspection of premises or whatever and we have a team within the department on that. But also what we do, as we do with the fruit fly, there is the opportunity there for cross-compliance so that we have a far quicker response time in our regional areas. As with fruit fly, there are people who do other jobs who can, with suitable training, be authorised as fruitfly officers to be able to carry out the immediate responsibilities that that entails. Much the same can be done with this. There also can be cross-compliance by Health or EPA on some of these issues.

It really comes back to demand. We do not want to set up a Gestapo who go out inspecting farms overnight, or whatever. That is not the intent. The intent is to make sure that the rights of people are looked after as against chemical use by those around them. So a lot of it is complaint based, but we also make sure that certain other requirements are done at several levels before the chemical is put out. As to how many people will be authorised, that is a little bit hard to say at the moment, but there will be significant numbers within the department and in other agencies who have the ability to be authorised.

Mr CLARKE: What I would like to know from the Premier is: are we going to get more authorised officers than currently exist and, if so, how many does he expect there to be after this act is proclaimed and comes into force? The department must have a reasonable idea of that otherwise how could they plan their budget for the coming years ahead, or at least the next 12 months. It concerns me, because if we do not have proper enforcement mechanisms we are going to have an act that could very well be disregarded by significant sections of the community if they feel that the chances of being caught for non-compliance are quite limited.

For example, with the EPA, there have been endless criticisms of the Environmental Protection Agency that it is not sufficiently resourced, that you have a very strong act of parliament but an insufficient number of inspectors to enforce the clean air act, the clean waters, all of those things, which rely on complaints being made. Premier, you would know as much as I do that a lot of complaints get phoned through to the EPA but, because there are just not enough inspectors out there, they cannot get the inspector out at the time they need it to find the source of the noxious smells, or whatever it might be, that is in breach of the EPA Act. People then start to give up and wonder what the point is of notifying anybody about breaches or potential breaches of the relevant act because nobody from EPA will ever come out in sufficient time to have it checked out. So can I get a commitment from you, Premier, that the authorised officers, at least under this act, will be beefed up in terms of personnel, qualifications, and will have more resources than they currently have under their different guises?

The Hon. R.G. KERIN: One thing I would say to the honourable member is that there will be an increase. We are looking at an officer to look at chemical trespass, some of that, and certainly we will have the people in place. But it will be complaint based. One thing we do not want to presume, and I know that the member has been visited by a couple of people who have got a feeling which is not consistent in the community as far as this goes. It starts from the presumption that there is enormous non-compliance out there. That is just not the case.

What we have seen, and the Acting Chair would understand this, over the last 15 years, more so the last 10, is an enormous movement within the farming industry and the chemical industry to self-accreditation. There was a wake up call that if in fact they did not go down the track of education

and accreditation then big brother would start coming down on them. It is a credit to the industry, whether it be the manufacturing end, where the manufacturers have a lot of things in place, or the chemical reseller end, where they actually got an ACCC exemption to allow them to stop selling to those who did not have correct premises and every salesperson on those premises trained an accredited, which was an enormous move and cost the industry a lot of money, but it was the correct way to go. Then there is the farmer level whereby there has been an enormous education and accreditation scheme over the past 12 or 13 years or so, which, as I said, has seen an enormous percentage of farmers actually doing the right thing, getting themselves educated and getting themselves accredited.

That brings us back to the stage where, because of the fact that industry has basically done the right thing, we need a response to those who feel as if they are aggrieved. That should be the basis of it. It should not be a police approach, a Gestapo approach. What we should have is a mechanism where those who feel aggrieved are protected by the fact that we can get someone out there to have a look at their complaint. That is certainly the basis we go on. There will be more resources put in, there is no doubt about that, because of what we are doing with the legislation, but we will continue down the track of identifying with the fact and encouraging the industry to go down the education and accreditation path.

