

## HOUSE OF ASSEMBLY

Thursday 25 March 2004

The **SPEAKER (Hon. I.P. Lewis)** took the chair at 10.30 a.m. and read prayers.

### SITTINGS AND BUSINESS

The **Hon. W.A. MATTHEW**: Sir, I rise on a point of order. As there is no government minister present, I draw your attention to the state of the house.

*A quorum having been formed:*

### BARLEY SINGLE DESK

**Mr RAU (Enfield)**: I move:

That this house calls upon the federal Treasurer to support the Barley Single Desk rather than penalising South Australia through the withdrawal of national competition payments.

I believe that this is a very important motion. I hope that we will have a good debate in relation to this matter and that, ultimately, a number of members of the opposition will join with me and those on this side of the house in support of this important resolution. I would like to start by giving some background to this matter. It really comes down to this: a consideration of national competition policy and the way in which it is impacting on Australians around this country and, more particularly for us as members of the state parliament, the way in which national competition policy represents a serious challenge to the sovereignty of this parliament and, indeed, the relevance of this parliament. All the people in this room who believe that by becoming a member of parliament they have put themselves forward to do something for their fellow South Australians need to seriously reflect on this issue, because it is very important.

I would like to make an admission and an apology at the outset because, no doubt, those who might speak later will offer this as some debating point. So, I will deal with it immediately. The Labor Party has to accept its share of responsibility for national competition policy, because it was in 1995, in the dying days of the then Keating government, that national competition policy in the form in which we presently enjoy it (if I can use that term) was introduced. There is something, I think, almost noble—if I dare go that far—about someone who admits that they have made a mistake and tries to improve themselves. To the extent that I am responsible for this (and I am happy to say that that extent is zero), I humbly apologise to all people for not having stopped it from being introduced in the first place. So, I have dealt with that.

I have looked at a copy of *Hansard* from the Senate when this matter was first introduced and Senator Kernot, as she then was (a person who has had her ups and downs in politics), had some very important things to say about this matter. It is interesting that in her second reading speech on 22 June 1995 she said:

In the Democrats' view, competition policy represents the victory of economics over equity, of competition over compassion and of accounting over accountability in the management of public services. Yet this bill, and the ramifications of this bill, have been the subject of very little debate. It has been the subject of minimal public scrutiny. It has been debated in closed forums—not by Australian people who own this debate and the outcome of it.

What prophetic words they were, because this thing has continued on as a silent menace, snuffing out the life of all sorts of enterprises and livelihoods around Australia since 1995. The fact is that since 1996 the present federal government has had absolute control over this matter and, granted that the Labor Party needs to accept responsibility for the initial introduction of national competition policy in 1995, in all the years since 1996 it has been entirely within the capacity of the present federal government to do something about it and it has done absolutely nothing. In fact, it has allowed this mad process to wend its way through all the states of Australia, causing havoc and impinging on the sovereignty of parliaments such as this around Australia. In my opinion, that is an absolute disgrace.

*An honourable member interjecting:*

**Mr RAU**: If you had been here before, you would have heard that. I have already made that admission. You can speak about it later, if you like, but you were not listening. Let us deal with the jewel in the crown of national competition policy. What is it? It is the national electricity market. Goodness me! Those of us who live in the real world understand that free markets and competition do not solve all problems. In fact, without the regulation of markets, consumers would be eaten alive by spivs, profiteers and criminals. Unrestrained competition and free market economics are about one thing: corporate profit. National competition policy wanted to get rid of a government monopoly in the form of ETSA, which produced, distributed and sold electricity to consumers in South Australia at a fair price. ETSA produced tens of millions in dividends to the state each year, which meant lower state taxes and charges. This did not suit national competition policy. Now we have what national competition policy always wanted: a national electricity market. Now we have a number of mainly foreign based generators pushing to maximise their returns to shareholders. We have a foreign owned distribution network, which is a monopoly, doing the same thing.

We can all judge for ourselves what an overwhelming flop retail competition has been in the electricity market—in fact, it is difficult to see how things could have been made worse if we really tried. The bottom line is that consumers are paying through the nose because national competition policy and the individuals who now sit in the opposition who privatised the ETSA utility have lumped a huge burden on the taxpayers of South Australia. Greater efficiencies may, indeed, one day be generated somewhere in the system. But anyone who believes that they will be delivered to consumers is naive in the extreme. The profits will be wrung out by shareholders, which is as it always is, and should be, with private enterprise.

That is the jewel in the crown for national competition policy, but let us move into some of the detail: some 171 pieces of legislation in this state, having the fine toothcomb run over them by some pointy heads in Canberra. Every time there is some legislation that this parliament wants to produce, bureaucrats in this state have to go on bended knee to the national competition framework and run the ruler over it to see whether it complies. In relation to something as simple as real estate reform, where we should have a real estate board, the national competition gurus are saying, 'No, that is anti-competitive.' This lunacy has got to stop. This resolution is talking about a particular subset of the lunacy that is national competition policy. I am talking, in particular, about the impact on barley. I would hope members opposite would take some interest in this matter, because some of them

have constituents who would be very interested in this matter. I know that, privately, some members of the opposition have a very sound line on this. They think it is nonsense, and I hope we will hear from some of them today—but I will not name them, because that is a matter for them.

The important thing is what has been happening with barley. What has been happening with barley is that, as a result of national competition policy, a review was conducted in South Australia. The results of that review were produced in July last year. The review report states:

There can be no doubt that many of the stakeholders in the South Australian barley industry believe that the ABB [Australian Barley Board] is doing an excellent job as the holder of the single desk monopoly right to sell South Australian barley into export markets. Growers, in particular, see it as working in their direct interest through its obligation to maximise pool returns and as providing a one-stop shop for a complete package of services. Its role as a buyer of last resort is greatly valued by growers, as is the risk management services it provides, especially given the absence to date of a hedging market for barley. The position of the ABB as operator of a single desk also means that it can access finance on favourable terms from lending institutions, and that growers have the security of knowing their crop will be sold, albeit at a price that is not known with any certainty.

That was the finding of this hatchet gang set up by the national competition policy to destroy the single desk. They even admit in the opening paragraph that the growers like it. I have yet to meet a grower or farmer who does not like it; it gives them security, so they should like it. The review document then goes on to state that, in spite of the views of those people on the ground who deal with barley—the industry, the single desk and the barley board—the panel—which, as I said, is a bunch of pointy heads—believes that neither the modelling nor any of the submissions made to it demonstrate unambiguously and unequivocally that the single desk meets the entire test posed by clause 5 of the competition policy, namely, that legislation should not restrict competition unless it can be shown that the benefits outweigh the cost to the Australian community. What that gobbledegook means is that national competition policy sets up a presumption. The presumption is this—and I quote from the national competition policy test:

The underlying presumption of national competition policy is that competitive markets bring benefits, particularly for consumers and businesses.

The fact that all the people involved in the barley industry think that the industry is doing very well, thank you very much, is irrelevant, according to these boffins. All they are concerned about is the zealotry with which they approach this principle of 'competition is good for everyone'. Let us look at where the competition will be applied. Australia is a producer for export of barley. We have a very small domestic market for barley. Some \$400 million or more per year of export income is earned for South Australian farmers in regional South Australia through the sale of barley overseas. The market is overwhelmingly not to a group of individual consumers but, rather, to state institutions in China, Japan and the Middle East. The national competition policy is saying that these consumers should have a chance to pick off our farmers. They are not even Australian consumers this mob is trying to defend. They are foreign consumers. Why in the world would an Australian policy be trying to make our product cheaper to foreign buyers? I have yet to work out what the sense in that is. But, of course, as an economic model it makes a lot of sense—so do a lot of things in the abstract, until you try to deal with them in the real world.

The national competition policy review document actually says that we want to do a big favour for the Japanese and Chinese brewers and the people who are feedlotting in Saudi Arabia and various other places. I am sorry: I am an Australian; I am a South Australian and I want to see the money stay here. I do not want to see competition policy destroy income for Australian farmers and the regional communities that these people support. It is about time that this parliament started standing up and saying, 'Enough is enough; stop meddling in our affairs.' Chicken meat is another example, but that will be a resolution in a week or two. We will go on to that in due course.

Let us come back to this. What does all this mean? It means that the federal Treasurer, who has a report from these pointy heads on the subject of national competition policy, has decided to fine the South Australia government \$3 million a year in perpetuity until we do what they say with our barley industry. That is an outrage. That is \$3 million we are not spending on schools, police and hospitals. Why? Because a bunch of economic purists have got a problem with the fact that we are making a good profit out of foreign purchasers for our barley. It is an outrage. The federal Treasurer has the power to say, 'No, I will not listen to you blokes. I will not fine South Australia.' But what has he done? Absolutely nothing! South Australia will pay because the federal Treasurer, who has the capacity to deal with this thing properly and say, 'This is nonsense; South Australia, we will not impose this nonsense on you,' has done nothing. We will be fined as a result. It is absolutely outrageous.

The point is that it is time for those who sit opposite, many of whom privately agree with what I am saying, to stand up in this debate and join with me so that this chamber can say to its federal counterparts and the federal government: 'Listen, back off. Leave our farmers alone. Let them run their business the way they want to run it.' We Australians organise our farmers, not like the Americans who subsidise them. We organise them. We should be entitled to continue to organise them so that they deliver real profits to South Australian regional and rural communities. It is about time we stood up for these people. It is about time that we stopped bending our knees about national competition policy. We have to start standing up to these people and the federal Treasurer has got to realise that he is hurting Australians by this.

The last, absolute, patent absurdity is this: Mr Vale, who recently went to the United States and negotiated what is trumpeted as the greatest deal of all time, namely, the free trade agreement—and in due course we will see how good that is—and has been selling it for all it is worth, guaranteed and actually sold as one of the greatest benefits of the free trade deal (that he belted out of Mr Zoellick and all his other punching bags in the United States) that he was able to retain the single desk for barley and wheat. That came back as one of the big triumphs. We lost sugar; we messed up sugar; all the sugar farmers are gone, but we have retained our single desk for barley and wheat. That was the headline. What a bizarre twist! In relation to an international agreement, we come back and say to the Australian community, 'We have saved the barley board and the wheat board,' and, at the same time, these white ants in the national competition policy and the Treasurer are destroying them. We are destroying it from inside. How absurd is that? That is absolute lunacy.

The federal Treasurer is an accomplice in this lunacy. If we were going to give away the barley board, surely we should have given it away for some trade concessions. But,

no; according to the trade deal we have kept it, and now we are completely destroying it, filleting it and gutting it because of the incompetence and stupidity of the National Competition Council and the lickspittles who follow what they say. It is about time everyone in this parliament stuck up for South Australia, for our farmers and for the sovereignty of this parliament to make decisions about matters which are important to the peace, order and good governance of South Australia.

Time expired.

**Mr VENNING (Schubert):** I support this motion, or the basic principle of it. I congratulate the member for Enfield, once again, for showing that there are members of the Labor Party who have more than a casual interest in what happens in the country areas of the state, particularly in the primary industry regions. I declare my interest immediately as a barley grower. My family is still involved in producing barley and I still have shares with the Australian Barley Board—because every barley grower does. I did not collude or compare notes at all with the member for Enfield in relation to this motion. People might have thought it was a tricky political thing to do, but I congratulate him on the work he has done. This is not the first time the member for Enfield has raised an issue such as this. I commend him on the work he has done. His general knowledge is very good. What he says about the national competition policy and its introduction in 1995 by the then Labor prime minister Paul Keating is courageous on his behalf—but it is a fact.

If you always deal with the facts, whether it is an idea from your own political party or another party, you will always be entitled to be called honourable. Too many of us try to bend the facts, hide behind history or run away from the facts. I do not care whether it is one of my own party's members or someone in opposition to us (the government, in this instance): I will give credit where credit is due, particularly when the stakes are high, as they are now. I have always said to my colleagues that, in the end, I am outcome-driven, not politically-driven. There is a difference. So many in this place play a game of politicking and maximum mayhem, whatever you like to call it. In the end, it is the outcomes that we are about.

I certainly agree that this national competition policy has caused a lot of problems. It is great in theory and, in some instances, has been good, but that is not so when you consider what has happened to the dairy industry. I had a visit from people in the dairy industry on Monday morning. Three key people came to me, and they are on the bones of their backsides and going further down. What have we done? We have created a monopoly for some companies in the state. In my area, only one company is buying milk and they can basically dictate their price, and it is only a fraction of what we are paying. I think they are getting 27 cents a litre at the farm gate for their milk, and what are we paying for it in a packet in the supermarket? There really ought to be an investigation into that. It is a disgrace. South Australian dairy farmers are getting the second lowest price per litre of any state in Australia.

But I come back to the nub of this debate and the national competition policy. It has its flaws, and parliaments (state and federal alike) ought to understand that, because we do have critical industries and, if we are not careful, we will not have industries such as the dairy industry and we will be relying on New Zealand and other countries for our dairy products—

where they are, of course, backed in by government. So, that is an issue we need to keep our minds open to.

I agree with what the member for Enfield said, and I have said it before in this place—it is hands off our grain industry and, particularly in relation to this motion, the barley industry. I cannot believe that an industry such as the barley industry cannot market its product in a certain way. As the member for Enfield correctly said, in any grain forum in Australia or South Australia they are very protective of their ability to single desk market barley and, of course, also wheat, and to change that would be tantamount to political oblivion. I would never stand in this house and advocate that—I never have and never will—on any condition. And I do not care whether it is Liberal, Labor, Democrat or whatever; the principle is there, and I will stand by that. As a country member of parliament, I would always say that. I cannot understand how we would want to consider that.

I challenge the member for Enfield, because we will be considering the Barley Marketing Act again very shortly, and it has been put around this house that the Western Australian model is the way to go. The member needs to go and check the Western Australian model for himself, because it is not the way to go. Every grain authority is using the Western Australian model to get around the single desk. It is very quickly eroding the single desk. In fact, South Australia is the only state that has a true single desk. So, why choose the Western Australian model? If you want to go that way, I challenge the member for Enfield and others to go into caucus and say, 'No, we will stay the way we are. We are strong.' The barley board in South Australia, as the member for Enfield said, sets the price and the market trends, and provides the quality control and quality assurance in our barley marketing. Our benchmarks are the highest in the world and we have a product which, of course, commands a premium price, and that premium price becomes the benchmark for everyone else.

**Mr Rau:** Do you agree with our being fined \$3 million for not doing it?

**Mr VENNING:** I do not agree that we should be fined \$3 million for not doing it, but the rules were created back then. It could have been more than \$3 million, I believe, and it is lucky that in this instance it was \$3 million. I agree with the member for Enfield that the state should not be penalised for that. I think if this were pushed to the nth degree there would be political overtones. I never supported the deregulation of the wheat market in the first place, domestic or international, and look what has happened. We are playing into the hands of huge multinational companies. We are a very small player in the international field of grains, but we are a market of the highest quality and we command a premium price, and we market accordingly to protect the price and quality. Others can undermine us on price, and they sell degraded product—they shandy up the product with inferior grains—and, once that starts, you erode your base.

So, I challenge the member for Enfield, when we deal with the Barley Marketing Act (and I think it is up shortly), to fight to continue exactly what we have had, and that is the ABB's capacity to single desk, and to hell with the Western Australian model. There is no way in the world we want that. Let that be an example of things we do not do, because we will create a way for people to get around the system. There are always traders and dealers who want to do that, and they do it and make big money doing it—at the expense of the farmer, who usually does not have the capacity to follow the international market as the traders can.

I will always try to legislate to maximise the pool returns for our growers, irrespective of which grain it is. We all know we do not get any government assistance, so why can the federal government, Labor or Liberal, come on side and say, 'We are going to fine you' for operating under the marketing act that we have had for so many years? It has worked extremely well, so why do we want to pull apart the things that have worked very well for us in the past? As I say, I do not want the Western Australian model, because we know who is pushing that.

I am disappointed that the Australian Barley Board and the AusBulk talks broke down, because I think there could have been a collective advantage for us all. It is a business transaction and we probably should not discuss those matters in parliament, but there are some political overtones to this thing in relation to who is worth what, and I do not believe anybody—the barley board or anybody else—should use their capacity to single desk sell as a value (call it goodwill or whatever you like). I do not believe that any authority ought to use its powers, given under an act of parliament, in a negotiation in this way. I will say no more than that, because it has huge connotations, but I hope that they get back together, because I think we will all be better served by an amalgamation.

Finally, I do not believe the national competition policy is any good. It is a theory that should have been tried and thrown out many years ago. I hope this will be the last time we have to pay a national competition penalty and, if this puts our single desk at all under any threat, I think any government that does that will have to pay the political penalty. I congratulate the member for Enfield, and I support the motion, although I wonder why he has singled out the Treasurer, because I might have targeted the federal primary industries minister.

**Mr HANNA (Mitchell):** I support the motion of the member for Enfield, which calls upon the federal Treasurer to support the barley single desk rather than penalising South Australia through the withdrawal of national competition payments. The member has clearly outlined the flaws of the national competition policy. It is serving to divorce governments from the proper regulation of industry and the economy. It is preventing governments from acting in the way they should act to protect consumers.

I am a supporter of the barley single desk. The principle underpinning it is the same principle which underpins trade unions—that is, there are a number of disparate economic interests, themselves insignificant in the market, which are able to join together and, in that combination, have some appropriate power and influence in the marketplace. In this case, that is for the benefit of barley producers and the Australian community. As the member for Schubert said, we are up against multinational corporations. They would love to dismantle our current barley marketing system purely for the profit of those overseas interests. So, we need to stand against it. It is iniquitous that South Australia could be penalised for retaining an institution which is of such benefit to the barley growers and the South Australian community. I am pleased to support the motion.

**Mr WILLIAMS (MacKillop):** I am pleased that the member has brought this motion to the house and I am also pleased to be able to support the sentiment expressed in the motion, although I do not think it goes quite far enough, and the house will hear some more about that in a few minutes.

**The Hon. M.J. Atkinson:** You did well on radio this morning.

**Mr WILLIAMS:** Thank you. This is a philosophical debate. The difference with the barley marketing in Australia—the same as with the wheat marketing—is that we have two different systems: a domestic system and an export system. The business that I run, apart from my work in this parliament, is a farm and I do grow a little bit of barley. But most of the business undertaken on my farm is producing meat and, as a sideline to that operation, we produce some wool.

*Mr Venning interjecting:*

**Mr WILLIAMS:** I do not have any shares. The point I am making is that with those products and the meat that I grow—which is prime lamb—I aim to produce a product to meet the export market. And there is no single desk for the export of meat out of Australia. Australia is a huge meat exporter and a huge exporter of a whole range of primary products. The point I am making is that I would love to see a single desk for meat and a single desk for wool. I do not think it would work for wool, but I think it would work for a whole range of other products. So, I am a supporter of the single desk, and I would hate to see the South Australian farmer lose the benefit of having the single desk to export his product to the world, because I think it would be at a cost to that farmer.

In saying that I would love to see a single desk for other products; in the meat industry I can either put the lamb that I produce into an auction system where, traditionally, it has been sold by an open cry auction, or I can go around and get prices on what we call an 'over the hooks' selling basis—which is generally my preferred option—where the meatworks provide me with a price per kilo and I transport the livestock to their works for slaughter. They will be weighed after slaughter and I will be paid on that basis. But I am always a price taker from whatever the meatworks I am dealing through or whatever the meat buyer in the auction system is going to give me. The point is that they are always trying to give me the lowest price they can, and as a meat producer that is what I am getting and most primary producers in Australia get that for most of their product.

The wonderful thing about the single desk for barley is that the Australian Barley Board goes out into the world market and has the capacity to deliver to the Australian barley grower, or, in this case the South Australian barley grower, the highest possible price. It is a completely different marketing system.

As far as national competition policy goes, I support the principles that underpin the national competition policy—particularly in the domestic market—because, again, from time to time I am both a barley seller and a buyer and I find it is much better for my business to be able to buy barley directly from a grower. Not only is it convenient to both the grower and myself but I think it also saves both of us some cost, because we do not have to go through the intermediary who incurs costs in that sort of transaction. So, I certainly support the deregulation of barley marketing on the domestic market but would support the retention of the single desk for the export market.

In speaking to this motion, the member for Enfield canvassed some other issues with regard to competition policy, and he talked about the sale of ETSA and the national electricity market that we now have. I may stand to be corrected, but I thought I heard him try to suggest that because of the privatisation of ETSA we are now a part of the

national electricity market. He is shaking his head, so I will accept that he did not say that, but that is what I thought was the link he was trying to make. I want to make clear to the house that South Australia had adopted the national electricity market well before the previous government came to power in 1993. Let us not get confused about where competition policy came from either: it came from Keating in the 1980s and Professor Hilmer. So, let's not play politics with this—it started a long time ago.

But just on the electricity market—and the member said a few things about ETSA and electricity in South Australia—let me make one point. I was reading a back issue of the *Adelaide Review* just recently and that famous South Australian economist, John Spoehr, made a comment that we sold ETSA too cheaply and that was one of the problems that we had foisted on the South Australian people. I think the member tried to suggest that we sold it too cheaply, because he said that it used to provide great revenue streams to the state. The reality is that his Minister for Energy has been claiming for a couple of years that one of the reasons that the price is so high is because we sold it too dearly. Even yesterday he was suggesting that we worked against the interconnectors from New South Wales to boost that price. We cannot have it both ways: we cannot say we sold it too cheaply because ETSA used to give great revenue streams to the state, and we cannot say that the reason that the price is too high is because we sold it for too much. It is a nonsense. The reality is that the state had no choice but to sell it, because it was in a dire financial situation and we were, literally, running out of electricity.

The member for Enfield might like to understand that, in the last two years of the previous government, interstate generation capacity increased by something like 37 per cent, all paid for by the private sector. The state, owning ETSA, literally did not have the financial capacity to build those generators, and the lights would have been going out by now. That is a point, I think, that the member overlooked. But I will come back to competition policy. I am convinced that competition policy has delivered a lot to Australia. So, do not just, with a swipe of the hand, say that competition policy is all bad. In this instance I agree that it has caused a problem—and I think that we have to work our way through that—but competition policy has delivered a lot to Australia.

One of the problems we have in Australia is that we have small markets which can be corrupted very easily. That is what competition policy is about: overseeing that corruption. I have said before in this place that I think that in Australia we should have something like the anti-trust laws that occur in America. Again, as a primary producer, I know that there are two major retail organisations in this country which virtually control the sale of all primary product between the producer and the final consumer, and they are making life very tough. The member for Schubert talked about the dairy farmers; you talk to a dairy farmer about why he is getting the price per litre of milk that he is getting today.

**Mr Venning:** Twenty-seven cents.

**Mr WILLIAMS:** Twenty-seven cents. And go down the street today and try to buy a carton. So, I think we do need to regulate, and competition policy is one of those areas where regulation has been beneficial to Australia. However, in this case, I agree with the member. I think we should be saying to Canberra that we should not be paying \$3 million for the privilege of looking after the barley growers of South Australia.

**The Hon. G.M. GUNN (Stuart):** I support the motion moved by the member for Enfield, even though I think it needs some clarification—and I understand that my colleague is currently working on that. From the outset, I declare my own interest as a barley grower and as a person who has been allocated shares in the Australian Barley Board. This particular motion clearly indicates that the academic view of national competition may be fine in theory, but it is absolute nonsense in practice. Those who have designed this concept in Canberra and who live in academic isolation really need to get out into the real world, because we have in place in South Australia (and we have had for a long time) a very good system of marketing barley. For the life of me, I cannot understand why, when something is working very well, you would want to change it and interfere with it.

Who will be the end losers? It will be the people of South Australia—no-one else—because we have a system which pumps a lot of money into the pockets of barley growers who, in turn, employ and spend money which benefits all South Australians. It is a very simple concept. If you have a good product, which we have, why would you let someone else take the cream off it? Why would you be so foolish? I find the effrontery and audacity to recommend to the federal Treasurer that you take \$2.9 million to punish South Australia over the top. I have written a letter to the Deputy Prime Minister, whom I regard as a fair and reasonable person, pointing out to him the foolishness of this and that the people making these recommendations really need to be found far more suitable employment. As yet, I have been unable to come to any conclusion as to what that employment should be, but I think it would be very limited, based on their past recommendations and track record.

*Mr Caica interjecting:*

**The Hon. G.M. GUNN:** I was being charitable towards them, even though I do not feel charitable towards them because, if we are not careful, they will start attacking the taxi industry and other industries. It is beyond comprehension that any instrumentality or government would want to stab itself in the foot. I do not believe that the parliament of South Australia will agree to gut the barley board in South Australia. At the end of the day, it is just like the shopping hours in that I took extreme exception to Mr Samuel (and others) telling South Australia and Western Australia that they should change their shopping laws. Whether or not you agree, the people of South Australia and Western Australia have democratically elected people and, if they are unhappy with them, they get rid of them on the next occasion. They are the only ones who have the authority to make those decisions. Whether I agree with the decisions they make is another matter.

What may have had some semblance of commonsense when it was done has got completely out of control. I think we should retire these people quickly and stop the nonsense because, if you continue to go down this track, and if you were to put it into practice, my constituents would not have any services. I am not a great deregulator. I reckon I am a fellow with fairly conservative views but, at the end of the day, politically you have to be realistic, and there are certain services and arrangements in which the government needs to be involved for the general good. That means not going along with someone's absolute nonsense and having little Sir Humphreys running around making life difficult for people on a day-to-day basis. We have achieved great success in that area, but we need a health service.

I am one of those who believe—and I do not think national competition would like this—that if we are rightly to subsidise a metropolitan transport system (which, to my knowledge, every major city in the world does), then there is nothing wrong with supporting certain airlines to provide services to rural and regional areas. If that means we have to have a system to curtail competition so that it is economically viable, I find nothing wrong with that whatsoever; I think it would be a sensible arrangement. Also in relation to these matters, I have to say that, when I attended a meeting in the Balcony Room at Parliament House with, I understand, a gentleman from the university who had conducted some sort of assessment of the Australian Barley Board as it operates in South Australia, of all the meetings that I have attended in this building since I have been a member of parliament, I thought that was the least productive I had ever attended. I had never listened to someone talk such hogwash and nonsense, particularly someone who had been paid by the taxpayers to make an objective assessment.

This motion is right. It is proper for the parliament to suggest a point of view. It is proper for the government to vigorously defend the single desk for barley. It is quite proper for the government to suggest to the commonwealth Treasurer that it should not be penalised by losing national competition payments. I understand other states are involved. I would actually think that these sorts of decisions will shorten the reign of the national competition authority, because you would really have to be hard pressed to find a sillier decision than this one. In concluding my remarks, I think this house should note that the marketing arrangement for barley in this state has been in the interest of the barley growers; it has benefited the people of South Australia. It is a good system. There is nothing wrong with looking at it but, at the end of the day, do not get rid of it; do not curtail it unless you have something much better to put in its place.

At this stage, in my view, that has not taken place and, in the short term, I do not believe there is anything available. That being the case, we should allow those people to continue to operate effectively and efficiently. I think there was great merit in the decision to amalgamate the barley board with the Grain Handling Authority; however, that has gone by the wayside. I think there was great merit in that because, basically, they were both strong South Australian institutions. I would hate to see the management and headquarters of any organisation shift out of South Australia. I do not want that to happen. Too many board rooms have left South Australia. I want to see them here so that South Australians are involved in making those decisions. I commend the member, and after we have moved an amendment, the motion will be even better.

**Mr CAICA (Colton):** My contribution will be brief. From the outset, I wish to congratulate the member for Enfield on bringing to the house's attention this very important matter, and he has done so consistently over the last 12 months or even longer. He is a member who is very passionate in his views about the national competition policy, and I support those views; and, in particular, I support his views regarding the barley board's single desk. Politics is a very funny game which results in strange bed fellows, and I did not realise when I came here that I would sit opposite the member for Stuart and 'Hear, hear' nearly everything he said. I am not necessarily about supporting the barley barons who do very well out of the single desk. What I do support, of course, is the fact that the benefits that accrue to the broader

South Australian population are realised through that single desk. It does not make sense to me that we as a nation would be contemplating dismantling something that accrues such benefit.

Why would we even contemplate knocking it off? I agree with the member for Stuart that, if we were to knock it off, it would be because it was being replaced by something that is far better than that which currently exists. Nothing that I have seen today—other than rhetoric and the zealotry that goes along with that of 'let's deregulate at all costs and open competition'—suggests that what it is going to be replaced with is any better. I have taken all this on board. I listened carefully to the comments of the member for MacKillop. He wants the single desk to continue, but of course he wants part of the action. I think people want to have the single desk dismantled because they see the profits and benefits that will accrue to them outside the single desk organisation and feel that it is impinging upon their ability to do better. People want the single desk to be dismantled for one of two reasons: first, zealotry; and, secondly, they want part of the very good action. They know that the Barley Board (through its single desk) is delivering fantastic outcomes for not just the barley growers but the people of South Australia. So, I understand their interest—I should say their self-interest—in the dismantling of the barley single desk. I am a simple bloke from the suburbs—

**The Hon. G.M. Gunn:** Just like me.

**Mr CAICA:** Yes. It does not make sense to me, there is no rhyme nor reason for dismantling what is benefiting the people of South Australia—hence the people of Australia—through the arrangement that is in place. The Americans of course would love it.

*Mr Rau interjecting:*

**Mr CAICA:** Yes, they subsidise their farmers. We will soon have a debate about the free trade agreement, but it is not free trade and it will not be free trade; it is about certain countries, including the most powerful nation in the world, continuing to look after their own specific interests to the detriment of the people of South Australia. They will be pushing. I am not going to jump on Mark Latham's bandwagon and call John Howard the things that he might have been called in the past, but he is bending over backwards to assist those people who want to advance their self-interest.

*Mr Venning interjecting:*

**Mr CAICA:** Yes. Getting back to the member for MacKillop, I want to pull him up on one point. He suggested that the member for Enfield was playing politics. If he had listened to the member for Enfield he would have heard from the outset that he explained quite admirably the role that the Labor Party played in relation to the implementation of the national competition policy. Like he, I accept responsibility for that as much as I can by virtue of the position in which I stand here today. I note that the member for MacKillop is sensitive about the ETSA arrangements. I find strange the linkage between the single desk and the ETSA debacle, but I do acknowledge—

*Mr Williams interjecting:*

**Mr CAICA:** No, that's not true. I think the member for MacKillop started it. What I do acknowledge is the fact that you are taking responsibility for the excessive electricity prices that we have today because of the sale of ETSA. I acknowledge that is what the member was saying in a roundabout way.

Getting back to the subject at hand, for the life of me, I do not understand why this debate is even occurring. It is all

right to have this debate, but let's have it for sound reasons. Why do we want to get rid of the barley single desk? There does not seem to be a reason other than self-interest or zealotry. What we should be about as the parliament of South Australia is having a proper crack at those bureaucrats in Canberra who are fining us for doing what we believe is in the best interests of the people of South Australia. We were elected to do exactly that, and if we do not we are derelict in our responsibilities. I have nothing more to say other than to reinforce the point. I congratulate the efforts of the member for Enfield. Politics does make for strange bedfellows. I am happy to be part of a parliament that will get behind the state and support this motion to retain the barley single desk in its current form.

**Mr MEIER (Goyder):** I move:

To amend the motion as follows:

After 'payments' insert 'and calls on the state Labor government not to abolish the single desk and to become far more proactive in arguing the case for its retention to the National Competition Council.

I move this amendment because it surprised me a little that the member for Enfield moved this motion in the first instance, because if my memory serves me correctly in about the middle of last year there were strong suggestions that the state Labor government was going to weaken the single desk. In fact, the suggestions were so strong that a major campaign was organised by, in the main, growers through, certainly, the *Stock Journal* and my own local papers, who expressed grave concerns.

I note from my records that back on 3 July last year the Liberal Party put out a strong press release entitled 'Liberals reject Rann government's move to weaken single desk'. Why the member for Enfield should decide to move this motion, I am not quite sure. Maybe his party is starting to weaken again and he wants to strengthen it. If that is the case, I say: well done, honourable member! Whatever the case, my amendment will make sure that the state government also does all in its power to continue to retain the single desk. I speak here as a member who represents what is regarded as the largest and certainly the best barley growing area in South Australia. I do not think I will get too much of an argument on that, compared with grape growers. I used to hear lots of arguments that they represent—

*Mr Williams interjecting:*

**Mr MEIER:** Do you actually still grow it in the Millicent area? Some people would appreciate that Minlaton when it was a council used to have as its caption—

**Mr Venning:** 'Minlaton, the barley capital of the world.'

**Mr MEIER:** Thank you. It is wonderful to see the quality of barley and the way barley has progressed over the years and what it has done for the South Australian economy—and, can I say, the Australian economy. It will not hurt to identify a few key factors again. First, what is the single desk? Some metropolitan members often ask that question. I will put it as simply as I can. The single desk export allows ABB Grain Export Limited to be the sole exporter of bulk barley produced in South Australia. The function is to increase the size of offering to the world market, to promote market development, to facilitate management of quality, and to prevent competition from firms offering essentially the same barley. The ultimate purpose of the export single desk is to maximise returns to growers from export sales. It is a fundamental issue. It is grower focused; it is not about trading margins. The single desk is not about company profit.

I want to comment on a couple of things that I just said. I refer, first, to the quality of the barley. It is recognised worldwide that the single desk system has helped to overcome many quality problems that other countries have faced, including the United States of America. There have been some fairly upset customers over the years who have not got what they thought they had bought, whereas in the case of Australia I believe criticism of quality has rarely occurred and, if it has, there has been some unfortunate mix-up. So, we have the best quality for overseas customers, and surely we want to retain that at all costs. The motion, together with the amendment, makes that very clear.

Another thing I would like to highlight briefly is whether the single desk works. Numerous studies have analysed the affect of a single desk. In fact, those studies include the Meyers Strategy Group of 1996, the CIA study of 1997, the MacAulay study of 1998 and the Econtech of studies of 2000 and 2003, and they all found positive benefits to retaining the single desk system. In fact, the Econtech 2003 analysis confirmed that ABB barley single desk provides \$10 million of average annual national grower benefit. It is an \$8 million net benefit to South Australia, or the equivalent of \$1 230 per grower. I now recall what I was trying to get to before, and that was the economic benefits for South Australia's farmers and in turn, therefore, South Australians.

I know that the honourable member was saying about subsidies in overseas countries. Rest assured that it has been mentioned over the 20-odd years that I have been in parliament, particularly in the bad times, when people have asked, 'What about some subsidies?' My answer is always very clear and so is everyone else's: unfortunately, Australia is far too small a country to be able to contemplate subsidies for the growers. We just could not afford it. America is big enough to do it and, boy, how they do it! Europe likewise is big enough to do it, and they certainly do it.

Do we want to go down that track, of saying we might have to bring in subsidies to keep our farmers viable? No. They are probably the world's most efficient farmers, currently. I would hate to see that change. The barley single desk is assisting them to provide the guaranteed returns and to provide the essential ingredients for high quality barley. I could certainly go through some of the comments that have been made by some of my constituents and others. In fact, I will refer to the comments reported in the *Stock Journal* last year by one of my constituents, namely, Port Clinton cropper, Michael Correll. At the time he questioned why the barely single desk needed to be changed. He indicated that it is a system that has served the state well. In the *Stock Journal* of 10 July 2003, he states:

I am opposed to any changes to the single desk, as licensing to any other trader will be costly to the South Australian barley industry. . . It (single desk) has been very good. At the end of the day you get a pretty good dollar for your barley—that's been proven over the years.

I reckon that sums it up in a good, down to earth way. I would hope that we do all we can to retain a single desk and, certainly, whilst the member for Enfield has commenced, I believe the amendment that I have moved makes sure that it is a totally combined state and federal determination that we have to provide the best deal for our farmers and the best quality barley for our markets.

**The Hon. M.R. BUCKBY (Light):** I rise in support of this motion and also in support of the amendment put forward by the member for Goyder. The single barley desk is

extremely important for South Australian farmers. In the meeting that we had with Professor David Round, regarding his submission to the ACCC, I was very disappointed in his not recognising areas he could not put a value on and not highlighting that in his report to the ACCC. He put values on things that he could attribute various advantages and disadvantages of the single desk to the ACCC, but there were many areas in terms of, in particular, the barley board being the purchaser of last resort, for instance, and the benefit to South Australian farmers of that knowledge and that ability to know that they will have a price that is set by a pool and a buyer. Therefore, Professor Round did not put a value on their product, regardless of whether it is a drought or a boom season. I recognise that it is hard to put a value on that as an economist, but I was disappointed that he did not even mention that fact in his submission to the ACCC.

There are other areas there, too, that were not mentioned by Professor Round, and I will try to recall them as I am talking. The fact that South Australia produces some of the highest quality barley anywhere in Australia is a good reason for us to have that comparative advantage in the market place and for this to be a place where we sell through a single desk. It gives farmers greater power in getting a higher price for their product than if it is split between a number of traders selling on the open market. I will give an example of the esteem in which the quality of South Australian malting barley is held, as acknowledged by maltsters. Back in 1995 I went on a trip with my family to Scotland and called into the Glenfiddich distillery.

**Mr Caica:** As you would.

**The Hon. M.R. BUCKBY:** As I would. Absolutely. It is an excellent malt whisky and one of my favourites, and there are plenty around there. While we were going on a tour of the distillery I happened to be talking to the chief maltster and I asked him, 'From where do you source your barley?' He said, 'South Australia.' I said that there was a very good chance that I might have grown some of that. He said, 'That is the highest quality malting barley that we can find anywhere around the world.' The fact is, we need to keep that advantage for the farmers in this state. If we do not, we are doing a great disservice to our farmers in terms of the comparative advantage the quality of their barley enjoys.

I support the amendment that is put forward here by the member for Goyder, and I encourage the government to be very pro-active in its representations to the ACCC and the federal government. I can assure the government that members on this side of the house will also be onto our federal counterparts in pressing on them the need to maintain and the advantages of the single barley desk for South Australian farmers. I will close on that, but will say that I commend this motion and also the amendment moved by the member for Goyder.

**Mrs GERAGHTY** secured the adjournment of the debate.

#### AUSTRALIAN WOMEN'S MEMORIAL PLAYING FIELD TRUST

**Ms BEDFORD (Florey):** I move:

That this house recognises the continuing role of the South Australian Women's Memorial Playing Field Trust in the commemoration of Bangka Day and commends the Trust for its service to and promotion of women's sport.

Each year it is a privilege to be present at the ceremony remembering the bravery of those involved in the fall of

Singapore and, more relevantly, the sinking of the *Vyner Brooke*. Each year I learn something more of the circumstances surrounding the 65 Australian nurses who were on board the vessel, a small steamer which was formerly owned by the Rajah of Sarawak but which on that particular day was flying the white ensign.

The party was the last to leave Singapore, and on board were matrons Paschke and Drummond. As I guess we all understand, matrons have fairly indomitable spirits, and the bravery that they displayed later on in the circumstances they faced went some way to show the sort of spirit of matrons display with respect to their work and the protection of those around them. The remainder of the passengers that night were mainly mothers and young children, and the vessel was overcrowded as it sailed off in the evening of Thursday 12 February under cover of darkness. It soon became separated from the other evacuation vessels, and on the afternoon of Saturday 14 February the ship was struck by Japanese bombs and chaos quickly ensued. Matron Drummond and 21 nurses and a number of civilians reached land. The civilians who were able then decided to try to reach Muntok while the nurses remained behind to tend the injured. Soon a party of Japanese came upon them and marched them out to sea, where they were mown down by machine-gun fire from behind.

One of those nurses was our own South Australian heroine Vivian Bullwinkel. Although wounded, she managed to survive by floating motionless face-down, as I understand it from an article by Brigadier J.H. Thyer, Chief Staff Officer of the 8th division, in which the nurses served. One can only imagine what emotions she had to control to survive. After a further week of incredible hardship, she eventually joined up with a group in Muntok, where she hid her wound with a water bottle slung from her frock. That wound would, of course, have betrayed the fact that she had been involved in the massacre and was the sole survivor. She went on to survive a further 3½ years in internment. When I see her portrait in the Officers' Mess at Keswick I marvel at her and her abilities and hope that, if there was ever the need, I too could display some of the qualities and characteristics that she showed.

At our ceremony this year Dr Donald Beard spoke eloquently of the events. Himself a revered figure because of his medical service to our forces, Dr Beard is an icon and represents the finest traditions in both medicine and service to others. He also has been very closely involved with the Modbury Public Hospital since its founding, and I recognise his extraordinary service. Supported by his wife and family over many years, Dr Beard served with the Royal Australian Regiment and, through my association with Moose Dunlop and Jock Clarkson, I have come to know some of the men and their stories. I am proud to say that I was the recipient of an honorary membership of the regiment last year along with Catherine Lambert and Niki Horsnell. These two women have been recognised because they sing beautifully at services for both Kapyong Day and Long Tan Day as well as at veterans' family days on many occasions. In the presence of the Governor, Marjorie Jackson-Nelson, wreaths were laid by women who had served in these dark days and representatives of all services.

The ceremony takes place because of the commitment of the South Australian Women's Memorial Playing Field Trust Incorporated. Over the years, the trust and various committees of the trust have made possible not only the event we see today but also the fine recreational facilities, which are the



site for both the memorial and the ceremony. This year's 62nd anniversary saw many improvements to the grounds, gardens, pathways and pavilions through, in part, help from the Department of Recreation and Sport. Due to of the commitment of members and volunteers, we see these improvements each year. In her address the current President, Denise Chapman, congratulated Colonel Edith Eadie, who represented the Australian Nurses Service at the unveiling of the Australian War Memorial in London in November 2003. She also congratulated Colonel Annette Summers AO who was recognised in this year's Australia Day honours list.

Women's soccer will now also avail itself of the use of the Gordon Brown Oval and will become involved in the trust's activities. Denise is looking forward to discovering South Australia's Beckham, I believe, so we will be looking for women to come forward in soccer, which already has a fine tradition here in South Australia. Denise made an impassioned plea for some new members to come forward to continue the trust's work so that the founding sports council's ideals could be maintained. I urge any company, firm, club or association which is in a position to do so and which wants to help promote participation in women's sport to answer this call. Women's sport receives very little funding. It needs to be recognised that women have participated in many sporting endeavours in Australia, often winning the gold medal first.

There is always a need to raise funds in every community group these days, and anyone can help by joining the Trust. Denise has supported the trust for many years. She attended her first ceremony in 1958, and she remembered that it was a simple 20-minute ceremony. The ceremony we now have has grown to include people from all walks of life. I had the pleasure of speaking to Mrs Jean Lawrie (who worked with May Mills, who, of course, helped to set up the trust and fought for the sporting memorial fields that we see today). After the war Jean served in the Women's Royal Australian Army Corps. We also ran into Gerry Harrison, who has been kind enough to speak to me on many such occasions and who represents the Korea and South-East Asia Forces Association in South Australia and Ron Coxon, who is part of Vietnam Veterans Association and is always a familiar face at these ceremonies.

Moose Dunlop and The Royal Australian Regiment, of course, support the event and have a tradition of laying books at services as a tribute. These books eventually find their way to the Women's and Children's Hospital. I am pleased to say that the Women's Memorial Playing Field Trust also has adopted this tradition and continues to award the May Mills grant to the South Australian Women's Cricket Association on an annual basis. The Scorpions and the cricket association members benefit from the grant each year and women's cricket in this state has flourished in no small way because of this support.

Denise has advised me that she has two new members for the trust. One is Robin Grainger, who teaches at Westminster school. The school received funding from the trust under the Peg Verco scholarship scheme to establish and encourage younger players and also individuals of non-traditional sports. Robin is the daughter of former secretary Glennis Oliver, and took two netball teams to England in 1999. The other new member is Mark O'Shaughnessy, who has regularly attended services. He supports the memorial idea and, in particular, community sport, without which there would be no basis for interstate and international competition for many sports.