That is working well. We do not have trade incidents in South Australia. We have had very few in Australia. People do understand that what is on the label is the maximum rate that should be used. We have a low number of drift incidents. We do have drift incidents, but it is a very low number when you look at the total number, and that has been brought about by education and improvement in technology. So, we will not be taking the big heavy-handed approach, but where people are aggrieved we will make sure that we do respond.

Mr CLARKE: I understand what the Premier means by not a heavy-handed approach—

An honourable member interjecting:

Mr CLARKE: Well, it is not often as a mere backbencher that I get the opportunity to interrogate the Premier. What I am concerned about is that, if we are to have the attitude of no heavy-handed compliance, we only have to look under the Occupational Health, Safety and Welfare Act to find that under this government there has been a general trend towards, 'Oh, let's educate the punters on occupational health and safety, we will not hit them in the hip pocket,' and the approach has been that we will go out and give them leaflets, we will get them to do this and we will get them to do that, we will pat them on the head, and things of this nature, and we will get compliance because we will say that they are actually nice fellows. In fact, what has happened is that there have been more accidents in the workplace. There are more accidents.

The incidence of the government's getting inspectors not only to issue compliances but, more particularly, to go to court, chasing up employers with respect to breaches of their duty of care under the Occupational Health and Safety Act has dropped over the years, under this government since it was elected in 1993. It has dropped quite significantly in terms of the number of prosecutions that have taken place. That has made a number of employers very slack.

I have an incident to relate, even though it is not directly in the Premier's portfolio but of which he ought to be aware. It involves Workplace Services. I wrote to the minister on behalf of a constituent of mine who had injured her back. She was a cook and she claimed that on weekends, when business was slack during the summer months, she was required to take breakfast trays up a flight of stairs to deliver the food. Allegedly, even though she complained about her back and said that she could not handle the number of trays that she was required to handle in delivering the breakfast, the owner refused to offer her any assistance and said so, so she says, in front of other employees. She is now permanently injured and has been on WorkCover.

I reported the matter to the Minister for Workplace Relations and asked his officers to investigate the matter as a potential breach of the general duty of care. The minister wrote back to me and said, 'We have interviewed the boss, interviewed the existing employees, and they all side with the boss and say that no such pressure was put on the individual concerned.' Of course the boss is going to say that, and of course the casual employees are going to back up the boss if they want to keep their jobs. I also suggested that they should talk to former employees who were present at that stage. The minister's letter said, 'No, we don't need to talk to the former employees.' Even though I had a statutory declaration which I sent to the minister—

Mr Atkinson interjecting:

Mr CLARKE: Yes, I am quite keen on getting statutory declarations. The statutory declaration said that she was present when the boss had said to the rest of the staff that they were not to help so and so out in their job. When I drew that to the attention of the Minister for Workplace Services, he said, 'Well, even if we had the statutory declaration, even if we had interviewed these former employees, it would not have changed our view anyway.' I regard that as a disgrace. This is like Inspector Clouseau.

This is what concerns me when I hear that we are not going to have the heavy hand. I do not want you to be the Gestapo: I just want to ensure that with acts of parliament that have enforcement provisions, whether it is for health and safety at work (and this is health and safety at work for people who are handling these chemicals), for neighbours, for the neighbourhood, for our drinking water and all the rest of it, we have authorised officers who do not just go and pat these people on the head but who, if there are breaches of the act, get in there and hit people in the hip pocket nerve, which will get the greatest rate of compliance.

The Hon. R.G. KERIN: I think we are at cross purposes here because that is exactly the approach that I was talking about. Where there is a breach is where we will move in. As far as just driving around the countryside is concerned, this is not the type of activity that you can police by driving around anyway. It is where someone is aggrieved and complains. That is the capacity we must have to move in such cases. That is where our focus will be, and that is what I was saying before. When I say that we are not coming in with a heavy hand, what we will actually do is follow up complaints and then go in and sort them out, but we will not put on a great force of officers. The number of officers that we need is the number we need to go out to address problems where they occur. We will not have people just going around looking for breaches. This is not the type of thing where a breach is evident. You cannot see if there is drift if you are driving along the road. So, this really needs to be a complaint based compliance situation.