I commend Denise and her committee for continuing the fine tradition and I look forward to reporting to the house

next year on the work they have done this year. I also encourage as many members as possible (who all have women in their electorates) to support women's sport—sports which are not as popular in the media, perhaps, such as cricket and soccer—netball being one such sport, which of course is continuing to struggle to maintain sponsorship in this state. Another sport is callisthenics, of which I am patron. There are hundreds of girls involved in that sport who are looking for ways in which to compete interstate and overseas. I urge all members to get behind women's sport in this state by, at the very least, joining the memorial playing field trust.

**Mr HAMILTON-SMITH (Waite):** I rise to support the motion, and I commend the member for putting it to the house. As an ex-serviceman, I note the member's commitment to ex-servicemen's issues and particularly to the role of women in the services. I often run into the member while out and about at various functions related to ex-servicemen's and returned servicemen's matters. I know that she is a very hard worker and very genuine in everything she does in that regard.

The South Australian Women's Memorial Playing Field Trust puts in an outstanding effort. I think I have attended its commemoration of Bangka Day every year since becoming a member—I might have missed one. It is a fine celebration. As members might be aware, it commemorates the slaughter of Australian nurses by the Japanese at Bangka Island in Indonesia during Second World War. Having escaped from Singapore under the most terrible of circumstances, their ship was bombed and many were killed and died. Others survived, only to land on the beach and be rounded up by the Japanese, bayoneted and subsequently slaughtered. In fact, the women were marched out into the water and machine-gunned by the Japanese. There was only one survivor—I think Nurse Bullwinkel—who survived to tell the story. She linked up with a wounded soldier and ultimately found her way to a prisoner of war camp.

It is a very tragic story, and it signals the great sacrifice and commitment made by woman not only in the Second World War but also in other conflicts, including the First World War and Vietnam, and today in Iraq, Timor and elsewhere, where women are performing to the highest of expectations and serving their country with distinction. I had the great honour to command a number of women whilst an officer in the Army, and I might just recount—

*Ms Bedford interjecting:*

**Mr HAMILTON-SMITH:** Admittedly I commanded men and women, but there were times I felt commanded, let me say! I might recount one story to the house that I often quote. I was always a great proponent of women in the defence forces. I think they do an outstanding job. In fact, when I was a cadet at Duntroon—I think I was about 19—I wrote an article on the role of women in the Army and had it published in the Army journal. Members may not know that women were very successful. During World War II, the Americans did a trial. They took a group of women and they raised an anti-aircraft regiment in the United States. They found that the women were so good as anti-aircraft gunners that they finished up raising two divisions of women to run these anti-aircraft guns in defence of homeland America. They were vastly superior to the men, and they put this down to a number of reasons—which I will not go into now but, needless to say, the women outperformed the men at every turn.

The story I want to recount is one particular incident where I was commanding operations at training command, the command that runs all the Army schools. I had four captains working for me. I think I was a major at the time. One of the captains was female and three of the captains were male. At the end of the year there was a changeover of staff and the senior captain (who was male) was promoted and moved on. I then had to choose the senior captain to run the team. By far the best candidate was the woman; by far the most capable, dedicated and committed captain was a woman. So, I promoted the woman, whereupon I had each of the three males come to see me and ask what they had done wrong. I said, 'Well, you have done nothing wrong. It is very simple, really. Captain Fletcher is the best person for the job so she has got it.' It was an interesting lesson how men, even today, do not quite get it. If the woman is the best person for the job there is a very good reason why she has the promotion. Some men have not yet got it in their scone that they are not, by nature of their birth or sexuality, imbued with gifts that automatically make them superior to the other sex. The sooner they get the point the better.

My experience as a soldier was that, wherever women were serving in a unit, the standard of behaviour, conduct and the general running of that unit were improved. Quite often, women were a pack of surprises. I remember when I was company commander of the commando company, a special forces unit, a female lance corporal worked in the intelligence section. The practice at the time was that women could not become beret qualified commandos; they could not go through the selection. It was a vicious war role and women were excluded from it. This particular lance corporal was very keen to be part of it, so I let her participate in a lot of the activities. I found she kept doing things, such as running up in the front 10 per cent of the group, jumping over ditches and hurling herself over obstacle courses as well as anyone. Although she could not go on to become a special forces soldier, she asked me whether she could attend a parachute course. I said, 'All right; I will send you off on a parachute course, because I know you will do very well.'

It was not common for women to attend the parachute course. The first thing that happened was that the commanding officer of the parachute school rang me and said, 'Martin, what are you doing? You are wasting a position that belongs to a male; take this female off the course.' I said, 'Look, it is my decision who I send and I am sending this particular lance corporal and I think she will do well.' He said, 'Well, we'll see about that,' and hung up the phone. I am delighted to tell the house that about three weeks later I got a very recalcitrant call from the commanding officer of the parachute course who informed me that she had not only passed the course but also topped the course—much to the chagrin of most of the men—and he was sending her back. He was full of apologies and he said, 'Well, I've learnt something from this and so have half my staff.' I make the point that people need not be too quick to judge. Certainly, I have come to the view that, while some aspects of soldiering might not be pleasant, the right sort of woman can do just about anything she wants and hold it up pretty well with the blokes, even in Army special forces. So, gentlemen, watch out!

In relation to the motion, I can think of numerous examples of women of whom Australia should be proud. I think of not only Vivian Bullwinkel but also Nancy Wake. Members might be aware of Nancy's history. She fought with the Resistance during World War II as part of the special operations executive. It was my job in the Army to take an

interest in these issues and, in fact, we ran guerilla warfare training and a range of other specialist training. At one stage I got Nancy—I think she was living in Queensland or northern New South Wales at the time—to speak to some of my people about some of her experiences. They were quite amazing experiences and very relevant to the operations which we were training for and conducting at the time—and still conduct. It is quite an amazing thing to find yourself behind enemy lines, speaking another language, facing death every day and having to sink into the population. What she achieved and the traumas she went through—for example, losing her husband and many of her friends—were quite extraordinary. Nancy was there with other members of SOE as a brave Australian fighting for her country. She is someone of whom we should be very proud. Of course, there were female nurses, female administrators and female fighters. Women in war in the Army, Navy and Air Force have distinguished themselves throughout the history of this country.

When I go to Bangka Day I think not only of the women who served but also of the women who suffered after war. I think particularly of the wives, mothers, daughters and girlfriends who had to deal with the returned servicemen of World War I, for example, when the study of psychology was virtually unknown; when the concept of post traumatic stress was fairly new; and when the amount of debriefing that occurred after World War I after men had spent four or five years in the trenches and went through all sorts horrors was minimal. Many of these men came back and off-loaded these issues to their wives, mothers and children. This is a part of the Australian story that I think is yet to be told. It is too late now, but it would have been fantastic to interview and talk to many of these young women. They would have been in their 20s at that time and they had to deal with these issues. We recognise the servicemen. They march on Anzac Day, yet unrecognised went the wives, mothers, daughters and children who had to deal with those family issues upon the return of their father or husband from such conflict.

Bangka Day celebration is about all that. It is about women in war in general. It is about not only the ones who served—mighty job though they performed—but also the more complete picture of how significant the role of women is in conflict and how much we should recognise and uphold that contribution. I had the pleasure at one stage of helping Denise Bradley with an application for gates to the memorial as part of the centenary federation funding venture. Unfortunately, that proposition did not get up but, as has the honourable member who has moved the motion, I have offered and will continue to offer my services and the services of my office to them on a number of occasions. The organisation and all it represents enjoys and always will enjoy bipartisan support. I think this is an outstanding motion about which we should feel good, and it should pass with comfort and with good consideration.

**Mr WILLIAMS (MacKillop):** I want to briefly contribute to this debate, and I wish to do so simply because of something which occurred in my electorate only a few weeks ago and which, I think, goes to the heart of what this motion is about. Ren De Garis, who is a lifelong resident of Millicent in my electorate and who also was a long-serving member of the upper house of this parliament, has in his retirement—and even before that but particularly in his retirement—been a very active member of the local RSL branch. A number of years ago he put a proposal to the Millicent RSL branch that

I suppose grew out of his long-held belief that the work and the services given to the country by women serving in theatres of war were largely unrecognised by the Australian community. He wanted to do something about that and correct what he clearly thought was an oversight by communities right across this nation, who regularly recognise the contributions made by men to the defence of our nation and our culture. You can barely go into a community anywhere in Australia and not find some sort of war memorial but, by and large, they are all dedicated to the menfolk. So Ren De Garis put a proposal to the local RSL branch and to their credit they embraced his idea and, over a period of time, put together a project and have had created a bust of Vivian Bullwinkel.

We were fortunate enough in Millicent to have a visit from the state's Governor, Her Excellency Marjorie Jackson-Nelson, a couple of weeks ago and the opportunity was taken to have the Governor unveil the bust. That bust will, I think, become an icon in that town and will be a centrepiece of the recognition of the great service that women have made in many wars that this country has been involved in. And it will, hopefully, correct our oversight in failing to recognise the service of many Australians to this country through their involvement in the armed services. I wanted to bring that to the attention of the house. I would also like to mention Sid Pelling, the president of the local RSL branch. To their credit, Sid and the other members of the branch at Millicent embraced this idea. I understand it took quite a sum of money to produce the cast bronze bust and I sincerely hope—and in fact I am sure—it will be fondly revered in Millicent from now on. Having said that, I will certainly support the motion. I think it is important that we give due recognition, not just to the menfolk of our past, but also to those very brave women.

**Mr VENNING (Schubert):** I rise to support this motion. I am honoured to represent the community of Kapunda, and I hope the mover of the motion is aware of the wonderful memorial garden that we have in Kapunda.

**Ms Bedford:** I know all about it. It is my home town.

**Mr VENNING:** That is right. It is a memorial to the women who served in our wars. I drove past it last weekend and I have to say that it is an absolute picture—beautiful. Of course, country cabinet was there last week and many members commented on what a wonderful garden it was. It was opened three or four years ago and has been kept beautifully by the Kapunda community and by one person in particular whose name escapes me at the moment. He is paid only a small retainer to do it, but it is just brilliant.

A number of very famous women are associated with this memorial, particularly the late Sister Vivian Bullwinkel. We unveiled a plaque in the main street and Sister Bullwinkel was to open that—I think it was five or six years ago—but, sadly, she died three days before that. We then decided to go one better and have these gardens, and we now have the bust of Sister Vivian Bullwinkel in this garden. Sister Vivian Bullwinkel was a Kapunda identity, and lived there for many years of her life, although I am not sure whether she was born there. She certainly was larger than life, and was a well-known identity in Kapunda, which she called home right up until her death.

Other very well-known identities associated with this memorial include none other than Nancy Wake, the White Mouse. She was there for the opening of the memorial garden, and I had a couple of days with her. To say that she

is an interesting person is an understatement. What an incredible woman she is—and we will never know the half of what she did during the war. I was grateful that she was recognised just last week after all these years; a person who took on the Nazis and the Gestapo, and who still lives to tell the tale. What she did in those times is absolutely fantastic, and it is wonderful that she has now been recognised. She was there for the opening of this wonderful garden.

I also want to mention Olive Weston, who is still alive and well and very active. Olive was the personal secretary to General Douglas MacArthur—how is that for status! She had a lot to do: she was the driving force behind the renovation of this wonderful memorial garden in Kapunda. I invite all members to come and have look at this, and I am happy to arrange a visit. When it started out, I have to admit that I thought it was a pipe dream, because the garden was there but it was small and dilapidated. The grand plan was brought to my office by Olive and the late Chas Smyth and a few others, and I thought, 'Oh yes, this is a good idea.' But, thanks to them, private donors, a small government grant and the council, in particular, we now have a magnificent memorial. My role is to make sure that the flag is always flying—when it gets tatty I put another one up—although I note that during the cabinet it was not there. I felt a bit embarrassed and we went and got one, but I was a bit derelict in my duty.

We will keep the flag flying in this garden, because in the past our women have not been duly recognised for what they did in times of war—not just on the battle front but on the home front as well—and it is great that in this instance we have women such as the late Sister Vivian Bullwinkel, Olive Weston and Nancy Wake, the White Mouse, all associated with this wonderful memorial garden in Kapunda. This is unique in Australia. People are now coming from all over Australia and overseas to sit and contemplate in this garden, and look at the names, the wonderful plaques and the bust of Vivian Bullwinkel, as well as the wall and the flag. You can get quite emotional in moments like this. It is a marvellous tribute to those who sought to put it there and, of course, to those whom it memorialises.

I want to again congratulate Olive Weston. I will send her a copy of this debate, because she is still very much with it and is a very strong personality. I had a few tongue-lashings from her during the process when things were not progressing quite quickly enough or the money was not forthcoming. Olive was certainly the driving force behind this, and I wish her good health. I also wish Nancy Wake all the best and send her our regards—I understand her health is not the best at the moment. I will try to get a copy of these speeches to her as well.

I congratulate the member for moving this motion. I am certainly aware of the playing fields, as my daughter plays on them. Again, it is marvellous to be remembered in this way. We should never forget those who went before us, and this country is what it is today because of those people who gave their all so long ago.

**Ms BEDFORD (Florey):** I thank members for their contributions. It is indeed a terrific story and reminds us of all the things that are good and important about women's participation in life at every level. I especially thank the member for Waite for his remarks and concur with everything he said about the women who stayed behind and how they had to look after the men and the women who came back from wars. There are oral histories in this state and we should look into whether some oral histories have been taken of the

surviving South Australian women and whether in fact the War Memorial has already been involved in that through Canberra.

Another thing I wanted to let all members know is that Vivian Bullwinkel's married name was 'Latham'. In light of the fact that the member for Waite brings to the attention of the house the fact that funding was sought federally and we were not successful at that time, I will undertake to put the federal Leader of the Opposition (should it so happen that fortune puts him in the position to look after this grant) on notice today that we will be seeking that funding. I will be happy to donate two Florey roses for the garden that we establish around those gates. I thank the house for its support.

Motion carried.

### ARTS INDUSTRY COUNCIL

**Mr HAMILTON-SMITH (Waite):** I move:

That this house—

- (a) calls on the Premier as Minister for the Arts to respond to the campaign launched by the Arts Industry Council (SA) Incorporated during the 2004 Adelaide Fringe for the allocation of an extra \$2 million towards the commissioning and development of new work by South Australian artists;
- (b) notes the council's concern that arts industry development programs have been reduced by \$1.24 million in the last two budgets; and
- (c) supports the letter, media and email campaign conducted by the council alerting the South Australian public to the paucity of current arts funding.

In relation to the arts industry development programs having been reduced by \$1.24 million, I point out that it is worse than that, but that was the figure alluded to by the Arts Industry Council. What the arts community is going through is a massive con. We have an arts minister who wants to be Donny Dunstan reinvented. However, if members look at the funding for the arts that was granted by the Dunstan government during its years in office, particularly the increases in arts funding, and if they look at arts funding under this government with the Premier as minister, they will see a very stark contrast. It makes a very interesting graph, and I will be looking forward to sending it to the whole arts community in due course, because what has happened is that arts funding has gone backwards.

The arts industry is not lost on this point, hence the Arts Industry Council's campaign. I commend the arts industry for getting organised to the point where it has an independent Arts Industry Council. It is good to have a body which is not government funded, which is truly independent and truly non-political. It bears no special friendship with me or the Labor Party. It is there genuinely to represent the arts industry and it is great to have it, because what you get is an honest and frank appraisal of what is happening so that the best interests of the arts community can be looked after. Their campaign is very simple. I am sure that they have written to the Premier and the minister assisting (the member for Kaurana) to inform them and all members of their concerns regarding the current lack of balance in the arts budget, in particular the pool of funds directly available to individual artists and to small to medium arts organisations to commission new work. They claim that it is a very small percentage of the budget, and they are right.

Of the recurrent budget of \$99 million, currently only 1 per cent is available for independent artists as project funding for self-initiated work, and only 3.5 per cent goes to sustaining the work for small to medium arts organisations. Members would be aware that South Australia's small to

medium sized arts organisations and companies are the powerhouse of the arts sector. This is what makes South Australia a great place for the arts. They commission much of the new work in South Australia and provide career pathways for South Australian artists every year. Currently, many of these organisations are having to consider cutting programs which commission new work because of a lack of available program funds. They are not my words: they are the words of the Arts Industry Council, the independent body representing the arts industry. It is they who are saying this, not me.

The AIC believes it is vital to redress the imbalance as soon as possible so that there can be an increase in work opportunities for talented South Australian artists. The AIC claims that an increase in spending in the area of arts will reap substantial benefits for the sector including, first, more work opportunities for individual practitioners, thus increasing their financial viability and capacity to continue professional practice; secondly, an increase in professional development opportunities for our most talented artists to reach their potential and remain living in South Australia; thirdly, a greater amount of diversity of local work available to local audiences all through the year; fourthly, assistance for the programming, output and capacity for audience development of the small to medium companies and organisations; fifthly, improvement of South Australia's arts profile as a desirable place for artists to live and work; and, finally, more new South Australian work to showcase in our festival programs.

Yesterday, I moved that the house form a select committee to look into the problems facing the film industry. I made the point that, after two years, nothing has happened; that the amount of money flowing around in the film industry has gone from \$31 million to \$1 million; and that much of that money is being spent outside the state. Here we are finding the same problems. The Arts Industry Council is urging the minister, me and anyone who will listen to address this issue by providing an extra \$2 million in the 2004-05 arts budget, specifically for project funding, the commissioning of new work by South Australian artists through Arts SA, industry development and the Carclew Youth Arts Centre programs. The Arts Industry Council is saying that this is a matter of great concern across the arts sector and, as such, the Arts Industry Council has initiated a pre budget campaign identifying the key issues that it believes need to be addressed to improve the situation.

The campaign material was interesting. They had little green stickers with '2 per cent more for art' printed on them. It was great at Writers' Week to see one of the winners get up in front of an entire audience and the Premier and say, 'I am standing up for the Arts Industry Council campaign', proudly wearing her badge. It was fantastic and it helped get the message out. A green card, a flyer, was distributed at shows during the Fringe and the Festival calling on the government to support local artists and to 'restore the heart of the arts'. That is how the arts industry feels about the Premier's leadership as arts minister and the performance of the Minister Assisting for the Arts. They need to restore the heart of the arts. They have cut too much funding from the arts and that needs to be reversed; the rot needs to be reversed.

The Arts Industry Council has also produced a budget submission, which it has sent to the government. I suggest that all members obtain a copy. If members do not have a copy, I am happy to provide one, or they can contact the Arts Industry Council directly—or they can see the Premier,

because he has one, too. It calls for a range of new initiatives. They make the point that the opposition has made, that is, that the \$7.2 million required to fix the four country theatres has not been provided. They make the point that the paltry \$500 000, which was granted after we brought pressure to bear on the government, is merely a finger in the dyke wall; it is merely just cleaning the carpets. There is \$7 million worth of work that simply needs to be done.

The Arts Industry Council has been very forgiving, in my view, because the real picture is much worse than the council portrays. I think the council is being very reasonable, because the budget papers are as clear as a whistle, and they can be looked at on the government's web site. They make it very clear that over the next four years the government plans to cut \$6.634 million from the arts budget. Those cuts include \$625 000 from a reversal of funds to arts boards. So, arts board will be attacked. We already have Carrick Hill under siege with the government's plans to subsume it into the History Trust. An amount of \$1.7 million is to go from corporate services to Arts SA. The Director of Arts SA was so excited about that, that she resigned. The Premier lost the CEO of Arts SA and replaced her with Greg Mackie, and I wish him luck. The real picture is that Kathy Massey left because she was prepared to promote and invest in the arts, not to administer the most severe cuts in 10 years.

An amount of \$509 000 will go from administration savings to Arts SA—we are killing the golden goose—and funding for grants and subsidies will be reduced by \$3.8 million. These are the grants that the Arts Industry Council is so upset about—\$3.4 million will vanish. It is easy to hide it, because the government is not taking the money off people who got it last year; it is simply not coming up with new ideas and new grants. The people who are missing out will suffer. They cannot say that the money was taken away from them because they never got it in the first place. It is quite clever. If you want to slice up the arts budget, it is a good way to do it—the Premier has excelled himself.

There are some new initiatives. The Adelaide Festival Centre got \$500 000 to bail it out. We have had top-up funding of \$2 million for the Premier's Film Festival, which provided a great opportunity for him to get on the stage and promote the state, but primarily he promoted himself. The Art Gallery Curator, \$300 000, and the Art Gallery security and video upgrade, \$200 000—great. Live music—of course, the government was forced kicking and screaming by the opposition in the other house to amend its pokies revenue bill to provide \$500 000 for a live music fund. They did not want to do it. The Treasurer wanted to get around it. He tried to take it away and use it to prop up other parts of the arts budget. We forced him to do that, so they have included that \$2 million, and, of course, country theatres, a paltry \$500 000.

That adds up to \$5.5 million. You do not have to be a mathematical genius to work this out. If you take \$5.5 million away from \$6.634 million, it is well over \$1 million—that is the net step backwards over the next four years. The government is planning to cut over the next four years far more than it is planning to spend—they are robbing Peter to pay Paul. So, to fund his snazzy ideas such as the film Festival—won't that be great for the Premier—he has taken the money away. Where is he taking it from? Grants and subsidies for artists, the little people who need it the most. That is what the Arts Industry Council is angry about. They are really steamed up about this.

On page 1.3 of the program summary of the budget papers we see that the overall reduction has been over \$6 million per annum since the last Liberal budget of 2001-02. So, we are spending \$6 million less. A reduction of \$6.5 million per annum in arts industry development and access to arts industry product is now in place since the last Liberal budget of 2001-02. There has been an almost 50 per cent cut in supplies and services in library information services, including: access to art, museum and heritage services and protection of state collections. Supplies and services are cut by almost half a million. Spending on grants and subsidies has been reduced by \$1.7 million. In arts industry development and access to artistic product, there has been a \$10 million cut in the financial year 2003-04 compared with the last Liberal budget of 2001-02. Grants subsidies spending is down by \$9.2 million in 2003-04. Over two budgets the reduction has been almost \$20 million over the amount that would have been spent if financial year 2001-02 levels of activity had been maintained. Investment revenue in 2003-04 is down by \$110 000 (last year it was \$744 000) since the last Liberal budget of 2001-02.

If we look at how much the Liberals spent under my colleague the Hon. Diana Laidlaw, and if we look at how much the Premier is spending as the Minister for the Arts, we start to see an interesting picture. I shudder when I say that it is far worse than the Arts Industry Council has portrayed. I think they are being very reasonable. There is a problem here. The Arts Industry Council is right to speak up on behalf of the arts industry to have this problem redressed. Their asks are simple: let's have an increase in the amount of money available for new work. It is very simple: 2 per cent more for art. They want the government to allocate an extra \$2 million. I want the government to allocate far more than that. I want the government to produce something from the Arts Summit in the way of a vision for the future; not later when the election is on but now. It has been two years. Let us not leave it until six months before the election and roll out the pork barrel, throw a bit of money at the arts, treat them with contempt, tell them all to grow up (the Premier did that at the Arts Summit). Let's do it now, because they need the money now. I call on the house to look at the Arts Industry Council's campaign and give it serious consideration. I particularly call on the Labor backbench to talk to the Premier and get things happening for the arts.

**Mrs GERAGHTY** secured the adjournment of the debate.

## WINE EQUALISATION TAX

**Mr O'BRIEN (Napier):** I move:

That this house notes the difficult financial situation facing many small wineries and calls on the Howard government to adopt federal Labor Party policy to replace the current state and federal rebates for cellar door and mail order sales at all wineries with a wine equalisation tax exemption set at an appropriate volume threshold for domestic sales.

The wine industry defines South Australia. Like the wine producing areas of France it gives us our historic, geographic and cultural context whilst providing the economic livelihood of many of our citizens. Some of the most prominent early citizens of the province of South Australia were the founding fathers of our wine industry. It was their endeavours that defined the close and picturesque agricultural settlement of the province's most fertile lands. Today, these vineyards, wineries and towns attract tens of thousands of tourists each year to our state.

The wine industry also defines our cultural identity. We are residents of a state whose product is regarded as the epitome of fine taste in households around the world, and this in large part drives our desire to maintain our pre-eminence as the nation's most culturally aware community. It is against this background that this motion is moved. The objective of the motion is straightforward: to protect the vitality of the wine industry by ensuring the economic viability of the smaller and generally more innovative wine producers.

A financial analysis provided to the Winemakers Federation of Australia by Deloitte points to a substantial deterioration in the relative performance of the wine industry. Profits have fallen, equity has been replaced by debt, liquidity levels have fallen substantially, and the cost of sales has increased. The Deloitte research also shows that wineries with annual sales of less than \$5 million per annum are under acute viability pressure with low or negative margins. The Winemakers Federation draws a conclusion that is obvious to anyone with a business background: low levels of profitability and negative margins are not sustainable. Unless conditions improve rapidly, the future looks particularly bleak for a large number of wineries.

To members of this house who read the *Financial Review*, and the business pages of other daily newspapers, the proposition being promulgated by the Wine Makers Federation would come as no surprise. Today, in fact, Stephen Millar, CEO of Constellation Wines, reiterated this point in *The Advertiser*. He pointed out that in the last financial year wineries paid \$1.1 billion in wine equalisation tax, the so-called 'WET tax' and GST, making Australian wine producers the highest taxed major wine producers in the world. He also pointed out that the average profitability across the industry was 1 percent of turnover, which is not sustainable.

Over the past decade, the number of wineries in Australia has more than doubled from 740 to 1 620. An important consequence of this growth has been a dramatic increase in regional employment, doubling between 1991 and 1996 and again between 1996 and 2001. Recent analysis by the Economic Consultants Econtech shows that for every 10 extra people employed in wine manufacturing in the wine making regions, there is an increase in employment in the grape growing area of the economy of nine people and an increase in employment in other industries of more than 17 people. That is, the overall impact of employing 10 extra people in wine manufacturing is the creation of an additional 26 jobs, either supplying inputs as up stream industries or using wine as an input in their business as down stream industries.

The number of people directly employed in wine manufacturing now exceeds 30 000 people across Australia. There are a further 27 000 people employed in industries that supply the industry or rely on the industry. In total, the jobs of more than 57 000 Australians now rely on the fortunes of the Australian wine industry. As South Australia accounts for 64 percent of wine production and 46.5 percent of the crush, a large proportion of these jobs are held by South Australians.

Wine tourism's contribution to regional economies is equally significant. In 2001, ACIL Consulting estimated that expenditure on wine tourism in Australia in the year 1999-2000 was \$965 million. Of this, it was estimated that \$411 million was spent at wineries on food, merchandise and accommodation and a further \$554 million in the regional communities on food, accommodation and transport.

A large part of the employment growth that has taken place in our wine producing regions has been due to the expansion of the smaller wineries. Similarly, the strong

contribution of the wine industry to regional tourism has been driven to a considerable degree by the smaller wineries, through cellar door facilities, restaurants and bed and breakfast operations. To quote a very large wine producer, Mr David Woods, CEO of Hardy Wine Company:

Small regional wine makers are an essential element of the Australian wine industry success. These smaller producers add a vital element to the marketing mix, as they provide the romance and intrigue for a particular wine region that lingers with the consumer, a very important element of the image related to wine drinking.

So, what is the financial impasse facing the smaller wine producers and what is the potential remedy? I have already alluded to the financial difficulties facing smaller producers. Econtech has forecast winery profitability to further decline over the four years to 2006-07. Profitability ratios as expressed as earnings before interest and tax over total assets are expected to decline to 5 to 5.5 percent over the five years to 2006-07, as opposed to the 8.5 to 10 percent in the closing years of the last decade. In other words, the profitability of smaller wineries is expected to be halved in the next few years. A large number of smaller wineries that are now marginally profitable will be forced to close down.

The impact will resemble that of the multiplier effect with a wider shake-out of companies servicing the wine makers and a significant shrinkage in regional employment. When I talk of regional employment, I am talking about the Barossa, the Clare Valley, McLaren Vale and the Coonawarra. The policy remedy to this problem is that which has been enunciated by both the Labor Party and the Winemakers Federation of Australia, namely, the replacement of the current state and federal rebates for cellar door and mail order sales with a wine equalisation tax exemption.

The Australian wine industry is the highest taxed of all major wine producing countries in the world. The high rate of tax impacts disproportionately on the smaller producer. Taxes are levied on an ad valorem basis, which means that a higher rate of tax is levied on higher priced wines. Smaller producers generally target this segment of the market. The industry as a whole does not have a problem with the basis of levying tax. However, the larger producers have economies of scale not available to the smaller producers. Even if they, the larger producers, are making wine for the premium end of the market they also operate on a significant scale at the lower priced volume end as well. This means that the impact of taxation falls disproportionately on the smaller wine makers, threatening their ongoing viability and inhibiting their opportunities for growth.

The federal Labor party is calling for, and in this it supports the policy position of the Wine Makers Federation of Australia, the replacement of the current state and federal rebates for cellar door sales with a wine equalisation tax exemption for all wineries set at an appropriate threshold, expressed in litres. The Wine Makers Federation believes this threshold should be set at 60 000 litres. At this threshold, the cost to the federal Treasury would be in the order of \$104 million per annum. However, revenue from wine tax, GST plus WET is around \$100 million higher than it was under the old wholesale tax regime it replaced. Effectively, the proposal is revenue neutral but has the effect of ensuring the survival and growth of the smaller wine makers in a period of financial difficulty.

To put the plight of the small wine maker into a readily understood perspective, at the moment a 1 000 tonne winery shows a profit margin on a \$20 bottle sold at retail of just 2.4 percent or 48¢. A bottle of wine that retails at \$20 returns

the small wine maker less than 50¢. The government tax take on the same bottle is \$4.99 or 25 percent of the retail price. So, to reiterate, a \$20 bottle of wine bought in a wine shop returns the wine producer 48¢ but the federal government \$4.99. The Labor Party's tax proposal is eminently suitable and sensible. It is eminently affordable and, if implemented, a sorely needed lifeline for the many small wine makers currently going through a very rough financial patch.

**Mrs MAYWALD (Chaffey):** I rise to support this motion wholeheartedly and I believe it is an important motion that this parliament and, in fact, this state should take a bipartisan approach to in having the matter considered and amended at the federal level. Last year, the National Party in South Australia moved at their state conference that:

This State Conference of the National Party of Australia (SA) Inc. calls on the federal government to immediately legislate for an exemption of all wine producers from the wine equalisation tax for the first 600 000 litres per annum of domestic sales.

That motion was support unanimously. We then took that motion to our federal conference in October last year and moved the same motion, with a minor amendment, suggesting that this exemption include wholesale sales in addition to cellar door and mail order sales. That was also supported at the federal conference level.

The National Party strongly supports this measure and believes that, for the wine industry to be successful in the future, all sectors of the industry need to be able to share in the profits. At the moment, the small wineries (about 90 per cent of wineries are small wineries) are the ones that are bearing the brunt of this very unfair taxation measure. The response to our motion that we received from the coalition at the federal conference was interesting. I will read it so that members can understand my concern in respect of the commonwealth's attitude towards this issue. The response was as follows:

The commonwealth provides a WET rebate on cellar door sales to small winemakers of 14 per cent of the wholesale value of wine up to \$300 000 in wholesale value. In addition, states provide a cellar door rebate of 15 per cent. The commonwealth subsidy is reduced after \$300 000 in wholesale value and cuts out at \$580 000 in wholesale value. This means that cellar door sales up to \$300 000 a year are effectively free of WET. WET rate is 29 per cent of wholesale value of wine. It is estimated that some 500 to 600 wineries are WET free as a result of these measures. If the measure was extended to exempt wineries producing to 600 000 litres it is estimated at least 1 000 wineries would become WET free. Treasury estimated that the cost of the scheme (revenue forgone) would be \$160 million a year. The wine industry estimate was \$87 million a year. It is also presumed that the 600 000 litre exemption would mean that the state rebate of 15 per cent would cease, so the full cost of the assistance measure would be shifted to the commonwealth.

This demonstrates quite clearly that the commonwealth is missing the point with respect to this issue. It is completely missing the point regarding the cost impost and the overtaxing issue for small wineries in this regard. It also misses the point that, because 500 to 600 wineries are WET free, it assumes that all they do is sell wine by cellar door or mail order. Unfortunately, that is not the case. To survive, many of these small wineries must sell their wine to restaurants and other outlets on a wholesale basis. So, they are bearing the cost brunt of this measure. The Wine Federation of Australia has been working particularly hard with respect to this issue on behalf of the winery sector of the industry and it has sent some notes to me, which I would also like recorded in *Hansard*, in respect of its position, which differs dramatically from the commonwealth's assessment of the situation.

The wine equalisation tax was introduced as part of the new tax system, placing a 29 per cent tax on the wholesale value of domestic wine sales, which are then also subject to the GST. WET was introduced to ensure that the price of wine did not drop as a result of the abolition of the 41 per cent wholesale sales tax and the introduction of the 10 per cent GST—although the combination of WET and GST led to the collection of approximately \$108 million additional tax revenue in the first year of the new tax system alone. Clearly, in the figures presented by the commonwealth and also the wine industry, this exemption from the WET tax for producers up to 600 000 would be manageable within the extra tax that has been collected since this regime was put in place. In total, since the introduction of the new tax system, the federal government has collected an estimated \$340 million more in tax on wine sales than it would have done under the previous tax regime.

Domestic sales of Australian wine are the most heavily taxed of the major wine producing countries. That is quite extraordinary. It is sending a very clear message to businesses out there: 'Be successful and we will tax you out of existence,' because that is basically what is happening to our small producers. In recent years, the viability and profitability of many small and medium wineries have been called into question. As one of the few industries to have generated economic and employment growth in regional areas over the last decade, the threat of closure that is facing many small wineries and the subsequent job losses pose a serious threat to many regional economies, especially in South Australia.

The comments today by the CEO of Constellation Wines, Mr Stephen Millar, are also interesting. He quoted figures similar to those that have been quoted by the member for Napier. He said:

At the moment, for every \$15 bottle of wine sold about a quarter, or \$3.65, goes to the government in taxes. By comparison, the winery receives 44¢ for the same bottle. The profitability levels demonstrate it's about 1 per cent profit levels, which is just not sustainable.

The question has to be not what losses there will be for commonwealth revenue but what losses there will be for the entire economic wellbeing of this country if the small boutique winery ceases to exist. I think it is something that the federal government must address at the earliest possible opportunity. The Wine Federation of Australia also went on to say:

With this in mind, the exemption would provide a complete exemption from paying WET for an estimated 1 539 of Australia's 1 620 wineries, or 95 per cent of the industry. However, the government would continue to receive an estimated 90 per cent of the current wine equalisation tax revenue. . .

Members can see that it is not a matter of how much we are reducing the commonwealth's revenue: it is what we are doing to support economic growth in Australia in this particularly important industry. To do that we must have a successful industry across all sectors. This means that both the small, medium and large wineries must be able to compete in the industry and expect healthy returns. How can you have healthy returns when the government takes six times more from your produce than you can make yourself? It is quite extraordinary, and I think the commonwealth should wake up to itself and address this issue as a matter of urgency.

**Mrs HALL** secured the adjournment of the debate.

## SENSATIONAL ADELAIDE INTERNATIONAL POLICE TATTOO

**Mr BROKENSHIRE (Mawson):** I move:

That this house congratulates the South Australia Police, event organisers and volunteers on arranging the 2003 police tattoo, known as the Sensational Adelaide International Police Tattoo.

It gives me a great deal of pleasure to move that this house congratulates the South Australia Police, event organisers, volunteers and sponsors on arranging the 2003 police tattoo. This tattoo was the second tattoo: it came after the 2001 tattoo. The 2001 tattoo set an excellent benchmark and challenges for ongoing tattoos and the calibre of those tattoos. As police minister in 2001, I can recall that the police tattoo in that year even made a slight profit. In my opinion, last year's tattoo was an enormously successful event. It was unfortunate that it happened at a time when so many other things were happening in South Australia, not the least of which were the AFL finals, the clash between Port Power and the Crows, the Adelaide Show and many other events. If there was one disadvantage in hosting the police tattoo last year, it would have been its position in the calendar. With an event venue such as the Entertainment Centre, which is air-conditioned and has good parking facilities and the like, a possible answer to that would be to host it in the winter when there are not so many events on, when people are therefore looking to go out and enjoy themselves and when there is more disposable income than at those busy periods of the year.

What I like about the police tattoo is that it gives SAPOL the opportunity to show the South Australian community what a successful, community orientated and integrated police force we have here. It is one of which we are all proud. It is the third oldest police force in the world and is clearly up there being recognised as the best police force in the world, in my opinion.

I congratulate the Commissioner of Police for his foresight and his understanding and capacity to know how important it is to have the police working with the community. If it was not for the Commissioner of Police, then this event would never get off the ground. As leader of SAPOL he obviously needs to support it. I also acknowledge both the previous government and this government for their commitment through Major Events, South Australian government support and sponsorship for this event. I hope this continues to be a biennial event. It gives some of our future arts people, callisthenics people and musicians an opportunity to develop and show to the South Australian community and our interstate and international visitors how clever a lot of our young people and talented musicians and artists are. It allows them to fully integrate with our South Australian Police Band. Our South Australian Police Band is world renowned and on several occasions has been at Edinburgh for the Edinburgh Tattoo. In fact, it was the only police band, and probably the only band, invited from Australia to attend Edinburgh, and that shows the calibre, quality and gifts that the musicians in the South Australian Police Band have.

*Ms Bedford interjecting:*

**Mr BROKENSHIRE:** As my colleague says, also the drill team that went with them. I place on the public record my special appreciation for the Event Manager, Senior Sergeant Bob Fisher; Event Coordinator, Senior Constable Greg Schar; Logistics and Security, Senior Constable Joseph O'Connell; Market and Publicity, Senior Constable Belinda Masolatti; Protocols/Marketing, Senior Constable Jo-Anne

Fisher; Team Support, Kathryn Woodcock; Administration Support, Sarah Collins; Event Compere, who does a marvellous job, Chief Inspector Peter Graham; Artistic Director, Sergeant Ken Ekin, who is retired but still committed to SAPOL and the South Australian community; and another person for whom I have special regard and with whom I worked when he was still a member of SAPOL, Volunteer Manager, Chief Inspector John Fitzgerald, now retired and enjoying time with his family. I also acknowledge the 60 dedicated volunteers who contributed their time and tireless efforts in the preparation of this tattoo. I place on the record my appreciation for each and every one of them. I also acknowledge the sponsors—the government, presenting sponsors, gold sponsors, silver sponsors, bronze sponsors and supporting sponsors. Without those sponsors, clearly this event could not go ahead.

Given the tightness of the police budget, I acknowledge that police should not be out of pocket in any way at all for putting on these events. It is important that the sponsors and the government financially back the police when they come up with an initiative such as the police tattoo. One could also argue that, if there was an amount of money coming out of the police budget that was showing the South Australia community the quality and calibre of our police, and how they integrate and work with our community, in itself that has direct benefit when it comes to community-based policing to South Australians. When you go to the event and watch the smiles on the faces of thousands of South Australians and interstate visitors, you can see they are getting, first, real enjoyment and good value for their dollar from the event and, secondly, the pride South Australian people have for the South Australian police. If we are going to continue to develop further local service area models and intelligence-based proactive, preventative policing when working with the community, then events such as the Sensational Adelaide International Police Tattoo and the biennial Police Expo, where hundreds of thousands of people go to Fort Largs Police Academy to see what not only police but also other emergency services and departments and volunteers who work with them on occasions do, we can showcase work for SAPOL and the broader community with events such as this.

I know there has been some debate as to whether or not the Sensational Adelaide International Police Tattoo should continue. With the caveats I have already stated in this debate about budgets and the importance of an adequate police budget for policing, and ensuring that is not knocked about by police coming out of their core duty to get into event marketing, I believe that the benefits long term are there. It is something on which we need to build. The Clipsal 500 is one example. It was started under the Olsen government and it continues today, and it has grown every year to be a very successful event. There was always a determination, persistence and commitment to ensure that that event was built upon. I think one of the fundamental reasons why that event has been so successful, over and above the people who are committed to grow the event with their efforts in putting on the event each year—and each of my parliamentary colleagues would agree—is that the Clipsal 500 is a good thing for South Australia. Colleagues at the event can see the benefits of it for South Australia.

Therefore, there is a message of support and continuity from the parliament. That is something which needs to come from the parliament in relation to the police tattoo. If the parliament is sending out a message that, within the parameters of financial restraint about which we have talked, an



event such as the police tattoo is of benefit and worthwhile, then it gives people the confidence, ability and capacity to plan for these events on a biennial basis, and, as a result, they will grow. People will save their money and look forward to the international police tattoo, just as they save their money to buy tickets for the four or five days of the Clipsal 500. They know it is coming around every other year, so they will put away dollars when they have some spare money. They will be at the event and we will have base support for the tattoo, just as we have for the Clipsal 500.

I know that at least one of my colleagues will talk about the Callisthenics Association of South Australia, but I congratulate the association. Its performance was choreographed by Glenys Anderson. I have now seen them at two tattoos, and she needs to be congratulated. I have had a daughter involved in drama, tap and jazz ballet, and I know that those people who do the work behind the scenes put in an enormous effort. The Tea Tree Gully Redbacks Band is an exceptional band and I always enjoy its performances, as, indeed, I enjoy the performances of the Itchy Feet Pep Band, which comes from another state. The members are talented and they add to the vibrancy and enjoyment of the performance.

I have talked about how good the South Australian Police Band is, but bands from other states in Australia also attend. The Northern Territory Police Band, for example, was there this year; and we also had the New South Wales Police Band, the Victoria Police Band and the Tasmania Police Band. I know Western Australia police have been there. It gives us a chance to bring together all those police, which is even more important in this day and age in order to build relationships between police state to state. Then there is an international focus, when in 2001 and 2003, when we have had the police tattoo, we have been able to enjoy international visitors. On this occasion, we saw the band of the Fiji police force from Suva—a famous band which brought in a lot of colour and good music from the South Pacific islands. We saw the Royal Brunei Police Force Band from Borneo. I might add that that is His Majesty's own band, and they added a flavour of Asia to the performances. We have seen bands from other countries, for example, Singapore, that have attended two performances.

I hope that the parliament will join with me in congratulating the efforts of those I have mentioned in my remarks with respect to this motion.

Time expired.

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

### **HOSPITALS, NOARLUNGA**

A petition signed by 352 residents of South Australia, requesting the house to urge the government to provide intensive care facilities at Noarlunga Hospital, was presented by Mr Brokenshire.

Petition received.

### **POLICE, RECRUITING**

A petition signed by 18 residents of South Australia, requesting the house to urge the government to continue to recruit extra police officers, over and above recruitment at attrition, in order to increase police officer numbers, was presented by Mr Brokenshire.

Petition received.

### **BANKSA BUSINESS CONFIDENCE SURVEY**

**The Hon. M.D. RANN (Premier):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. M.D. RANN:** Today, Bank SA released its latest State Monitor survey of consumer and business confidence. The Bank SA report, conducted in January, shows that business confidence about the state's economy is at its highest level in the history of the survey, and consumer confidence is at its second highest level recorded by the survey in the last six years. But let me repeat: business confidence about the state's economy is at its highest level in the history of the Bank SA survey.

The Bank SA State Monitor found that there had been a significant rise in business confidence since late last year, with 60 per cent of businesses in South Australia confident that business conditions would improve over the next year and 64 per cent of businesses confident that their own businesses will benefit from higher activity levels over the next 12 months. The report finds that sectors such as construction, manufacturing and agriculture are benefiting from high levels of demand. 85 per cent of businesses felt positive about the position of their own business.

The significance of this is that over 40 per cent of businesses surveyed had created additional jobs over the previous quarter compared with 27 per cent for the previous survey, and 23 per cent of businesses surveyed said they would increase hiring over the coming three months. Of course, we have seen the impact of the higher dollar and higher interest rates in the regions, and on our exports generally, and these are things over which the state has no control. We have also seen some recent softening in the labour market.