Clause passed.

Clause 24 passed.

Clause 25.

The Hon. R.G. KERIN: I move:

Page 19—

After line 14—Insert new subclause as follows:

(2a) A warrant does not authorise entry to residential premises unless it expressly does so, and a magistrate must, in determining whether a warrant in respect of residential premises is reasonably necessary for the administration or enforcement of this act, take into account the fact that premises are residential and the gravity of the circumstances in respect of which the warrant is sought.

Ms HURLEY: In relation to new subclause (2a), can the minister tell me whether any other similar power of entry has this sort of provision attached to it?

The Hon. R.G. KERIN: I think that the answer may well be no. This was written last night to fit certain situations, such as a farm with a residential component that is separate from the working component. It was written as a result of some concerns raised. I cannot say no for sure as to whether a similar clause occurs elsewhere, but it is not a pickup out of another piece of legislation: it is a pickup on the special circumstances of a farm-type situation.

Ms HURLEY: The other part of the amendment states:

An authorised officer must, in executing a warrant in respect of residential premises, endeavour to minimise disruption to the occupants of the premises.

Again, this seems to be a fairly extraordinary clause. I cannot think of any other case where this sort of caveat would need to be put and certainly, in the case of the latest fruit fly incidents last season, officers went into people's backyards and killed their budgies and dogs without worrying too much about causing minimal disruption to the household. The minister did not do anything about that until the outcry became very loud. I am wondering why it is considered necessary in this case. It just seems like overkill and faintly ludicrous to have to include clauses like this.

The Hon. R.G. KERIN: I can understand this; I am a sensitive new age minister and the member who negotiated this amendment is, as we know, a very sensitive new age member. What he wants to ensure is no great requirement on anyone. It says, 'to endeavour to minimise disruption to the occupants', and I think that what he is trying to do is make sure that officers are reasonable in the execution of their duty, which shows the care that the member for Stuart has for his constituency.

Ms HURLEY: I take the Premier's point and ask him if he undertakes to put similar clauses in every other piece of legislation where it entitles authorised officers to enter premises. I assume that, as he is so taken by the case, that will in fact be happening. I ask the Premier when we will see those amendments.

The Hon. R.G. KERIN: Any particular bills that the Deputy Leader of the Opposition would like me to have a look at in regard to this I would be very happy to consider. Rather than clogging up the whole parliamentary process, next year when we are in government, with amendments to every bill, I will undertake to the deputy leader to examine any bills in which she would like a similar provision to be included.

Mr HANNA: The point really is that we have here a case of discrimination against the constituents of people such as the member for Stuart. Presumably some of your members have been told that inspectors are a bit rude or intrusive when they come looking for miscreants in rural properties, yet the same sort of members of parliament who take that attitude towards this proposition would not have a bar of it if it was a matter of the homes in Mitchell Park, Blair Athol or Andrews Farm for that matter.

The Hon. R.G. Kerin interjecting:

Mr HANNA: There are not any farms there any more. It is a fairly impractical sort of proposition. What was the advice of the Attorney-General and the Police Commissioner in relation to this odd proposition?

The Hon. R.G. KERIN: This was drawn up last night. It was run past parliamentary counsel.

Mr Hanna interjecting:

The Hon. R.G. KERIN: I have seen amendments done a lot more on the run in this place than this one. Quite a number over the years have been dropped on the table without any notification. At least it has involved notification.

Mr HANNA: Is the Premier telling me that the Attorney-General and the Commissioner of Police have not been advised about this clause? I am very confident that they would say that it is a silly idea, if it were put to them.

The Hon. R.G. KERIN: Because this was only agreed on last night, if it goes through the House today obviously there will be time for that to happen before it is passed in the upper house and, if it is found to be totally impractical, as the member says, then we can deal with it there.

Mr CLARKE: I must join with my colleagues, the deputy leader and the member for Mitchell. I overlooked this amendment until the Premier moved it; I had forgotten all about it. I find it rather extraordinary because clause 25(2) of the bill provides:

A magistrate may issue a warrant authorising an authorised officer to enter premises and inspect the premises and anything in or on the premises (using force that may be reasonably necessary in the circumstances) if satisfied that the warrant is reasonably necessary for the administration or enforcement of this Act.

It sets down a whole regime about the execution of the warrant and the like. In terms of civil liberties and the like, an authorised officer cannot just go on the premises or residential part of the farm and do whatever they like without first stating the grounds why they want a warrant and getting a magistrate to agree to it.

The member for Mitchell can correct me, but I am sure the magistrate would have discretion in terms of what type of order he would put on the warrant, which may indeed say, 'Yes, I don't mind your going in there with a hammer and doing this, that or the other, but you are not to go on the residential premises, or do this, that or the other' as far as residential premises are concerned. That is left to the magistrate to determine in the circumstances of the case before him or her and upon what evidence the authorised officer is seeking the warrant.

With respect to some of my constituents who grow the dreaded weed marijuana in my electorate, I assure the Premier that if they have it inside their residential premises any warrant does not tell them that the police are going to knock gently on the door three times and ask, 'Please may we come in,' and wipe their feet as they do so and search for illicit drugs. It just does not happen. As the member for Mitchell says, it is an extremely silly amendment, drawn up simply to placate the member for Stuart in this matter for no good reason.

If an authorised officer believes that it is necessary to enter the premises, whether of a farm or somewhere else, because they believe that certain chemical products are not being stored correctly or illegal products are being stored there, obviously they would need to have a good reason to go to the magistrate, and it should be left to the magistrate to determine

what special circumstances may exist in terms of the type of warrant that is issued. The bill provides that an authorised officer must, in executing a warrant in respect of residential premises, endeavour to minimise disruption to the occupants of the premises. It relates to those authorised officers acting in some Gestapo-type way and causing needless damage or distress.

I can give another example of an outrageous abuse of a warrant in my view by the police department in relation to a constituent of mine in Clearview a couple of years ago, and this received great publicity. Suddenly the STAR Force turned up at a house in Clearview with guns drawn. They kicked in the door, herded the husband, the wife and three children out at gunpoint because they believed that he was doing something illegal on the premises and that, according to the firearms register, he had firearms on the premises. As it turned out, one of the STAR Force officers, through an accident caused by himself, blew off one of his own fingers. It caused my constituent enormous distress, with his young teenage children being led out onto the street in front of the neighbours with automatic weapons in the hands of the STAR Force officers pointed at them.

A newsletter was distributed to the neighbours saying that there had been a raid on the place because of alleged illegal activity going on there, and at the end of the day what did they get him for? There was no illegal activity: they got the wrong home. However, the coppers did not want to admit that they made a mistake, so they caught him out for not having his guns stored exactly in accordance with the regulations. That may have been worth a fine, but it did not warrant having this man and his family dragged out onto the street with guns pointed at them. When I wrote to the police commissioner to ask him not to proceed with the prosecutions because it was so trivial, he would not do anything like that.

The police prosecuted that man to the nth degree and got a small conviction because one of the guns was not quite correctly stored. They did not want to admit that they had made a blue. They have never apologised to that constituent or sent around a newsletter to the neighbours in the area saying that there was no illegal activity and that they were sorry that they got it wrong. Is any consideration being given to people like that? But no, the member for Stuart raises concerns with respect to some feelings of hurt that some of his constituents may have in these circumstances, so this new age Premier has drafted up at the last minute in the dead of night a silly amendment which is not replicated anywhere else in any other statute before us. It is a stupid amendment and he does himself no favours.