But this survey is good news for South Australia. We see cause for optimism in other leading indicators such as the ANZ job advertisement series. Let us look at the ANZ job advertisement series, which shows that job advertisements in South Australia have been on the rise for nine consecutive months and are now at their highest level for nearly four years.

This survey comes hard on the heels of the international study by KPMG in the United States, which compared business costs in 98 cities in 11 industrialised countries. The KPMG study found that Adelaide was the number one place in which to do business in the Asia-Pacific area that it surveyed, and the tenth most competitive business city in the world. Adelaide was found to be the third most competitive city in the world amongst cities in our population bracket of 500 000 to 1.5 million people. I am advised that we rated as the third most competitive location for such industries as automotive, metals, food processing, advanced software development, and web and multimedia. I am writing to thousands of business leaders worldwide to promote the message that if they are looking to invest in a low cost, high skill economy they should look to South Australia. If people are looking to live in a state where they can use their skills and abilities and still enjoy a high quality of life, they should look to South Australia. I will be promoting that message on the eastern seaboard of Australia and overseas in coming months.

On 3 April the Economic Growth Summit—which is, of course, an update on last year—will take place. South Australians from business, the unions, government, politics, community, religious, environmental, indigenous groups and

the regions will meet to examine the progress we have made over the past year in partnership and to outline our plans for the future.

**The SPEAKER:** Order! It might not be helpful for the Premier to go where the next sentence takes him.

**The Hon. M.D. RANN:** Thank you, sir. I look forward to the active participation of all members who are invited to the summit, and to their contribution.

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## QUESTION TIME

### ANANGU PITJANTJATJARA LANDS

**The Hon. R.G. KERIN (Leader of the Opposition):** Will the Premier clarify the government's position in relation to the Anangu Pitjantjatjara executive? Last week the Deputy Premier announced that the government no longer had confidence in the AP executive and would no longer tolerate this body. On Tuesday the Minister for Aboriginal Affairs and Reconciliation told honourable members in another place that the only legislative change the government proposed was an extension of the executive's tenure.

**The Hon. J.W. WEATHERILL (Minister for Families and Communities):** I am more than happy to clarify the government's position in relation to the AP lands. The government has a resolve to take responsibility for outcomes in the AP lands, and that is a very different situation from what has occurred for many a long year. That is the government's position: we will take responsibility for outcomes in—

**The Hon. R.G. KERIN:** I rise on a point of order. The question was very specific: it was to clarify the government's position in relation to, specifically, the AP executive.

**The Hon. J.W. WEATHERILL:** Our position in relation to the executive and the outcomes that are occurring in the AP Lands is very clear: that is, we will refuse to allow the current chaos which is occurring in relation to the AP lands to continue. In the last month, we have witnessed the most dramatic breakdown in the society that exists—

**The Hon. DEAN BROWN:** Mr Speaker, I rise on a point of order. I refer to Standing Order 98. The question from the Leader of the Opposition was very specific: what is the government's position on the executive—nothing else.

**The SPEAKER:** I direct the minister's attention to the question.

**The Hon. J.W. WEATHERILL:** Thank you, sir. To address the government's position on the executive, it is necessary to understand what the government's intentions are in relation to the AP Lands. The challenges—

**The Hon. DEAN BROWN:** Mr Speaker, I rise on a point of order. By the minister's own admission, he is now debating the issue. What we want is an answer to the question asked by the Leader of the Opposition.

**The SPEAKER:** That would not be my understanding. I would say to the deputy leader that the minister is describing the background against which the government's position has been determined in preparation for making such a remark. I dare say he will reach it in the next few seconds.

**The Hon. J.W. WEATHERILL:** This government was confronted with the gravest of situations in relation to the situation on the AP Lands. We were confronted with, I think,

four deaths and another, I think, seven attempted suicides. Sadly, we have learnt that yesterday there has been a further suicide in relation to the lands. Over a period, we have attempted to bring services into the lands but, for one reason or another—and I level no blame at the Aboriginal community or the Anangu Pitjantjatjara Executive, or seek to absolve responsibility of state government departments in this regard—those services have not been delivered in a timely fashion. Confronted with those circumstances and confronted with the calls from the women of the AP Women's Council on the lands, who asked us to take immediate and direct action and not to work through some bureaucratic structure (whether it be a bureaucratic structure of our making or an existing bureaucratic structure on the lands), we chose to intervene and take responsibility.

Mr Litster has gone to the lands today. Mr Phillips has visited the lands in the last few days. Immediate steps are being taken. We may not get this right, but we are sure as hell putting the resources in and we are taking steps. We are responding to calls by community members, women members, who are calling on us to do things. We are directly responding to their calls and we, in good faith, are trying to intervene in what is a most shameless situation that reflects appallingly on this state and tragically appallingly on this country. This is a massive stain on our state, it is a massive stain on our national consciousness and it reflects on us appallingly internationally. There should be a bipartisan position in relation to this matter. We do seek a bipartisan position—

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** The position is clear: we are seeking to get cooperation with the AP Executive. We have had a measure of cooperation from the AP Executive. We are seeking to build on that cooperation. I note the recent criticism of the Deputy Premier in relation to the way in which he has handled this matter. The Deputy Premier has committed this government, and every member of this government remains committed to intervening to ensure—

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** We remain committed to intervening to improve outcomes on the AP Lands. We will take up that responsibility: we will also take the criticism that comes with it.

**The Hon. R.G. KERIN:** I have a supplementary question. I ask the minister again: will the term of the AP Executive be extended? The minister is calling for a bipartisan approach. It is very hard for us. We were promised the legislation earlier this week, but we have not yet seen it. We need to know whether the government intends, as has been said in the other place, to extend the term of the executive.

**The Hon. J.W. WEATHERILL:** We sent Mr Litster to the lands. He is attempting to build the sort of relationships that are necessary to ensure that services are capable of being provided. As soon as we—

*The Hon. P.F. Conlon interjecting:*

**The SPEAKER:** Order! The Minister for Infrastructure is out of order.

**The Hon. J.W. WEATHERILL:** As soon as we have the information in the report from Mr Litster we will share it with members opposite. We will seek to build a consensus about the way in which we handle our intervention in relation to the AP lands. We will seek to build a consensus with the AP executive. As we understand the present legal situation, the AP executive is presently not legally constituted, so it may

be necessary in any event to take steps in a legislative sense to deal with that situation. Precisely what form that will take will be decided when we have a clear view about it once we have the benefit of Mr Litster's advice, and we will no doubt communicate that to members opposite. We want to build a consensus around this issue. This issue should not involve petty politics. If the question is asked in good faith, information will be provided to members opposite, and they will have an opportunity to play a constructive role in relation to the future governance of the APY lands.

**The SPEAKER:** Order! I assure the minister and any other member or person who may be listening that the question is asked in good faith. That is never in question.

#### PREMIER'S READING CHALLENGE

**Mr SNELLING (Playford):** My question is to the Minister for Education and Children's Services. How is the Premier's Reading Challenge being received by the state's school students, and how many students to date have taken up the challenge?

**The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services):** The Premier's Reading Challenge is an important initiative which supports the government's commitment to increasing literacy and numeracy skills in young South Australians. The challenge is open to all public, private, independent and Catholic schools from reception to year 9. The initial response has been outstanding. To date, there are 356 schools involved in the challenge, and the schools have estimated that 67 000 South Australian schoolchildren are taking part. Last week, I had the pleasure of visiting with the Premier the Enfield Primary School where we celebrated the 50 000th child to be involved in this challenge.

*An honourable member interjecting:*

**The Hon. J.D. LOMAX-SMITH:** Yes, the 50 000th. The challenge was introduced to encourage students to read more books, to inspire a lifelong interest in reading and to develop literacy skills. The overwhelming number of students involved are reported to be enthusiastic about meeting the objectives. Each student needs to read 12 books by September, and at least eight of those must be on the reading list of 1 800 books compiled as the Premier's Reading Challenge book list. Apparently many school librarians have made a special effort to particularly label those books on the list, and that has made it easier for children to pick books which will help them to meet the reading challenge quickly. I congratulate all our schools that have been busy encouraging children to take part. I particularly acknowledge the efforts, welcome and enthusiasm of the many children and staff at the Enfield Primary School.

#### ANANGU PITJANTJATJARA LANDS

**The Hon. G.M. GUNN (Stuart):** Will the Premier make immediate arrangements for all members of the South Australian parliament to visit the AP lands so that they can become better informed about what urgent action needs to be taken to improve the welfare of those people living in the lands, which comprise approximately 11 per cent of South Australia? The Premier, the member for Giles and I have been to the lands on many occasions, but there are many members of this chamber who unfortunately have not had the opportunity to see at first-hand the appalling conditions which

now exist there and which I believe every member wants to see fixed.

**The Hon. J.W. WEATHERILL (Minister for Families and Communities):** I thank the honourable member for his question. I think it is a worthy aim to ensure that honourable members of this house are informed about the circumstances on the APY lands. Indeed, this parliament has its own mechanism for informing itself as to the circumstances on the lands. It is, in fact, the standing committee of this house and that standing committee can be represented by members of the house. One of its responsibilities, I would have thought, would be to keep all members of the house informed. Sadly, that committee did not meet during the life of the last parliament, so members were deprived of the opportunity of informing themselves about these important matters. I think that is worth bearing in mind when these points are now being made. Certainly, it is a worthy sentiment. I will take the question on notice as to the ways. It is unlikely, I think, that resources could be applied in the way in which the honourable member suggests, but I am prepared to take the question on notice to see whether there are not additional ways in which we can inform and appraise all members of this house as to the disgraceful conditions that exist for many members of the Aboriginal community in their daily lives on the APY lands. I agree with the sentiment of what is being put and I will give consideration to ways in which we can, in a practical way, bring that information to members of the house.

#### CASTALLOY

**Mr KOUTSANTONIS (West Torrens):** My question is to the Minister for Environment and Conservation. What action is being taken to cut odour and noise emissions from the Castalloy foundry in North Plympton which continues to impact on nearby residents?

**The Hon. J.D. HILL (Minister for Environment and Conservation):** I thank the member for West Torrens for his question. I acknowledge his great interest in this issue and also the interest of my colleague, the Minister for Employment, Training and Further Education. Castalloy has been the source of community complaints for many years, and emissions from the foundry continue to be unacceptably high. Most recently the EPA and Castalloy have been bogged down in legal action over the company's failure to meet licence conditions. Just this month, the ERD Court instructed that the EPA and Castalloy meet in conference to negotiate a way forward. I am advised that, as recently as this week, the EPA had given up hope of an out of court settlement. For many years now Castalloy has seemed an intractable problem for local residents. However, the managing director of Castalloy's parent company, Ion Ltd, has this week written to the chief executive of the EPA to agree to a new environment improvement plan, an EIP.

Ion Ltd has agreed to cut odour levels in half and substantially reduce noise emissions in a two-phased program of works. Phase 1 works will begin immediately at a cost of about \$884 000 and are expected to be completed by August this year. Castalloy has foreshadowed a phase 2 program of works that will be decided after the results of phase 1 are known. At this stage, the possible costs of the phase 2 works are estimated to be in the vicinity of \$1.2 million. Emissions will be cut by transforming the 32 most odorous stacks into 11 stacks with a height of 18 metres, and odour destruction technologies will be used. Noise insulation of walls and

louvres will be provided and some windows will be double glazed. New roof fans will be installed and equipment will be modified to isolate noisy components.

On the face of it, the EIP is good news for local residents, but given the history of this problem, we will continue to watch Castalloy like hawks. I am advised that both the EPA and the residents' association are evaluating the EIP to confirm that it can deliver these long awaited environmental improvements. Following implementing of the agreed EIP, the EPA will continue to monitor Castalloy to make sure it sticks to its new EIP and delivers substantial improvements for the quality of life for nearby residents.

#### ANANGU PITJANTJATJARA LANDS

**The Hon. D.C. KOTZ (Newland):** Will the Minister for Health advise the house why the \$7 million substance abuse program designed specifically to improve the health and wellbeing of Aboriginal people on the Anangu Pitjantjatjara lands, and for which funding has been approved, has not been implemented?

**The Hon. L. STEVENS (Minister for Health):** I am pleased to answer the member's question. The Department of Human Services allocates to the APY lands, through the Department of Human Services, \$12 million in funding from all sources. There were a number of issues in relation to the \$1.65 million that was allocated additionally as a result of last year's budget. I would just like to be very clear so that people can hear this. The Department of Human Services, as acknowledged by the APY Council over the last few days, had been working closely with the council in terms of the additional programs that would be established in the lands as a result of that \$1.65 million. They were developing a range of services and negotiating service agreements with the people—

*An honourable member interjecting:*

**The Hon. L. STEVENS:** Sir, I would like to answer the question.

**The SPEAKER:** Order! The member for Unley should have a holster somewhere handy for that finger.

**The Hon. L. STEVENS:** That work had been going on. The department had been working with the people on the lands in relation to the nature of the programs and developing service agreements with them. Unfortunately, those negotiations were interrupted when issues in relation to the legal constitution of the APY Council threw them into question. I think what is really important is that, as the member for MacKillop said this morning on the radio, we all need to move forward. None of us is blameless with respect to this issue. As my colleague the Minister for Families and Communities has just said, this is a matter that needs bipartisan support, and we all need to move forward to put into place the programs that we can in order to do something about the situation that confronts us. I announce to the house that we have approved a range of programs that are to be implemented immediately to address the issue of petrol sniffing on the lands. Those programs will be rolled out as quickly as possible across the lands.

**Mr HANNA (Mitchell):** Does the Premier endorse the following statements made by the Deputy Premier and set out in *The Advertiser* on 16 March: 'I think this is an acknowledgment that the way we have administered Aboriginal land rights in this state has failed and I think this is an acknowledgment that 20 years of doing what we thought was right

for the Aboriginal lands has failed and dramatic action, strong action, must be taken.'

**The Hon. J.W. WEATHERILL (Minister for Families and Communities):** What we endorse is taking—

*Members interjecting:*

**The SPEAKER:** I will err on the side of being generous to the member for Mitchell and allow the question. However, I point out that it really seeks comment rather than information. I will leave it at that for now.

**The Hon. J.W. WEATHERILL:** The government's position is very clear. It will intervene to take responsibility for service provision in relation to the APY lands. It is a very important point to make the distinction between the service provision (which is and always has been our responsibility), the land rights responsibilities, the responsibilities in relation to native title and the responsibilities in relation to indigenous land use agreements (which have always been and remain the responsibility of the APY executive). There was never any intention, publicly or otherwise, or in a policy sense, to suggest that that role of the APY executive should be in any way diminished or changed by this government. It is a disgrace and a complete misrepresentation to suggest otherwise. This government has always and only been interested in intervening to prevent this disgraceful state of affairs with the health and welfare of the Aboriginal community in the APY lands from continuing. That is the mischief to which we responded. That is the motivating factor for us to intervene in relation to these matters. If we have intervened in a way which has upset sensibilities, if we have intervened in a way which has not respected some cultural sensitivity, I think we must accept responsibility for that, but our motivations were the welfare of the Aboriginal community in the APY lands.

#### BREASTSCREEN SA

**Mrs GERAGHTY (Torrens):** My question is to the Minister for Health. How many clinics are operated by BreastScreen SA and has its work contributed to a reduction in the mortality from breast cancer in South Australia?

**The Hon. L. STEVENS (Minister for Health):** This month BreastScreen SA celebrated its 15th year of providing quality service to South Australian women and now operates six clinics in metropolitan Adelaide and three mobile units, visiting 27 country regions and nine metropolitan areas every two years. Among all state and territory screening programs in Australia during 2002, BreastScreen SA had the highest screening participation rate for women residing in both the metropolitan and rural and remote areas. Last month, the service provided its 700 000th screening mammogram. More than 211 000 individual South Australian women have been screened and more than 3 680 breast cancers have been detected since 1 January 1989. Importantly, the 2003 South Australian cancer registry report indicates that mortality from breast cancer is continuing to decrease in South Australia, which in no small part is a tribute to the work of BreastScreen SA. The report shows that cancer detection is now occurring at an early stage, when there is a greater chance of successful treatment.

BreastScreen SA is a wonderful example of our vision for change to improve the health of all South Australians through a better health care system. I congratulate all those involved for making this service the gold standard in Australia—and that is everyone involved over 15 years. All women aged over 40 are eligible to attend BreastScreen SA, and I especially

urge all women aged between 50 and 69 to have a free screening mammogram every two years.

#### ANANGU PITJANTJATJARA LANDS

**The Hon. DEAN BROWN (Deputy Leader of the Opposition):** My question is to the Premier. When is the legislation on the AP lands expected to be introduced? I was specifically telephoned by the government last Thursday and promised a briefing on the legislation last Friday, so the bill could pass through the House of Assembly this week.

**The Hon. J.W. WEATHERILL (Minister for Families and Communities):** I thank the honourable member for his question. It is legitimate for the opposition to want to know when the legislation will be brought to its attention. As I said earlier, we are awaiting the report from a coordinator who has been sent to the lands this very day and, when we have the benefit of that report, we will be in a position to communicate with the opposition about the precise form of the legislation.

There is a number of options that I think it is fair I should draw to the attention of the house so that there is as much information available as possible. It may be that, given the cooperation that we have seen up to this point, there may be less of a need for legislation than was originally contemplated but, certainly, there will still be a need for some legislative framework if there are some insurmountable legal problems about service provision which must be dealt with. But, we give an undertaking to the leader, the deputy leader and anybody else who is properly interested in this matter to communicate at the earliest opportunity as soon as we are aware of the final form of that legislation.

#### NOMADS ON TRACK TIMETABLE SYSTEM

**Ms THOMPSON (Reynell):** My question is to the Minister for Transport. Can the minister inform the house of the new train timetabling initiative, Nomads?

**The Hon. P.L. WHITE (Minister for Transport):** I thank the member for her question and her interest in this and, in fact, new technologies generally. Nomads on Track is a very exciting new product. It is a world first, and it commenced here in Adelaide in December. It is an innovative, technology-based way to access train and tram timetables which has become available at this time because of the new generation of mobile telephones that is now available. It is as simple as using a Java-equipped mobile telephone to access timetable information and be informed of timetable changes. The software system has been developed by an Australian company, Laborotech Pty Ltd, to provide an alternative to paper timetables—

**The Hon. I.F. Evans:** Does this mean they can SMS you to tell you the train is late?

**The Hon. P.L. WHITE:** —yes, it does, actually—and to allow people to check the next few services leaving from their chosen train station or tram stop. Laborotech approached the Office of Public Transport to market-test the software system. The size of the Adelaide rail network made it a very good market in which to introduce the initiative, and the gradual take-up rate over the last four months has ensured that Laborotech can monitor the efficiency of the system and ensure its success.

Up-to-date information via the mobile telephone about rail running times provides customer convenience and reliability. The system also allows Adelaide rail users to receive live updated messages on their selected timetable, advising of

service delays and disruptions. Customers receive a data call when the timetable changes to remind them to update their rail timetables for the cost of one data call.

So far, around 450 rail users have been taking advantage of the Nomads on Track system. If members are interested, they can have a go by sending an SMS with the letters 'GO' for 'go' to the number 0427 522 666. Of course, they will need—

**Mr Brindal:** Would you repeat that, please? 04-what?

**The Hon. P.L. WHITE:** I will write it down for the member for Unley. Of course, he will need a Java-equipped mobile phone to access the service.

#### HOSPITALS, PHYSIOTHERAPISTS

**The Hon. DEAN BROWN (Leader of the Opposition):** My question is to the Minister for Health. Why has the minister allowed serious shortages of physiotherapists to occur in country hospitals, and is she aware that at the Whyalla Hospital there is 1.5 full-time equivalents when there should be 6, at Port Augusta there is .06 when there should be 3.5, at Port Pirie there is one when there should be three, and at Ceduna there is no full-time physiotherapist, when there should be two?

**The Hon. L. STEVENS (Minister for Health):** I thank the Deputy Leader of the Opposition for the question, but I must say that I am surprised he keeps raising these issues of work force shortages when he knows only too well that when he was minister for human services in this state—

**The Hon. Dean Brown:** These shortages didn't occur under me.

**The Hon. L. STEVENS:** Oh, come on! He is almost laughable, the deputy leader, these days. Work force—

**Mr BROKENSHIRE:** Sir, I rise on a point of order. I thought the ruling was that ministers had to answer the specific points of the questions, not rabbit on with debate.

**The SPEAKER:** I agree with the member for Mawson. If there were not interjections from members of the opposition which caused levity to the mind of the minister and others it might be possible for her to concentrate on the question.

**The Hon. L. STEVENS:** In a nutshell, there are wide-ranging shortages in the health professions across the board, both in this state and interstate, and that includes physiotherapists. It also includes a whole range of health professions such as nurses, doctors, certain specialists, dentists, and a range of allied health workers—physiotherapists being one of them. The government is only too well aware of these shortages, and I have raised the issue at a national level because the solutions to these problems are long term. They also rely on cooperation with the federal government and, in particular, require the cooperation of the federal Minister for Education in terms of the number of training places that are now available in our universities. We have major challenges across the board. I would like to reiterate that the Deputy Leader of the Opposition was the minister for human services in this state. He completely dropped the ball in terms of these issues in relation to work force and has no credibility.

**The SPEAKER:** Order!

#### COURTS ADMINISTRATION AUTHORITY

**Mr RAU (Enfield):** My question is to the Attorney-General. What are the findings of the Productivity Commis-

sion Report on government services for the South Australian Courts Administration Authority?

**The Hon. M.J. ATKINSON (Attorney-General):** Each year the Productivity Commission releases a report on government services for the previous financial year. Despite the differences in jurisdictions that make comparisons difficult, the Courts Administration Authority of South Australia has fared well in the report that was recently released. The report shows that South Australia has a low proportion of civil lodgements—38 000 out of an Australian total of 686 000. It appears that South Australia's unique final notice scheme in the Magistrates Court causes this low number of lodgements. If all the 5 000 to 6 000 matters using the final notice system had been dealt with by a normal lodgement, the civil figures would have been similar to the national average.