The Hon. R.G. KERIN: I point out to members that a lot of warrants are 'on premises'. Some of these farms comprise several thousand hectares, 1 000 hectares, 200 hectares, or whatever. A lot of these warrants will be to inspect a fence line or a piece of spraying equipment. The member for Stuart is absolutely correct. Basically, because of the fact that you are allowing them to go onto a property, he is not saying that they cannot enter the premises but, rather, because of the special circumstance of a property with a residential premises on it, the magistrate should take into account that special circumstance.

In fact, if it is not pointed out, the magistrate might say, 'You can go onto the property,' without thinking through the fact that he is giving them the ability to enter the residential premises. The magistrate can make a judgment on that when he knows the circumstances of the case. This is to highlight to the magistrate that this is not a business premises or a home which needs to be entered but, rather, a premises; and it is asking the question of the magistrate: do you or do you not want to include the residential premises?

Mr HANNA: I ask the Premier to explain how a magistrate will determine the weight to give to the fact that premises are residential, and weigh that against the gravity of the circumstances in respect of which the warrant is sought. If an inspector is coming to a farming property, for example, because of a suspected importation of toxic chemicals which may be kept on the premises, or because of a spill which has been reported, then one of the things they have to do is look for the farmer. They might have to knock on the door of the residential premises and they might have to go in to see if anyone is there if no-one answers the knock on the door. What does the magistrate do in that situation? What possible weight could there be in terms of the fact that they are residential premises? What is the difference between that and the house in Mitchell Park where the police will come to look for suspected stolen property?

The Hon. R.G. KERIN: This is where we have to have some faith in our legal system.

Mr Clarke interjecting:

The Hon. R.G. KERIN: It points out the unique situation of a 2 000 hectare property with the premises on it. In a couple of instances that the member has mentioned, if they were going to have to find the farmer for a particular reason, then the magistrate would take that into account. That is about the gravity of it. A neighbour to the back paddock might say, 'I have crop damage in my paddock and I want you to see whether it's coming from the neighbour.' Going to his residence is of no use at all. They need to check along the fence line to see whether he has sprayed with that chemical in that paddock and whether it has drifted across the fence line. It is a simple case of someone going to see whether there is that type of evidence. It may be that it is two kilometres from the house and that the house is not relevant to the investigation. The member for Stuart is asking that it be taken into account by the magistrate. The gravity of the situation allows the magistrate to do that. I think ultimately that makes sense.

Mr LEWIS: As much as I have the utmost sympathy for the circumstances to which the member for Ross Smith drew our attention—and I am sorry I missed the member for Mitchell's instance in Mitchell Park, whatever that may have been—I believe the STAR Force should not have acted as they did; that they owe an apology to that family; and that the Commissioner for Police needs a kick in the slats for allowing the prosecution to proceed. Victimisation of people with firearms over trivia that does not go any distance whatever towards making the place a safer place in which we all can live without the fear of being accosted by criminals with firearms is outrageous. They have become officious in that respect.

I agree with everything that the member for Ross Smith said on that matter, but I do not agree at all that, just because the rest of the law seems in some measure inappropriate, we should not make this law appropriate; that is ridiculous. I say to the member for Ross Smith and the member Mitchell that we have to start somewhere, so let us start here. I support what the member for Stuart is saying and doing by virtue of the way in which he has had some obvious input to the amendments which the Premier has been wise enough to introduce. On a farm of 2 000 hectares, if you have agricultural chemicals that are in any way toxic, the last place

you would put them would be in your own home. Who sets out to kill themselves, for God's sake?

Mr Hanna: The paperwork might be there.

Mr LEWIS: The paperwork for what?

Mr Hanna: The paperwork might be in the house to prove the offence.

Mr LEWIS: No.

Mr Hanna: Don't farmers have paperwork?

Mr LEWIS: Under the circumstances, I say to the member for Mitchell that, once you have prima facie evidence that the farm home is likely to contain corroborative material to the prima facie evidence of an offence having been committed elsewhere, then by all means go and search. You have prima facie evidence, so there would be no point in the farmer trying to obscure any paperwork that would give grounds for a prosecution. While I am talking, I am trying to think of the circumstance in which paperwork would be in any way of major significance—if any significance—in doing that.