South Australia also has very low civil fees per lodgement. For example, the Magistrates Court fees averaged \$76 per lodgement compared with the national average of \$87. In the District Court, the fees averaged \$213 compared with the national average of \$732, and in the Supreme Court the fees in South Australia averaged \$448 compared with a national average of \$1 104.

**The Hon. D.C. Kotz:** I hope you have got that right. They don't sound right to me.

**The Hon. M.J. ATKINSON:** The member for Newland says that the figures do not sound right to her.

*The Hon. D.C. Kotz interjecting:*

**The SPEAKER:** Order! The honourable member for Newland is out of order.

**The Hon. M.J. ATKINSON:** We will await further and better particulars from the member for Newland. South Australia compares well with other states in the timely disposition of matters in various jurisdictions. For example, for non-appeal civil matters in the Supreme Court, 84.7 per cent of matters were finalised in less than 12 months compared to the national average of 69.1 per cent; 67.3 per cent of non-appeal civil matters in the District Court were finalised within 12 months compared to the national average of 52.1 per cent. I hope the member for Newland is getting these down. In criminal matters, 70.4 per cent of appeals were finalised in less than six months compared with the national average of 52.2 per cent of matters. This report shows that the South Australian Courts Administration Authority continues to provide one of the most efficient and accessible justice systems in the country.

#### HOSPITALS, PHYSIOTHERAPY

**The Hon. DEAN BROWN (Deputy Leader of the Opposition):** My question is again to the Minister for Health. Will the minister advise the house why over 100 people with chronic needs for physiotherapy services are on the waiting list at the Lyell McEwin Hospital and why the wait for patients with chronic problems is now over a year?

**The Hon. L. STEVENS (Minister for Health):** The issues of chronic illnesses and the need for physiotherapy are very much related to the ageing of our community, and we will see—

*An honourable member interjecting:*

**The Hon. L. STEVENS:** Well, it is. Of course, as more people get older those conditions become more prevalent. We are doing a whole range of things in trying to get in early. However, in relation to the deputy leader's specific question about the number of people on the waiting list, two days ago

I made an announcement about \$5 million of extra funding being put into our metropolitan hospitals to deal with these issues. Some of those dollars will be used to address orthopaedic issues. We are aware of that issue. The issue of work force shortages and physiotherapists (which I have just answered) is a long-term problem, which, unfortunately, when the member for Finnis was minister, he completely overlooked.

#### ABORIGINAL APPRENTICESHIPS

**Ms BREUER (Giles):** My question is to the Minister for Employment, Training and Further Education. What outcomes are we seeing from the Aboriginal apprenticeship program and what commitment is there to support Aboriginal apprenticeships in the private sector?

**The Hon. S.W. KEY (Minister for Employment, Training and Further Education):** I thank the member for Giles and acknowledge her contribution not only in her area but also with regard to Aboriginal employment and training. The government is furthering its commitment to supporting the placement of Aboriginal people in trade-based apprenticeships across South Australia through the allocation of \$990 000 in 2003-04. This allocation will provide 30 apprenticeship opportunities for Aboriginal people in 2003-04, with 50 per cent of apprentices being placed in regional areas. An additional 50 apprenticeship opportunities will be made available in 2004-05. At this stage, I need to acknowledge the work of the previous minister in making this one of the priorities in the portfolio for which I now have responsibility. The program is open to people of Aboriginal or Torres Strait Islander descent over the age of 16 years—

*Members interjecting:*

**The Hon. S.W. KEY:** Mr Speaker, I am really concerned that members opposite do not seem to be interested in Aboriginal apprenticeships but, even so, I will continue. The program is open to people of Aboriginal or Torres Strait Islander descent over the age of 16 years and who are current residents of South Australia. These positions are made available in the private sector and are targeted to industries that will provide long-term employment outcomes for participants. Apprenticeships are offered in a range of vocations, with the term of apprenticeship usually over a three or four year contract of training. A total of 108 Aboriginal apprentices have commenced training in various vocations since inception of the program.

Currently there are 77 apprentices in trades such as building, carpentry, plumbing, cabinetmaking, plastering, painting and electrical, and 40 of these are in regional areas. Of particular note, I am pleased to report that there are 18 females taking part in this apprenticeship program, admittedly as hairdressers but also as chefs and there is one horticulturist and one printer. So it is good to see that non-traditional areas are being looked at by young women. Four apprentices have successfully completed their apprenticeship, and it is anticipated that by the end of the year a further eight to 10 will become qualified tradespersons. Recent negotiations have also seen the placement of an apprentice chef at the Ernabella Aged Care Centre. It is hoped that this placement will see the beginning of other apprenticeships in the Pitjantjatjara lands.

#### PHYSIOTHERAPISTS, PLACEMENT

**The Hon. DEAN BROWN (Deputy Leader of the Opposition):** My question is again directed to the Minister

for Health. Will the minister explain why so many rural hospitals and some metropolitan hospitals can no longer offer, or are severely limiting, the clinical placement of physiotherapy students from the University of South Australia, and is she aware that this lack of placements is now threatening to reduce the number of physiotherapists who can be trained at the university? About 40 per cent of new physiotherapy graduates from the university are not registering in South Australia as many of them are going interstate.

**The Hon. L. STEVENS (Minister for Health):** I thank the deputy leader for his further question on the placement of physiotherapists in rural hospitals. I was not aware of the statistic that he has just raised, but I would say that there is a range of issues of concern in terms of the work force in this state, including the clinical placement of physiotherapists. This applies not only to physiotherapists but across the board. We need to have a much better system in place in this state so that we can keep graduates who come through our universities in South Australia. I say again: when I became the Minister for Health—

**The Hon. D.C. Kotz:** Two years ago.

**The Hon. L. STEVENS:** Yes, two years ago.

**Mr BROKENSHERE:** On a point of order, Mr Speaker, I ask you again for your ruling about debating, which clearly is what the minister is now doing instead of answering the substance of the question.

**The SPEAKER:** Order! The substance of the question is about the clinical placement of physiotherapists. I understand the minister now to be providing the background against which such placements are being sought, if not provided, and, in the recent historical context, I do not see that as an offence. However, I am listening carefully to what the minister has to say. Should she transgress into debate, I will call the minister to order.

**The Hon. L. STEVENS:** When I became the Minister for Health we discovered that there was no—

*Members interjecting:*

**The SPEAKER:** Order! The member for Mawson is not being asked questions. It is not for ministers on the front bench to make inquiries of him. It will help himself and the Minister for Health if he will allow her to answer the question. The minister.

**The Hon. L. STEVENS:** When I became minister we soon discovered that there did not exist in the Department of Human Services a work force plan: no work force plans for the future at all.

*An honourable member interjecting:*

**The Hon. L. STEVENS:** None. It was rather a surprise, but that is what we found: no work force plan at all.

*The Hon. D.C. Kotz interjecting:*

**The Hon. L. STEVENS:** No, no plans. So, we have had a lot of work to do across the board with nurses, GPS, specialists, physiotherapists, and other allied health workers. We are working with the universities, the health units and the federal government on a plan. It has been a long haul, but we are onto it—you never were.

#### FOSTER CARERS

**Ms RANKINE (Wright):** My question is to the Minister for Families and Communities. How will South Australia's 650 foster carers be recognised and thanked for their dedication as part of National Foster Carers Day, this Sunday?

**The Hon. J.W. WEATHERILL (Minister for Families and Communities):** I thank the honourable member for her question. In her role as the parliamentary secretary assisting the Premier and volunteers, I know she has a very keen interest in the crucial role that carers play in our child protection system.

The work of foster carers in our community is celebrated twice a year, once with National Foster Carers Day on the last Sunday in March and also during National Foster Care Week in September. These occasions are opportunities to celebrate the enormous commitment these people make to our community. Many of them are caring for children day in and day out. They are often dealing with children who have had very tough lives, and caring for them is not an easy task.

Foster parents persist and, furthermore, they often help by supporting foster children and birth parents to re-unite or make contact with one another where that is appropriate. It means that foster carers have to be able to love and care for these children but be able to let go in the event that a family reunification occurs. That can be a very challenging and emotionally draining situation for the foster carer.

Foster carers provide both short and long term care, and often they are still there for the children they have cared for after they leave their care. These relationships are often sustained for life. Alternative care is an enormously high priority for the state government and working in partnership with our 650 foster and relative carers who provide care is absolutely vital.

In recognition of this, Woodville FAYS is launching the Working with Carers Group to facilitate even better communication between carers and Family and Youth Services and will host a lunch to thank carers for their commitment. It is important that these people are recognised for their ongoing commitment and dedication in helping others and there will be further activities during September to celebrate and promote the importance of fostering.

#### WORKCOVER

**The Hon. R.G. KERIN (Leader of the Opposition):** My question is to the Minister for Industrial Relations. How does the minister intend to keep the house updated on the financial and managerial performance of WorkCover? The opposition has received a letter from the minister's office in relation to an FOI request for access to the September and December 2003 quarterly reports. The letter advises that:

A thorough search has been conducted of the minister's correspondence database and no documents relating to your request have been identified.

**The Hon. M.J. WRIGHT (Minister for Administrative Services):** I think the Leader of the Opposition would be well aware that the WorkCover board releases reports on a regular basis.

**An honourable member:** Who to?

**The Hon. M.J. WRIGHT:** To the public. It makes them available.

*Members interjecting:*

**The Hon. M.J. WRIGHT:** The shadow minister says that it does not. He gets briefed immediately after I get briefed.

**The Hon. R.G. KERIN:** I ask the minister why, when we called for the release of the quarterly reports in January, we were informed that there would no longer be quarterly reports and that half-yearly reports would be released, and then we were told they were not even releasing half-yearly reports.

**The Hon. M.J. WRIGHT:** The Leader of the Opposition has never understood WorkCover and never will understand WorkCover. When he asked about this same topic previously, I advised him at the time that these were decisions that were undertaken by the WorkCover board. If the WorkCover board decides now to release information of the kind that he talks about, well and good. These are not—

*Members interjecting:*

**The Hon. M.J. WRIGHT:** The member for Newland is getting two issues confused, as she always does. She always does it and that causes concern to everyone in the house and outside this house. As I was saying, the decision that was taken by the WorkCover board, in regard to quarterly reports, was a decision for the WorkCover board. The government has not tried to impact upon those decisions, and why would it? We well know that, when the former government was in power, it mucked up WorkCover and now they are trying to muck it up from opposition as well.

**The Hon. R.G. KERIN:** Sir, I have a supplementary question. Can the minister make clear whether there are now quarterly reports, or is he saying that the board has decided that there will be no quarterly reports?

**The Hon. M.J. WRIGHT:** The Leader of the Opposition has no understanding of WorkCover. What he should do is ask WorkCover. It is the domain of WorkCover.

**The Hon. DEAN BROWN:** Sir, I rise on a point of order. I would have thought that, if the minister was going to answer this question under standing order 98, it would be either yes or no.

**The SPEAKER:** The honourable the minister.

**The Hon. M.J. WRIGHT:** I have finished my answer, sir.

**The Hon. R.G. KERIN:** I have another supplementary question, sir. Has the minister seen or has he not seen the September 2003 quarterly report and the December 2003 quarterly report?

**The Hon. M.J. WRIGHT:** I will check that detail for the member. The Leader of the Opposition is talking about an issue that he has raised before in respect—

**The SPEAKER:** No, let me help the minister. What the Leader of the Opposition has asked is quite simple. Have you seen a quarterly report for the September and December quarters last year: yes or no?

**The Hon. M.J. WRIGHT:** Sir, I have said that I will check that.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. M.J. WRIGHT:** As information is made available to me by WorkCover, obviously, I read it. The other thing—

*Members interjecting:*

**The SPEAKER:** Order! It is answer time.

**The Hon. M.J. WRIGHT:** The other point which has been made before and which I again repeat is that, when the WorkCover board has reports, whether they be reports that they release on a six-monthly basis or on a quarterly basis, not only do they come and brief me about those but it is my understanding that they also brief the shadow minister, and rightly so. If my memory serves me correctly, the chairman has said that he is also happy to brief the leader—and I think they have made that known to the Leader of the Opposition. I do not know quite how much more open and accountable one can be than that.

What this issue is about is that the Leader of the Opposition previously complained because members of the WorkCover board made a decision that they would not release quarterly reports because they were not supported by actuarial advice. That was a decision by the WorkCover board. Members of the board also said that they will release them six-monthly because for that period the information is supported by actuarial advice. I would have thought that that was a sensible position for WorkCover to take.

**The Hon. R.G. KERIN:** Sir, I wish to ask another supplementary question. Given what the minister just said, is he not aware that a decision was made not to release the six monthly report—because it was announced that that was going to happen? Would the minister like to see the quarterly reports for September and December? I have them, and I am not too sure why he does not also have them.

**The Hon. M.J. WRIGHT:** The Leader of the Opposition can be as silly as he wants to be. He looks silly and he is silly.

**The SPEAKER:** Order! The minister will not reflect on the Leader of the Opposition.

**The Hon. M.J. WRIGHT:** I apologise, sir. I am happy to withdraw that. If the Leader of the Opposition wants to point score about a very serious issue, which of course was the making of the former government, that is just a nonsense. As I said, on a regular basis, whether it be quarterly or six monthly reports, or at monthly or regular meetings I have with the Chairman of WorkCover, of course he briefs me on that material. Whatever material he makes available to me, of course I read it. That is my responsibility. I cannot remember all of what is in those reports from some time ago. The Leader of the Opposition is just being stupid.

**The Hon. R.G. KERIN:** I have a supplementary question. Given the fact that the September 2003 quarterly report exists, why did I receive a letter dated 27 January 2004 from WorkCover which states 'I reconfirm that there are no new figures on WorkCover's financial position'?

**The Hon. M.J. WRIGHT:** As I said before, if it is a letter from WorkCover, go and ask WorkCover. They are happy to talk to the honourable member and they are happy to brief him.

*Members interjecting:*

**The Hon. M.J. WRIGHT:** They are happy to brief the honourable member at the drop of a hat—and the Leader of the Opposition knows it. Mr Bruce Carter, the chair of WorkCover, who is doing an excellent job trying to turn around the mess left by the former government, is doing a great job and all the Leader of the Opposition wants to do is knock, knock, knock.

**Mr BRINDAL:** I rise on a point of order, sir. Standing orders allow the opposition to ask questions in areas where the minister is responsible. The minister can choose his answer, but I ask you to examine whether his last answer did not constitute a contempt of this house because he refused, when asked a question by the Leader of the Opposition, to answer it.

**The SPEAKER:** I disagree with the member for Unley. However, God help us in the integrated Natural Resources Management Bill if government agencies once established are no longer accountable to this place through the ministers to whom they answer.



## BETTING EXCHANGES

**Mr O'BRIEN (Napier):** My question is to the Minister for Recreation, Sport and Racing. What was the result of discussions held at the Australasian Racing Ministers Conference regarding betting exchanges?

**The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing):** This is a very important question because, as members would be aware, betting exchanges are a phenomenon which has been happening for some time, largely out of the UK but the tentacles of betting exchanges are having an impact here in Australia and no doubt in other countries around the world. The Australasian Racing Ministers Conference has met regularly over the past two years to consider betting exchanges and what Australia's approach to these should be. This is one of the critical issues to impact on the future viability of the racing industry, because what is occurring as a result of betting exchanges is that traditional money, as we know it, invested via the TAB and bookmakers, can be taken out of that system and put into the betting exchanges, with limited return to the racing industry.

Betting exchanges operate via an internet-based wagering platform with matching bets. They provide the capacity for a punter to be the backer and another to be the layer, similar to the role of a bookmaker. With betting exchanges—and this is not something we are used to in Australia—rather than back a dog or horse to win, you can back it to lose.

*Members interjecting:*

**The Hon. M.J. WRIGHT:** As members have shown by their reaction, this is something quite foreign to the Australian way of gambling. Of course, this puts at risk the integrity of the racing industry. Just recently, for example, one of the Queen's horses allegedly was not allowed to provide its best performance on a given day and, of course, another jockey allegedly jumped off a horse, and the list goes on. It is easy for members to identify with the situation where the integrity of the racing industry is put at jeopardy.

*The Hon. I.F. Evans interjecting:*

The member for Davenport interjects in regard to Fine Cotton. It is a well-known fact that in Australian racing obvious hiccups have occurred—and we would be able to highlight examples in the past—but we need to minimise those to get them out of the system. The incident to which the member for Davenport refers is not a proud moment for the racing industry. Of course, we need to ensure there is never a Fine Cotton incident again. The point is that, if we allow people to back a dog or horse to lose rather than win, we greatly increase the chances of a lack of integrity through the racing industry.

Betting exchanges are responsible for massive diversions of wagering turnover, money that is diverted away from the TAB or the bookmaker, some of which is ploughed back into the racing industry. The most well-known betting exchange which operates out of the UK is called Betfair. Of course, it pays no product fee to the Australian racing industry. The ministerial betting exchange task force was chaired by the South Australian Office for Racing and provided a report. This national committee was chaired by Dennis Harvey, the Office for Racing Director, and came up with a comprehensive report, which I encourage all members to read. It is on the web site. It has been acclaimed around Australia and worldwide. A recommendation of the task force was that no licence be granted in Australia for the conduct of a betting exchange on racing or on sporting events. They highlighted

the impact on the integrity of the racing product; the negative financial returns to the racing industry as a result of betting exchanges; and, of course, the increased exposure for problem gambling, which is a serious issue, not just in racing but across other forms of gambling as well.

At the last racing ministers conference, Tasmania and Northern Territory did not endorse that position. Needless to say, that was disappointing. I would have thought that on an issue of broad principle all states and territories would have agreed but, nonetheless, a submission has been forwarded to the federal minister to prohibit the operation of betting exchanges. Certainly, South Australia has played an active role at the racing ministers conference in respect of this issue. I hope all members on both sides support South Australia's call for the commonwealth to prohibit betting exchanges and to do so immediately.

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## B-DOUBLE VEHICLE PERMITS

**The Hon. P.L. WHITE (Minister for Transport):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. P.L. WHITE:** Yesterday the member for MacKillop asked a question concerning We Us and Co. and when it would receive a B-double permit for several routes around the Lucindale area. Under the Road Traffic Act 1961 and the Road Traffic Regulations 1999, B-double combinations are considered to be restricted access vehicles and, as such, cannot operate on the road network without the approval of the Minister for Transport. Subsequently, this has been delegated to the Department of Transport and Urban Planning. As Transport SA has a duty of care to ensure the safety of all road users prior to approving or refusing restricted access vehicle access, Transport SA conducts a detailed technical route assessment of all proposed restricted access vehicle routes. This includes consultation with the local council or councils, if the proposed route includes local government roads. A significant number of councils are seeking route assessments on local road networks in order to determine strategic freight networks within their local area.

Furthermore, increased permit applications during bumper harvests create additional demands on local government and Transport SA resources to examine and approve applications. Transport SA has assigned additional resources to address the route assessment backlog and will ensure that the transport industry is kept informed of progress. Additionally, a number of engineering consultants have pre-qualified with Transport SA to undertake route assessments using established guidelines. Individual restricted access vehicle operators and councils can use these consultants at their own expense to assess a proposed rail route if they choose. This allows operators to have routes assessed at a time of their choice rather than have the assessment carried out by Transport SA.

In regard to the member's constituent, We Us and Co. requested a number of routes for B-double access. Of those requested, five routes are now approved for B-double access, and I have been assured by my department that the permits for these routes will be issued today. The remaining three routes requested were not approved. For these three routes a number of alternative options are available and will need to be investigated following further discussions with We Us and

Co., the District Council of Naracoorte-Lucindale and the District Council of Robe. Maintenance of our transport assets, of course, is a significant challenge—a challenge that must be approached strategically. This assessment process is a necessary component of ensuring that we maintain and get the most out of our transport assets.

## GRIEVANCE DEBATE

### ENERGY

**The Hon. W.A. MATTHEW (Bright):** I rise today to express concern over the government's failure to adequately address some very significant energy-related matters. First, I refer to the matter of wind power. Before making my remarks, I want to put on the record the fact that I am supportive of the establishment of wind energy in this state and, indeed, during my time as minister, encouraged a number of companies to explore opportunities in South Australia. I am pleased that some of those companies are now establishing a presence here. I was also pleased to facilitate most of the stages of the now existing Starfish Hill Wind Farm.

However, as minister, I was always aware that the establishment of wind energy in this state would also lead to some problems for base load generators. The simple fact is that, of course, when you start to significantly add to the amount of energy that is provided through wind energy in this state, a demand is placed on base load generators that was not there before and, as energy is put into the grid, it has first priority, which means that other generators have to draw back on what they are putting into the grid and on less windy days they have to lift it back up. That sort of change to the nature of generation will be more significant as (it is reasonable to expect) proposals that are touted will add significantly to the amount of electricity that is generated and, indeed, about 200 megawatts is not unrealistic.

I refer to statements made by the Essential Services Commissioner, Lew Owens, in relation to this. Mr Owens told the parliamentary select committee into the electricity industry on 17 March of this year:

This is actually changing the dynamics of the market as we speak. We have a couple of hundred megawatts of wind power coming on in South Australia over the one to two years that are backing out revenue from the traditional generator. It means that the role of the base load power station is becoming less and less economic.

That is a very important statement. It means that the role of the base load power station is becoming less economic. The Essential Services Commissioner goes on to say:

What you need to complement the wind farm is more peaking plant to be able to pick up the load very quickly when the wind drops off or to drop off as that wind picks up.

Understandably, that resulted in some concern by committee members. The Essential Services Commissioner went on to say:

The price or the cost of wind energy would be spread across all the market; it would not be disproportionately factored into the South Australian price. Where it does increase the South Australian price. . . is in its impact on the other generators, which are required to back off.

So, that is an issue that must be addressed. Mr Owens has advised the committee that this government has not undertaken that important planning. I would have thought that was something that the Minister for Energy would focus on.

Next week the minister will be going away on an overseas trip—in fact, he is going to Chicago to address a wind power conference. It is a time when the house is sitting and I would have thought he would be here but, importantly, I believe he should be at home addressing issues of this import. He should be here addressing issues such as the deregulation of the gas market given that we have now had revealed in this house as recently as yesterday that issues are not being adequately addressed. The government has not overseen the implementation of rules. There is uncertainty about requirements for the industry, and we are facing a very real prospect of significant increases in the price of gas. Now is the time for an energy minister to be here focusing on those issues.

There is also the issue of the Ministerial Council on Energy that is coming up on 2 April. This minister has asked for a delay in the start of the proceedings to enable him to get back from his overseas trip, and it is the second time he has done that with that council. I put that this minister should be asked by the Premier to stay in South Australia to address the significant issues that are not being addressed by this minister—issues that the Essential Services Commissioner has now put on the record before members of our parliamentary committee process. Those issues are not being adequately addressed and will affect the price that is paid by South Australians for electricity and gas if they are not addressed. I challenge the Premier to have the minister stay here to address those issues.

**The SPEAKER:** Order! The honourable member's time has expired and, whilst I am tempted to call the Minister for Energy, I nonetheless recognise the member for Enfield.

### OPPOSITION FORM GUIDE

**Mr RAU (Enfield):** My contribution today arises out of the remarks of the Minister for Racing, and I will inform the house about the results of a form guide—

*Members interjecting:*

**The SPEAKER:** Order! The chair has to be able to hear the member for Enfield. If the minister wants the call, he has only to get on his feet first. The honourable member for Enfield has the call.

**Mr RAU:** Thank you, Mr Speaker. I rise today to inform the house about a form guide which has been prepared on opposition members in relation to the forthcoming reshuffle occurring within the opposition. This form guide deals with a number of people in the opposition, and it might assist them in relation to the matters raised by the minister earlier. The first part of the form guide deals with opposition backbenchers and their prospects of advancing to the front bench in the course of the forthcoming rejigging of the opposition ranks.

First, dealing with the member for Morphett, the punters like the look of him. They like the look of this new pacer, and he is seen as a fair chance for health because he has quite an interest in that from his own personal background, and perhaps transport because he loves trams. He is in at two to one, which is not bad, and he is doing well amongst some of his colleagues. The next one is the member for Kavel. He is seen as a bit of a dark horse, and we have got him on as 16 to one. The issue is basically a weight to age thing and it may be a little too early for him to make a big run. The next one is the member for MacKillop and, after this morning's

episode on the radio, it seems that he is a real chance for Aboriginal affairs or perhaps agriculture. He is a consistent trier but he is not particularly comfortable under the whip. In any event, we have him at three to one.

We then have the member for Heysen. She is a clear favourite. She is three to one on for shadow attorney. As far as we are concerned, she can start picking her furniture. The next one is the member for Hartley. This is the colt from Campbelltown. He is a proven stayer and a seasoned campaigner, possibly a minister for religious affairs if we had such a thing, but has little chance of taking the purse as far as we are concerned. He is at 200 to one against. The member for Flinders is solid in training but may not be suited to the heavy track. She is at 40 to one. The member for Stuart is a real seasoned campaigner and obviously the most experienced candidate in the field. He is certainly an emotional favourite on this side of the house, and would be greatly appreciated by the crowd. But win, lose or draw he is much appreciated by the crowd although, I am afraid, at odds of 100 to 1.

The member for Schubert, again, is carrying a bit of condition. He is easily distracted and may need blinkers. In any event, he would make a great contribution once in the harness—perhaps tourism or even, if all else fails, he could run this book. Odds are 25 to 1. The member for Morialta is a proven winner but is her best race already behind her? Odds are 10 to 1. The member for Goyder has got the whip in his hand and has lots of track experience. Odds are 15 to 1.

Then we start to look at those who are destined for the knackery, and this is a more troubling group of people. The member for Mawson has been putting in the yards, and we have got him at odds of 15 to 1 that he is not going to the knackery. The member for Bright needs to keep at it, and shies a bit at the barrier of late. His odds are 25 to 1, though. The member for Newland may be looking at a period of agistment we think, and is pretty well at even money. The member for Waite has had a few false starts but is still worth watching. Odds are 15 to 1. The member for Bragg is showing some early signs of promise but is not yet a crowd favourite, at odds of 200 to 1. The member for Unley has given a very uneven performance, and his future ranges from a big race in Canberra to simple stud work. Odds at 20 to 1.

As far as the leadership contest is concerned, you will be pleased to know that the member for Frome is the clear favourite at odds of 2 to 1. The member for Finnis is very solid but it is hard to see him doing it on the day. Odds are 5 to 1. The member for Davenport is clearly a stayer and is at odds of 10 to 1. It may be a little bit early yet for a run from the member for Bragg, and the odds are 10 to 1. Of course, the member for Unley is the real dark horse in that field, at odds of 200 to 1.

#### ABORIGINAL LANDS STANDING COMMITTEE

**Dr McFETRIDGE (Morphett):** It sounds more like a pony club over there. If self-interest was a race horse I would back it at every start, because I guarantee that is what you have got over there: self-interest. We see the stallions down the front and the geldings at the back, but we know that it is the fillies and the mares that are doing the real job over there, and they are ready to win. Yesterday in this house we heard about hormones and other things. We know that pheromones and hormones are driving some of the people opposite. We know that the men over there fancy themselves as stallions, but I am afraid there are more geldings, as well as a couple

of rigs and a couple that have been cut proud. But I tell you, Mr Speaker, there are some real roughies over there. There are skewbalds, piebalds, bays and even a few old greys.

**Mrs Geraghty:** Excuse me!

**Dr McFETRIDGE:** I would never refer to some members over there as old grey mares. What we do have over there is a few bucking broncos, and I know, Mr Speaker, that you hold a tight rein on this lot. I have ridden a few bucking broncos—I remember Skyrocket and Football, they gave me a round of the kitchen—and, like you, Mr Speaker, sometimes for every two bucks you are one buck behind. And that clock ticks over. It is going there; eight seconds are almost up. There are no pick-up riders, and we do not know what is going to happen in this place. It is interesting to see them all over there. They are pushing very hard and they are out of the chute. But, when you really look at the calibre of the horseflesh there, I think Peterborough meatworks will be pretty busy. If the alpha stallion down here is as good as he reckons, he will protect his mares and fillies and will not act like a kid's club pony, and a gelding at that.

The attitude of members in this place to the delicate position that they have in government is something that I get really concerned about. We have a lot of fun in this place, but we should consider the very serious situation that we have been discussing in the paper and in this place, and in the corridors, and that is the Anangu Pitjantjatjara people. I can advise that you do not pronounce the 'g' in that, so if we can all learn to pronounce it correctly: 'Anangu' means people—the Pitjantjatjara and Yankunyatjara people. If we learn to at least show a little bit of respect for their language and for the people then we will be going a long way forward from where we are now.

I have the privilege to be on the Aboriginal Lands Standing Committee—and I say it is a privilege—along with the members for Giles and Mitchell, and the Hons John Gazzola, Kate Reynolds and Robert Lawson and, of course, the minister, Hon. Terry Roberts, ably helped by our executive officer, Johnathan Nicholls. This committee is working in a very unified way. We were very disappointed to be up at the Port Augusta and Davenport community last week and be totally sidelined by this government. We knew nothing about what was going on with the cabinet decisions, and then we had the Deputy Premier coming out with all guns blazing, sidelining the Minister for Aboriginal Affairs and this very important committee. There was no consultation. We just thought, 'Well, what the hell are we here for? What are we doing?' I know what we are here for. We are here to talk to the Aboriginal people, to find out how we can help them overcome the last 30, 40 or 50 years of absolutely disgraceful conduct of this parliament.

I was up at the Davenport community and there on the toilet was a little plaque, 'These toilets were opened by the Hon. M.D. Rann, Minister for Youth and Aboriginal Affairs.' This Premier was the minister for Aboriginal affairs for three years from October 1989 to December 1992. We have had a lot of rhetoric from over there saying how we are all culpable and how we all share the blame. Well, this Premier should be the one making the announcements; he was the minister for Aboriginal affairs. He should not be duck shoving. He has got to be the bad news premier as well as the good news premier. We need to share this responsibility and take it very seriously and, while I do not agree with parliament taking off around the state, I challenge this Premier to have the first regional parliament at Umuwa in the Aboriginal lands.

## ENERGY GENERATION

**The Hon. P.F. CONLON (Minister for Energy):** It has been a while since I have done a grievance. We can often learn a great deal from the examples of history. During the American Civil War, for example, there were really two types of soldier. There were those who did their duty for their cause, who charged the barricades and the entrenchments and who risked flesh and bone to do their duty. And there was a second type, who were particularly despised by the others. They were the ones who hid behind the lines—the snipers, who hid in safety. Some of them did it because they had skills; others did it because they did not have the moral character to do their duty in a brave fashion and take their own risks. And, with the contribution of the member for Bright today, he has shown just what sort of soldier he would have been in the American Civil War. Of course, he did expect the ministers to leave the chamber. He had an opportunity throughout question time all this week to ask me about whether I should be staying here next week or attending an international conference. He, of course, elected not to ask a question, and did you all see how nervous he was when he realised that I had stayed in the chamber? He was trying to explain that stuff on wind—did you follow it?

But not only is he a sniper, he is also a whited sepulchre. Let me give you another lesson from history on this fellow, and I go back to 30 April 2003. He is very good at lecturing. His criticism of me—of course, this also was probably while I was not here—was that in a trade delegation to Denmark to pursue the wind industry for South Australia I, as energy minister, had failed to lead the delegation. I had turned my back on the wind industry. Sir, that delegation would also have been in parliamentary sitting time. I have a great deal of difficulty in following the reasoning of the member for Bright, mostly because he does not have any. On the one hand, when it suits him I should be there pursuing the industry for South Australia when invited to address an international conference—something that never happened to this fellow. Never once in his life did they hear of him anywhere else, let alone invite him to address an international conference in Chicago. And, if I accept the invitation I am criticised for that. The man is a whited sepulchre, with a funny decoration on top.

**The SPEAKER:** Order! The honourable minister will stick to the subject of policy and avoid reflections on the personality.

**The Hon. P.F. CONLON:** It is hard to, sir: he does not have a great deal of that—but I will avoid it. They will invite me back over and over because they love me. The truth is that I have been invited on behalf of the South Australian government to address the plenary session at the conference. I intend doing that. I intend discussing—

**The Hon. W.A. Matthew:** You should be addressing the problems here.

**The Hon. P.F. CONLON:** Last year he wanted me in Denmark, now he wants me here; I wish he would make up his mind. One of the things I will be talking about is the wind industry, and in a far more intelligent and comprehensive fashion we will talk about some of the issues that the member for Bright attempted to raise about non-schedule generation against schedule generation, what that means for the cost of infrastructure in generation and what that means for peak. We understood this a long time before he did. It is something upon which I asked the planning council some time ago to do work. It is something I have discussed with the industry in

general. We will be talking about that. We will also be talking about the KPMG report into South Australia. We will be showcasing the KPMG report to a major industrial gathering in a plenary session in Chicago. After that, I will be invited to attend the media session with all the presenters at the conference.

It is not some sorry junket touring around manufacturers in Denmark attempting to ingratiate yourself when you do not have a single windmill in South Australia. I will actually be addressing an international conference telling them about South Australia, talking up South Australia—not talking it down—and talking about the KPMG report. In relation to all the other stuff the honourable member has raised—the nonsense—what we have seen in recent days is the member for Bright supporting a private company's demand on the people of South Australia. He has picked up Envestra's claim for extra costs and he has been supporting them, talking them up. That is the opposition's role: talk down South Australia and talk up their mates in private business who want to take more money off the energy customers. We will not be doing that. We will be promoting South Australia, and doing it properly.

Time expired.

## ANANGU PITJANTJATJARA LANDS

**The Hon. G.M. GUNN (Stuart):** After that robust defence by the minister, I sincerely hope he gets a second invitation—

**The Hon. P.F. Conlon:** I will take you, Graham, because you like South Australia.

**The Hon. G.M. GUNN:** I do; I am proud to be a South Australian. I want to talk briefly about the difficulties the state of South Australia—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. G.M. GUNN:** —is facing dealing with its responsibilities in the Pitjantjatjara lands. We now have a unique opportunity—

*Members interjecting:*

**The SPEAKER:** Order! The member for Bright and the Minister for Energy have made their colourful contributions; leave it to the member for Stuart now.

**The Hon. G.M. GUNN:** Thank you, and you know, Mr Speaker, that I am somewhat easily put off. It is a unique occasion when the parliament has the chance to rectify these problems. I think we should face some real facts in this matter; that is, if the Liberal Party in government had attempted to move any amendments to this legislation, we would have been howled down by all those people who claim to be such great supporters of the Aboriginal cause, and all other left-wing agitators they could rustle up around the country would have been spooked into action and we would have had great difficulty getting any legislation through the parliament. On a couple of occasions I attempted to bring some sensible proposals to the parliament and did not get anywhere. I say to the parliament: I am happy to support the legislation that will do what is right and proper, but it must include opening up some of those roads so that those people and the people with their own agendas are not isolated from public scrutiny. Public scrutiny is needed concerning some of their actions.

I put it to members that, if the majority of the citizens of this state were aware of conditions in the AP Lands, not only would they be horrified but they would also find it difficult

to believe it was in South Australia. We cannot allow this to continue any more. There is an urgent need to get some reasonable enterprises going on those lands to generate some job opportunities to give people some self-esteem and also to allow the young people some opportunity to have some involvement so that boredom does not overtake them. The other thing we have to ensure is that they are given an education which is relevant to a modern society, otherwise they cannot join mainstream Australia. This area of land covers 11 per cent of the state. It has tremendous opportunities for ecotourism and for people to visit in a controlled and managed way. That ought to be explored quickly and efficiently.

However, nothing will happen unless the right people are put on the lands to assist and ensure that the services which are urgently needed are available. They will also need to ensure that the right emphasis is placed on employment opportunities. I will be charitable and say that if some well-meaning people who are completely misguided and others who are there with less than honourable intentions remain, then the whole thing will continue to fail. The government has to be prepared to grasp the nettle and take some very firm and direct action in relation to a number of these issues. I am sure that the opposition will support the government if it gives the lead to this matter.

Again I say that it is a great pity that the majority of members of the two houses have never been there, because not one person in this chamber would be happy if they went there. When I took two of my colleagues there some 12 months ago, I had never seen two people suffer from such a culture shock afterwards. They could not believe that they were in South Australia—and they were fairly worldly people. I think it is important that the representatives of the people of South Australia go there. I believe that, if we all went there, either together or in groups without great fanfare (and it does not take very long to get there), then we would not be talking about it: there would be action.

Time expired.

#### UNEMPLOYMENT, ELIZABETH

**Mr O'BRIEN (Napier):** Yesterday during question time, the Leader of the Opposition asked a question in reference to the increase in unemployment in the Elizabeth area and he referred to a fairly significant increase of around 7 per cent between December 2002 and 2003. As the member for Napier, I represent virtually all of Elizabeth, and these figures are of some concern to me not only in that capacity but also in my capacity as chair of the Playford Partnership, which is a collaboration of the Playford council and the state and federal government. I will certainly be requesting some detailed analysis of the factors that are responsible for this jump in unemployment, but in trying to seek an explanation I would say that it could largely be attributed to the increase in the parity of the Australian dollar with the US dollar. South Australia, more than any other state, is dependent on trade with the US, and the two most significant components of our trade with the United States are advanced manufacturing (basically out of the Elizabeth area) and wine from our wine growing areas.

We know at this stage that the impact of the dollar is yet to compound on our exports of wine, as they have been fairly immune to the downturn. However, I think we have a fairly good hunch that it has impacted fairly savagely on our manufacturing industry, to the extent that there was discus-

sion in *The Australian* newspaper some four to five months ago about the relocation of a large number of Australian manufacturing operations into South-East Asia as a long-term hedge against upward fluctuations in the Australian dollar against the US dollar. That may well be the reason, but what is the solution? We know that in the Elizabeth area we have a large number of problems facing the community. One of those is a shortage of skills.

Elizabeth (together with the Hunter Valley in New South Wales) has probably the highest and most persistent rates of unemployment in the nation, mostly due to the fact that a large proportion of the population has very low educational qualifications. A large number have not completed school to age 15 and certainly have not obtained trade qualifications. So, we have a skills shortage in the north. We also have extremely poor educational outcomes coming out of our high schools. High schools in the northern suburbs have probably some of the worst educational outcomes in the nation. This means that young people are not going on to university or TAFE and not picking up the skills that will get them into the work force.

Unfortunately, at this point we also have a lack of strategic direction, particularly for advanced manufacturing in the northern suburbs. I put this down largely to the previous government, because we have inherited no type of plan in relation to the manufacturing industry for South Australia. So, we are starting from a completely clean slate, and an enormous amount of work has to be done. We have been working for the last two years through the Office of the North to develop solutions for the problems facing particularly the Elizabeth area. The Office of the North has been deliberately sited in Edinburgh Park to assist in driving that particular industrial site. There is an expectation that within a decade to a decade and a half it may be able to provide up to 15 000 jobs in advanced manufacturing and electronics. My electorate is on the periphery, but the Office of the North has been working with industry to create industry clusters in order to establish long-term training requirements for those industries and to get some feel for the strategic direction of those particular industry clusters, whether they be automotive, defence or electronics. Once we have been able to successfully cluster and work out a strategic direction—

Time expired.

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**Mrs GERAGHTY:** Mr Speaker, I draw your attention to the state of the house.

*A quorum having been formed:*

#### AUSTRALIAN CRIME COMMISSION (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.  
(Continued from 25 February. Page 1461.)

**Ms CHAPMAN (Bragg):** I did not propose to speak on this matter but, in substance, the opposition will support this bill. The genesis of this bill was an agreement between the Prime Minister and the premiers in 2002, in consequence of which legislation was passed in the federal parliament. The purpose of this legislation is effectively to implement the terms of that agreement. In essence, this legislation abolishes the National Crime Authority and introduces the South

Australian Crime Commission. It contains a number of new aspects which will assist to make sure that this new national body will be more efficient and able to undertake inquiries.

My recollection of the second reading explanation is that the Attorney-General explained—and we accept—that, whilst the new legislation will have the effect of ensuring that there will be powers to investigate and impose significant penalties for failing to answer questions in respect of major crimes (once they have been declared), that evidence will not be able to be used in criminal courts against whoever is obliged to answer such questions. Importantly, there will be structural changes in relation to this body which will be vested with the powers and responsibilities for implementing and/or determining that a matter is deserving of the attention of the new Australian Crime Commission. Such decisions will be transferred from a ministerial council to this body which will then refer that responsibility to a group of police commissioners. I think that is an accurate reflection of the legislation. Accordingly, I indicate that the opposition supports the bill.

**Mr SNELLING (Playford):** I wish to briefly add my support for this bill. Terrorist organisations and organised crime operate across state boundaries. It is important that an appropriate national crime organisation have relevant powers in this state to enable it to operate. Another aspect of this bill is to bring together the four or five different national crime investigation organisations under one umbrella, which is a welcome development. I indicate my support for the bill.

**Mr BROKENSHIRE (Mawson):** As has already been indicated by my colleague in another place, the shadow attorney-general (Hon. Robert Lawson), the Liberal Party supports the second reading of this bill, amendments to which may be moved in the other place. The bill was introduced in the House of Assembly on 25 February 2004, and I think it is important to put on the public record that the purpose of this bill is to provide the statutory framework for the new Australian Crime Commission which does replace the former National Crime Authority, commonly known as the NCA.

There has been a lot of discussion on this and I noted with interest during discussion that the then police minister, the member for Elder, the Hon. Patrick Conlon, was speaking about the benefits and importance of getting this crime commission bill through for South Australia as, I understand, it has probably been passed by all other states. This bill obviously came about after discussion with the Prime Minister and, clearly, the premiers and relevant ministers. It is to do with giving Australia the absolute best capacity to combat organised crime, as I see it. For that reason, I personally support it. Whilst there is a lot of political debate about the potential threats to terrorism, intelligence, whether or not the troops that are in Iraq at the moment should be brought home, whether they should stay there as part of the Coalition of the Willing, we will see that sort of debate going on day in and day out and I am sure it will be ramped up between now and the federal election in the spring.

It concerns me immensely that discussions on matters of security of the country can get too carried away with the political agenda around that, rather than what is in the best interests of the Australian community. It is nice to live in peaceful times. It would be great to think that we did not have to be part of a national initiative to further strengthen opportunities for ensuring that we have the best possible chances of preventing crime and also having the best

opportunities for shared intelligence gathering at both national and state levels.

It is interesting on that point, listening to talkback radio. Those of us who are baby boomers sometimes forget the ultimate sacrifice that was paid to allow us to enjoy our lives thus far the way we have. That is, in a safe environment, a democratic environment and an environment that is free, free for us to go about everything from a stroll down the street in safety to building our own personal economic bases to being able to have a Westminster system of parliament. These things came at an enormous price and, indeed, had our forefathers in World War I and II—and my own father was one who was heavily involved in World War II—not been prepared to be eternally vigilant during the war, and to ensure that they were prepared to put their lives on the line to give us this opportunity, then I suggest clearly that we would not have this state and country which we have today to enjoy.

It is sad, I think, that many of the people now writing letters to the editor and people who ring talkback radio, and listen to the debates, in particular the parliament federally, think that simply by wrapping ourselves up in cottonwool we can be protected from terrorism and from major security risks to our country. What would have happened if our forefathers and our foremothers had thought that way back in 1918 and again in 1939-45? We would not even be able to get on the radio to make those comments. Yet, we now have people saying that initiatives to strengthen our intelligence, more money being put into terrorism, combating terrorism, money being spent in defence should not happen.

I will give one example of where people have been so misguided. A person sent an email to a radio station this morning saying that he had been unemployed for 15 years and that, rather than spend money on the defence of the country, we should merely just defend our country and that money spent in anti-terrorism initiatives and the defence department where they are internationally connected, should be dropped so that he can get a job. I wonder why he has not had a job in the last 15 years. But I feel for him that he is clearly not able to understand that Australia is a target. The media do not raise this enough, but you only have to look at the declaration in 1995, where they actually named certain countries that would be subject to terrorism attack, potentially, and at least to threat. If you have a look at the eight or nine countries that were named, Australia was one of those.