The search of a dwelling, in my judgment, would be to discover the chemical itself. That would be the grounds on which you might seek to do it. If you had a suspicion that it had been bought, you could find paperwork just as easily on duplicate copies of it from the vendor. The fact that it has been used is what needs to be established in the first instance, and that it does exist on the property in the second instance, either in the form of empty containers or in some residual material, more likely.

I support very strongly what the member for Stuart has asked the Premier to include in the bill, because it is just not necessary to go tramping through people's homes in an intimidatory fashion—and that is about what it would be. I cannot believe that there would be any circumstance in which it was not appropriate to do as the Premier is suggesting in his amendment and the way in which that then ensures that the farmer's home is sacrosanct.

Mr Clarke: So is mine!

Mr LEWIS: Well, it may be, but this is not about growing pot plants under the floorboards or in the ceiling. This is about storing or illegal use of agricultural chemicals. They are two different cases. This is not about inappropriate or illegal storage of firearms. This is about inappropriate use of agricultural chemicals. This is not about kidnapping or suspected murder and the internment of a body unlawfully. This is about agricultural chemicals, for God's sake. There is a difference. The difference is quite simply that the—

Mr Clarke: Anthrax!

Mr LEWIS: The member for Ross Smith does not even have a long bow—or a virtual bow. You'd store anthrax under the floorboards of the bedroom or in the deep freeze? You'd be nuts to bring it anywhere near your house. In any case, that is a disease and not an agricultural chemical, so it is not the subject of this legislation. The member for Ross Smith needs to understand the nature of the beast here. The reason why we are anxious and concerned about these chemical materials is that they are toxic to human beings. If a human being is stupid enough to put them in their dwelling, they will deserve the early death they will have visited upon themselves by doing so. I cannot for the life of me see the analogy. However, I can see the analogy between the officiousness and unnecessary invasion of somebody's premises and life which it is deliberately designed to intimidate. I see that, and as I said I applaud the concern that the member has expressed about it. However, I do not see the analogy of the object of the search between this legislation and other criminal activity involving firearms, illicit drugs and stuff like that.

Amendment carried.

The Hon. R.G. KERIN: I move:

Page 19, after line 19—Insert new subclause as follows:

(3a) An authorised officer must, in executing a warrant in respect of residential premises, endeavour to minimise disruption to the occupants of the premises.

Mr HANNA: This amendment is even sillier.

Mr Snelling: Can it get sillier? Is that possible?

Mr HANNA: It can get sillier. The idea that an authorised officer must, in executing a warrant in respect of residential premises, endeavour to minimise disruption to the occupants is an absurdity. What are they meant to do? Do they knock on the door before they come in, wipe their feet and promise to be quiet as they proceed to search the office?

Mr Snelling: Only during certain hours.

Mr HANNA: Yes, that's right. Are they meant to limit their search time to afternoon teatime? It is absurd. If an inspector genuinely believes that there is a need to search residential premises to collect evidence in order to prosecute a breach of this act, how will they minimise disruption any more than they ordinarily would?

The Hon. R.G. KERIN: We debated this matter earlier. The word 'endeavour' is the key word here.

Mr CLARKE: I support the comments of the member for Mitchell. With regard to the member for Stuart's interjection, none of us on this side of the committee is at all anti-farmer; in fact, this is the agrarian socialist party—and you ought to be a member of it!

Mr Snelling interjecting:

Mr CLARKE: Member for Playford, we're a broad church. If we have the DLP, we can take Graham Gunn. He is probably left of Mick! The point made by the member for Mitchell is correct in the sense that when police officers and others are executing a warrant they are not authorised to cause unnecessary damage or distress to the occupants of the house. Quite frankly, this could lead to more litigation, not less, over trivial matters in terms of any authorised officers going onto residential premises. You can have all sorts of arguments about the words 'endeavour to minimise disruption to the occupants of the premises'. It is a silly amendment and we ought to knock it out.

Mr LEWIS: I again agree with the Premier and not with the members for Mitchell and Ross Smith. I have seen other circumstances involving STAR Force again; for example, Mr Miegel in Murray Bridge said that he had some of Grosser's firearms buried on his farm somewhere or other, so they raided his house. They turned it upside down, smashed his furniture and put his frozen food outside. And they did it at a time of the day which was terrifying to his wife. They found nothing and have never found anything. They have never apologised, and they bloody well cost him thousands of dollars in damage in loss of food, property, and so on. That is just outrageous. If they can do that as members of STAR Force, why would these officers do any differently?

Mr Hanna interjecting:

Mr LEWIS: Nothing. They are about as useless as you know what.

Mr Hanna interjecting:

Mr LEWIS: I don't know. I think I heard the member for Ross Smith in an earlier contribution say that one of the STAR Force officers discharged his firearm and shot off a testicle.

An honourable member: No, his finger.

Mr LEWIS: Oh, finger—right! When some of those things happen and they get overexcited, it is a bit like a Magoo episode. For goodness sake, with regard to that kind of thing, it is almost as though it was ordained by divine providence that it should happen, when it is done in ways that are unnecessary and with consequences that are undesirable, because it brings about a general increase in the level of contempt that the citizen has for law enforcement and the law itself. I do not want action that does that. In this case, the Premier is quite correct in saying that an authorised officer must, in executing a warrant in respect of residential premises, endeavour to minimise the disruption to the occupants of the premises. If you are looking for a 44 gallon drum of agricultural chemicals, you do not turn out the linen cupboard, and you do not go looking around in the pantry, smashing the preserves, and so on. That is what the Premier and the member for Stuart have in mind. That is indeed what the court would be told was in breach of the spirit of the law if they set out to do that—endeavouring to minimise disruption. That is not endeavouring to minimise disruption at all. You would not have to put an axe through the hot-water service. Yet I have known circumstances in which inspectors raiding homes have done that, and they have done that, citing as their reason for doing so that they believed drugs were obscured in the jacket of the hot-water service tank. That is just crazy.

The problem with all that kind of misconduct on the part of law enforcement agencies is that they do not have to bear the cost. The citizen has to bear that cost, and there is no means by which they can get recompense for it. If they happen to be uninsured, they have to find the funds to replace their facilities. I do not want to see any circumstance arise where someone who goes in looking for agricultural chemicals smashes up essential appliances around the home and does other damage to unrelated storage facilities, food and other goods in the home in the process of so doing, just out of spite.

The Premier and the member for Stuart are to be commended in coming to an arrangement to include these provisions, and I know that the people in rural South Australia will say, 'Thanks very much. We appreciate that you understand our difficulties and problems in some of these circumstances.' Let me tell members that it happens. Fellows like Craig Whisson in the Native Vegetation Authority will falsify documents, deliberately forge signatures, and so on (there is incontrovertible evidence of that fact and I have got that), yet nothing will be done to discipline that fellow. He should be kicked out of the Public Service with no superannuation, the way he has broken the law. Yet he gets away with it. Do not tell me that it cannot happen. It does happen, and it has happened, and we need to pass laws which seek to avoid it where possible.

Mr HANNA: I am certainly sorry to hear that farm houses all over South Australia are being smashed up by overzealous inspectors. Can I take it, then, that the Premier, along with the member for Hammond and the member for Stuart, would support amendments to other branches of the criminal law, so that the same provision applied in suburban Adelaide?

The CHAIRMAN: The question is that the amendment moved by the minister to clause 25, page 9, line—

Mr HANNA: Excuse me, sir.

The CHAIRMAN: Order! The member for Mitchell.

Mr HANNA: Thank you, sir. Can I ask the Premier to respond to my question?

The CHAIRMAN: Order!

Mr HANNA: Surely there is a convention in committee that, when a question is put, the Premier should give some sort of answer.

The CHAIRMAN: Order! There is no requirement whatsoever for a minister to answer if he does not wish to do so.

The Hon. R.G. KERIN: I thought that we had discussed this several times already and that I had already made the points with respect to the issue. I have previously been asked a very similar question, and I gave the answer (and I will give the same answer to the member) that, if the member wants to nominate specific pieces of legislation, we will look at it. To talk about amending every piece of legislation on the statute books is a nonsense. If, in fact, the member wants to nominate specific legislation, we will look at it—which is exactly what I said earlier.

Amendment carried; clause as amended passed.

Clause 26 passed.

Clause 27.

The Hon. R.G. KERIN: I move:

Page 20, line 30 to page 21, line 2—Leave out subclauses (2) and (3).

Mr HANNA: I cannot really thank the Premier for his explanation of the clause, since there was absolutely none. Why is legal professional privilege being overridden by the removal of clause 27(3)?

The Hon. R.G. KERIN: To give a practical explanation, rather than a legal one, it is the situation with respect to spray drift, for instance, that to get to the nub of the problem we need to know which chemical is being used. The advice that I have just received, which is important, is that legal professional privilege has not been overridden: only self-incrimination. Basically, this is about the practical side of getting to where the problem is. We are not talking here so much about deliberate criminal acts: we are talking about trying to get to a situation where we protect people from the practices of others. In most of those cases, they will not be deliberate acts. It is really a matter of working out, in a lot of cases with respect to chemical trespass (which would be one of the main ones which affect a neighbour), how that is affected. It is pointed out to me that this also occurs in the Environment Protection Act and the Livestock Act.

Mr HANNA: Then why is clause 27(3), as it appears in the bill, being excised?

The Hon. R.G. KERIN: Clause 27(3) is now unnecessary, the legal position having been included to match subclause (2), and now new clause 27A only modifies the self-incrimination aspect.

Mr HANNA: I take it from the Premier's answer that, despite the new clause 27A, legal professional privilege remains unchanged in respect of someone being investigated for a breach of the act?

The Hon. R.G. KERIN: The member is correct.

Amendment carried; clause as amended passed.

New clause 27A.

The Hon. R.G. KERIN: I move:

After clause 27—Insert new clause as follows:

Self-incrimination

27A. (1) It is not an excuse for a person to refuse or fail to answer a question or to produce or provide a document, a copy of a document or information as required under this part on the ground that to do so might tend to incriminate the person, or make the person liable to a penalty.

(2) If compliance by a person with a requirement to answer a question or to produce or provide a document, a copy of a document

or information might tend to incriminate the person or make the person liable to a penalty, then—

(a) in the case of a person who is required to produce or provide a document, a copy of a document or information—the fact of production or provision of the document, copy or information (as distinct from the contents of the document or the information); or

(b) in any other case—the answer given in compliance with the requirement,

is not admissible in evidence against the person in proceedings (other than proceedings in respect of the making of a false or misleading statement or perjury) in which the person might be found guilty of an offence or liable to a penalty.

Mr HANNA: I note that similar provisions appear in some other legislation. For example, section 98 of the Environment Protection Act has a very similar provision, but it is worded slightly differently. I wonder why parliamentary counsel, or the government, has sought a slightly different wording. I will highlight what I think is the only substantial change that I can see, at a glance. New clause 27A begins as follows:

It is not an excuse for a person to refuse or fail to answer a question—

and so on. Section 98 of the Environment Protection Act, on the other hand, begins as follows:

A person is required to furnish information—

and so on. It does seem to be pointing towards the same thing, and that is why I ask why the drafting is different.

The Hon. R.G. KERIN: Because of the time, I undertake to answer that question when we resume the committee stage of the bill.

Progress reported; committee to sit again.

RETIREMENT VILLAGES (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council agreed to the amendment made by the House of Assembly without any amendment.

ADJOURNMENT

At 6 p.m. the House adjourned until Tuesday 27 November at 2 p.m.