That was back in 1995. That is a fact that is documented right around the world. People need to remember and realise that. Simply by not focusing on better intelligence, not focusing on a strong defence and not getting people in our own country to be vigilant—relaxed, of course, to go about their work and recreation—but to be vigilant and on the look out for what could be adverse to our country. I think those people are gravely mistaken.

There is one particular criticism of the NCA, although I must say that I think the NCA did a lot of very good work when they were the National Crime Authority. In fact, being police minister at the time and sitting in on the inter-governmental committee on the National Crime Authority, I saw a lot of that good work. However, there was some particular criticism of the NCA, mainly that the cumbersome mechanism for referring matters for resolution to ministerial councils was not as effective as it should be. That was one criticism.

At an operational level, there was criticism from various police forces that the NCA was uncooperative. I was always concerned when police forces from around Australia made

that claim, because clearly the more we can work together in the national interests for security, the better off the country will be. But at an operational level, publicly it was known that that was a criticism. They also claimed that they were duplicating the work of other law enforcement agencies. There were claims that the NCA was not necessarily that successful in its stated aim, which was bringing justice to organised crime bosses. I know that at times, people said that the NCA was known as the 'no convictions authority'. They used to say, tongue in cheek—or maybe not tongue in cheek—that the NCA acronym really was the no convictions authority.

During the Summit on Terrorism and Multi-jurisdictional Crime in April 2002, the Prime Minister and the state premiers agreed to replace the NCA with a new Australian Crime Commission, known as the ACC. This was proposed by the Prime Minister and I agree with his proposal, because, whilst having a fully integrated approach to prevention of serious major crime, and in particular, terrorism, we do need to have an integrated approach by all relevant state and federal agencies. We also have to have an organisation that can have a single focus on managing all of that. I used to get frustrated myself, when you would go to a meeting—and normally they were in the middle of the year and then again just before Christmas—where all the ministers got together and things were forever being referred back to the senior management group for more information. It could take years to get just one initiative up.

Things have changed now. The world has changed, whether we like it or not. We need to have a commission, we need to have governments, we need to have agencies, we need to have authorities that are out there, proactively getting on with the job. When I say that, that does not mean that ministers, particularly premiers and the Prime Minister, should not have an integral role in the protection and management practices around anti-terrorism initiatives and significant organised crime. I am not saying that for one minute. We need to be able to move faster. While there needs to be checks and balances—and all parliaments need to be involved in this—I do not think we can go on with that role model any longer, because while we are mucking around with that old model, procrastinating, the terrorist organisations of this world are not just sitting back. They are still very active and, sadly, we are seeing it in different parts of the world on almost a monthly basis at the moment.

Earlier criticisms of the NCA are addressed by endeavouring to focus the new ACC on what is called intelligence gathering, in other words, to investigate and then hand over intelligence to other police forces. In addition, there will be approval for coercive action that will require witnesses to answer questions or, indeed, to produce documents that must be authorised by a board of directors and that board of directors will comprise the police commissioners. I think that is a good initiative. At the end of the day, as members would know, if a state disaster occurs (and let us pray that one never happens), it is the police commissioner—and rightly so—who heads all the strategy, work and actions in that regard. Police commissioners are highly trained in this area and they are very experienced and responsible people. I believe that having them as the board of directors rather than the ministerial council (as was the case previously), from the point of view of getting on with the job more rapidly, is an initiative that should be supported.

The commonwealth parliament passed the legislation to establish this new body, which commenced operation on 1

January 2003, and the intergovernmental committee on the ACC has endorsed the model state legislation that will complement the commonwealth act. Therefore, clearly, the effect of what we are doing here today in the House of Assembly is complementary legislation. There is nothing new about that: as long as I have been here, every year there has been complementary legislation to a federal or COAG initiative. The ACC is established under the Australian Crime Commission Act as a commonwealth law. The NCA (State Provisions) Act 1984 is repealed, and the act gives the ACC functions in relation to the investigation of offences against South Australian criminal law and also to conduct intelligence operations into certain serious state offences for which the penalty is imprisonment for three years or more.

As I understand it, the act empowers the board to authorise special operations or investigations. If it does authorise such operations or investigations, an examiner can be appointed to exercise coercive powers—in other words to ask questions and to ensure that documents are produced and so on. Failure to truthfully answer the questions or to produce the documents in itself will be punishable for up to five years or a \$22 000 fine. However, I am also advised that the evidence gained cannot be used in criminal proceedings. But those provisions are pretty similar to the old regime under the NCA.

The Attorney-General has already tabled a detailed second reading explanation and explanation of clauses. We have had an opportunity to look at that, so I will not spend a great deal of time on it. I know that not only our colleagues who are lawyers, but lawyers generally, have argued about the effectiveness of the NCA and the erosion of the right to silence and so on. But, as I said earlier, as I see it this bill merely replicates those provisions. It was strongly supported and promoted by the federal government. I understand that a number of amendments to accommodate concerns have been made by the federal government and that all states have agreed to enact similar legislation. As I said earlier, there might need to be some technical improvements and, therefore, I advise the house that amendments may be moved in the Legislative Council.

**The Hon. M.J. Atkinson:** Can you foreshadow those?

**Mr BROKENSHIRE:** Not at this point. We support the thrust of the bill. I appeal to people to forget about playing the political games when it comes to the most important matter facing Australia today: its security, its protection and its wellbeing. I hope that people will focus more on the sorts of things on which parliaments should be focusing on a daily basis during the debate leading up to the federal election rather than playing political games with respect to such important initiatives such as this. As I said earlier, I do not want to see anyone scared about the world in which we live today than they have to be. South Australia and Australia are still the safest places in the world in which to live, but times have changed. They changed not only on 11 September, as many people say, when we saw the tragic circumstances in New York, but the flag was certainly flown right across the world as far back as 1995 that al-Qaeda, the Taliban and others were going to make life difficult for a number of countries in the future and, whether we like it or not, they chose Australia as one of those countries.

Whilst I would not reveal anything confidential in nature, when I was police minister, certainly well before 11 September briefings were provided to me and my colleagues that clearly indicated that we needed to become more vigilant and step up initiatives to protect the long-term and the short-term

future of Australia. It gives me pleasure to support the Attorney-General and the government with respect to this bill.

**Mr HAMILTON-SMITH (Waite):** I support the bill. I commend the minister's second reading and the contribution of my colleague the member for Mawson. This is a necessary measure. It has been criticised on the basis that it somehow gives up state rights; that it is somehow an imposition from the commonwealth that overruns the state's constitutional and legal authority to go about its business. I do not agree with that view. I am a champion of state rights as much as anyone else in the room, but I think that the challenge we face requires us to take extraordinary measures. We have to be sure that our federal system of government does not open the door not only to organised crime but also to the sort of organised activity that resulted in September 11, the bombings in Bali, the train bombing in Madrid and other such tragedies.

I know there has been criticism of the former NCA. I also know that, whilst this new commission will pick up many of the former roles of the NCA, it has some new responsibilities and powers. I know that these new arrangements will make the system better, and I accept all that. The act will give the ACC certain functions in relation to the investigation of offences against South Australian criminal law and also in relation to conducting intelligence operations into certain serious state offences as well as being empowered to authorise certain special operations and investigations.

One might ask why these special operations and investigations are necessary. The reason for that is that the challenge we now face has changed, and it is most sinister. Many of us grew up during the time of the Cold War. It may seem startling to say it now but they were, in some respects, simpler times. There was the Eastern Bloc and there was the West, which were both armed to the hilt with nuclear weapons and various activities and operations were taking place during the Cold War which were designed to neutralise each other. In an odd sense, the whole net effect of that was to maintain world peace. We managed to get through things such as the Cuban missile crisis. The concept of mutually assured destruction guaranteed that both sides would toe the line. In a way, although it created some chaos it also created some order. The challenge we face now that the Cold War has ended and now that non-state entities are on the scene—be they al-Qaeda, the popular front for the liberation of this or the liberation of that—means that the law enforcement and legal arrangements we have in place also need to change and evolve.

More so, because these non-state terrorist entities are now lining themselves up with organised crime. The links between drugs and terrorism, and organised crime and terrorism, is something I was grappling with and we were grappling with in the Australian Defence Force in the 1980s. The opium industry in Afghanistan and the drug trade in South America are tied up, in the South American case, with Contra and with a range of terrorist organisations in the South Americas and right through the Middle East. These terrorist organisations often raise their funding through illicit activities to do with drugs and other organised racketeering. They are one big amorphous of terror and organised crime. It is very difficult to break them up and separate one from the other. What you need is a device as a nation, a device such as that which will be enabled by this act in the form of the Australian Crime Commission, that cuts across jurisdictional boundaries; that

is able to talk to the federal and state police, ASIO, ASIS and all the agencies that might be involved and take action to investigate and prosecute breaches of state and federal law. We have to ensure that South Australia does not become a haven for such criminal activists in an effort to seek prosecution because our crime prevention and policing agencies are not up to working across jurisdictional borders.

What sort of offences are likely to be prosecuted? I look forward to the next raft of legislation from the Attorney-General that might review some of the offences that exist at present under state law. This new terror that we face, this organised terror, has many facets to it. The lawyers in this house and the lawyers of the world will argue on all sorts of very well-founded legal grounds that one is not guilty of an offence, almost unless one is firing the trigger or throwing the bomb. There is a range of penalties from that which might apply to the person pulling the trigger or throwing the bomb to someone aiding or abetting. I think the aiding and abetting, the assisting and the backgrounding of terrorists and organised criminals is the area where I think our laws may require further review to meet the new challenge, otherwise the ACCC will come up against serious problems. It maybe able to investigate but it will have trouble getting convictions.

How does that manifest itself on the ground? In classic guerilla warfare doctrine there is a fighting force, an auxiliary and an underground. Let me relate that to terrorism because it applies almost uniformly. In terrorism there is the fighting force or the terrorist—the person who may put the bomb on the train here in South Australia; the person who may put the bomb on the aircraft; the person who may assassinate the Consul General; or the person who may physically commit some other terrorist act. But there is an auxiliary behind that person—someone who ferried the gun to its location for its use; someone who ferried the explosives or ammunition; someone who moved other supplies or other necessities for the terrorist act to be committed. I ask: what offence has that person committed?

Even further than that, there is the terrorist underground network that may well already exist in Australia and may well already exist in South Australia: we simply do not know. This underground network might be an elderly couple who wander past a vulnerable site such as Government House, Parliament House, the airport, or whatever, to simply report back what they have seen; simply noting and reporting what they have seen; providing information; providing a safe house to a terrorist; providing background informations and briefings; and providing food and sustenance. This underground network is the sea in which the auxiliary and the fighting force manoeuvre and swim. I ask how the Australian Crime Commission constituted under this act will prosecute people who form part of the underground or the auxiliary, unless the Attorney-General and the government also review a raft of other state laws to ensure they are adequate to gain prosecutions when these people are detected and apprehended.

There will need to be special operations and exhaustive intelligence gathering if we are to win this new conflict into which we have entered. Some politics will be played with this whole issue over the next six months, federally particularly. One side of politics will argue that we need measures such as those we are debating now in order to make Australia a safer place and that we need to be tougher on terrorism. Another side of politics is likely to argue that we do not need to toughen up and that existing laws and existing arrangements are adequate; that in any event the whole thing was caused by the fact that we went to war in Iraq and it will blow



over if we decide to pull out our troops out and apologise to terrorists for having gone to Iraq in the first place. Let me assure you that I am not one of the people who adheres to that view.

The people who will be investigated and prosecuted by the Australian Crime Commission hate us for what we are. They hate us because we are a western country; because we are predominantly a Christian country; because we have stood up for the poor people in East Timor in the face of murder and persecution; because we will stand up for what we believe in; because women have freedoms here that are not enjoyed in their country; because we represent something they find totally abhorrent. You cannot buy safety from these sorts of people. They will not rest until they have prosecuted their cause. For all those reasons we need this bill. For all those reasons we need the Australian Crime Commission with the powers set out in this bill. You cannot go and hide under a rock and hope that somehow or other these terrorists, connected as they will be to these organised criminals, will let you go. In fact, weakness will be pursued by these people and we will be hunted down unless we stand up to it.

As someone who has involvement in this area, one of the greatest dangers with policing, intelligence gathering and defence is duplication, empire building and a silo mentality in regard to intelligence gathering and policing. I think this bill will break down some of those silos. The bill is trying to give us an Australian Crime Commission that will have the support of state and federal legislation; that will have good relationships with state police and state agencies, as well as federal agencies; and that will be able to get about making the streets safer without coming up against the sorts of jurisdictional barriers that historically have been erected. The key to making it work will be to ensure that tasking does not overlap and to ensure that the Australian Crime Commission's investigations and missions do not duplicate the missions and investigations being carried out by state police but, rather, interface with them. The challenge will be to ensure that the crime commission and the state police force, and the federal police for that matter, do not go around arguing, 'That is my investigation, you stay out of it'; but, rather, they work out who will do what and then cooperate to ensure that each agency achieves the results required. I think that will be the challenge.

*Mr Brokenshire interjecting:*

**Mr HAMILTON-SMITH:** As my colleague the member for Mawson points out that is why the bill reflects board arrangements and interconnections that are designed to facilitate that level of cooperation, and I commend the bill for that reason.

In summary, I urge the Attorney and the government to look at other areas of law that may require tightening up to ensure that not only the terrorist (the person who fires the shot) but also the others in the auxiliary and the underground are apprehended, prosecuted and investigated, and that the ACC is free to look at them as well. My view is that those people are as guilty as the person who fired the shot. This is a bill that I think the house should welcome. As I have mentioned, I agree with its content completely and look forward to its passage into law.

**The Hon. M.J. ATKINSON (Attorney-General):** I am most grateful for the opposition's contribution to this debate. The members for Bragg, Mawson and Waite have deliberated in a bipartisan way, and I thank them.

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

**Mr MEIER:** Mr Acting Speaker, I draw your attention to the state of the house.

*A quorum having been formed:*

### STATUTES AMENDMENT (COURTS) BILL

Adjourned debate on second reading.

(Continued from 22 March. Page 1540.)

**The Hon. M.J. ATKINSON (Attorney-General):** I thank members for their indication of support for the bill. Although indicating the opposition's support for the proposed amendments to section 28A of the Courts Administration Act, the member for Bragg suggested that some consideration be given to redrafting the section to accommodate the provision of information by the Courts Administration Authority by means other than the internet. She also suggested that some consideration be given to amending the Wrongs Act to update the language of that legislation so that it may deal with new technologies.

In regard to the amendments to section 28A, the government accepts that the authority may, in future, want to avail itself of technology that will allow for providing information to the public by means other than an internet site. However, at this stage, the Courts Administration Authority has told the government that it intends publishing judgments and sentencing remarks on its internet site only. For this reason, the amendment, the terms of which have been approved by His Honour the Chief Justice, is limited to an internet site maintained by the authority. In regard to the member for Bragg's suggestion that amendments be made to the Wrongs Act, I can advise that the government will consider such amendments, although not in the context of this bill.

The member for Bragg has also asked whether the proposed amendments to the Development Act to allow a judge to sit with only one commissioner are proposed because there are not enough commissioners. I can assure the house that this is not so. The Environment, Resources and Development Court comprises two District Court judges, two District Court masters, three full-time commissioners with expertise in the planning field and 26 part-time commissioners with expertise in areas spanning the jurisdictions administered by the court, including planning, environment protection, water resources, native vegetation and native title.

Planning and development matters are the bulk of the court's work. Judges and commissioners dispose of this work either sitting as a single bench comprising a judge or commissioner sitting alone or a Full Bench comprising a judge and two commissioners. In the planning jurisdiction, part-time commissioners will usually sit as part of a Full Bench—that is, there would be one full-time and one part-time commissioner. The decision not to sit two full-time commissioners is influenced by the fact that full-time commissioners preside over the vast majority of pre-hearing conferences, which are compulsory under section 16 of the ERD Court Act, thereby being ineligible to hear matters that proceed to hearing. Decisions as to the composition of the bench are therefore not about lack of resources but rather about the most efficient use of these resources. If full benches were comprised entirely of full-time commissioners, there would also be an impact on waiting times for conferences—conferences that are convened as soon after lodgement of an application as possible to explore possibilities for settling

matters in dispute between parties and thus avoiding a formal hearing.

The court has provided statistics to demonstrate how it has allocated its full-time and part-time commissioners to the hearing of planning appeals for the period January 2000 to February 2004. These are: of the 214 planning appeals heard, 130 were presided over by a full-time commissioner sitting alone; nine were presided over by a part-time commissioner sitting alone; 14 were presided over by a judge, one part-time and one full-time commissioner. In addition to appeal hearings, the full-time commissioners presided over most planning conferences, which resulted in 40 per cent settling at conference and not proceeding to hearing, and possibly influenced the course of some of the further 30 per cent of matters that are settled or withdrawn before hearing. To put into context the importance of efficiently managing commissioners, the court has been able to reach its time standards for convening conferences by listing them within four to six weeks of lodgement of the appeal.

The member has also asked some questions about the proposed amendments to the Juries Act—specifically, what will be done to ensure that jurors are not disadvantaged by the proposed amendment to section 70 that will allow payments to be made direct to a juror's employer and the consultation undertaken by the courts on the new procedures to protect the identity of jurors. The Sheriff's office has advised that under the new payment procedures no reimbursement will be made to an employer without the signed authority of the juror. The Sheriff's office has also advised on the new procedures about the identity of jurors that there was extensive consultation when the proposed amendments were being crafted. For some time jurors have been worried about having their personal details, full name, address and occupation disclosed in open court and, on occasions, provided in writing to the accused.

*Ms Chapman interjecting:*

**The Hon. M.J. ATKINSON:** Yes. After considering the research from across Australia and overseas, as well as the views of stakeholders in the South Australian system, the recommendation for amendment was formulated. The Sheriff began a review of the management of the jury system in early 2002 after discussions with stakeholders, including the Law Society. A discussion paper was distributed in May 2002 with responses requested by the end of June 2002. The paper was distributed to the following people: judges of the Supreme Court and the District Court; the Attorney-General; the shadow Attorney-General; the Director of Public Prosecutions; the South Australian Bar Association; the Law Society; the Legal Services Commission of South Australia; the Aboriginal Legal Rights Movement; former jurors who had undertaken jury service in the preceding three months; and divisional heads of the Courts Administration Authority, as well as staff of the authority via the internet. Written responses were received from the Law Society and the Bar Association as well as the Director of Public Prosecutions, the Legal Services Commission and the Aboriginal Legal Rights Movement. These responses and views were made known to the judges when they considered their position.

Now to the point that the member for Bragg wishes me to come to, regarding whether any jurors have been the subject of threats. The Sheriff's office advises that actual cases of threats or retaliation against jurors are rare, but they do occur. At the time of preparing the discussion paper in 2002, three incidents had been reported to the police for investigation within the previous eighteen months. In two of these cases jurors had been contacted by telephone at their home, while

the third case involved a packet of items being left on the jurors desk at work requesting that he provide an affidavit about jury deliberations for an appeal. Although none of these incidents resulted in any known physical harm to the jurors, they did distress the jurors and their families.

The member for Bragg has also asked about the concerns I referred to regarding the amendments to reclassify offences against section 56 of the Criminal Law Consolidation Act against children under 12 as major indictable offences. The concerns referred to, namely the impact of the amendments on the number of guilty pleas, were raised during an internal Australian Labor Party consultation on the bill. I can advise that the DPP was consulted on the issue but did not think that this would be a problem. I should also stress that these amendments have the support of the DPP and the Chief Magistrate.

The member for Mitchell supported the bill but raised two points, one of which was about the ERD Court, and I quote:

I cannot understand why there would be offences over which the court has jurisdiction and which have a greater penalty than the monetary jurisdiction of the court. So, unless I am persuaded otherwise by the Attorney's reply to the second reading debate, I will move an amendment which will increase the general jurisdiction of the court to \$2 million to ensure that the court has a free hand in respect of the offences which it examines.

It is a pity that the member for Mitchell has not lived up to his undertaking to wait for his second reading reply, because he has already circulated the amendments.

Let me explain why there are offences over which the ERD Court has jurisdiction and which have a greater penalty than the monetary jurisdiction of the court. The ERD Court has a limited summary criminal jurisdiction for good reason. Australian environmental protection laws are largely civil and regulatory. The main penalties and sanctions faced by environmental offenders are civil ones, and that is why most environmental offences are summary offences and the most serious ones minor indictable. In its criminal jurisdiction the ERD Court is, and is intended to be, the equivalent of a Magistrates Court. The ERD Court tries and sentences very few defendants a year compared with the Magistrates or District Court and for a limited range of summary and minor indictable offences. It is not experienced in criminal trial procedures or in applying the evidentiary rules of criminal trials.

The court has no experience of, or expertise in, conducting a trial by jury. It has no experience of conducting criminal preliminary hearings. It is not accustomed to applying sentencing principles to a wide range of different fact situations and offences. The judges of the ERD Court are appointed on the strength of their knowledge and experience of civil environmental law necessary for the court's primary function of enforcing a civil system of environmental protection and management. Although classified as minor indictable, the more serious environmental offences carry monetary penalties that are much larger than usual for this classification. For example, the maximum penalty for the most serious environmental offence is \$2 million for a body corporate and half a million for a natural person. For these offences if the prosecuting authority thinks that the offence merits a penalty that will be above the ERD Court's limit as a summary court it can prosecute the case in the District Court. The District Court has no limit on the monetary penalty it can impose.

Of course, what distinguishes environmental offences from other criminal offences is that a conviction triggers civil

orders having a far greater financial impact on the offender than the criminal fine. But these orders are not made by a court sitting in its criminal jurisdiction. They are made by the ERD Court in its civil jurisdiction. In this capacity the ERD Court can, in addition to any penalty for contravention of the act:

1. Order the offender to make good any resulting environmental damage and to take specific action to prevent or mitigate further environmental harm;

2. Order the person to carry out a specified project for the restoration or enhancement of the environment in a public place or for the public benefit;

3. Order the person to take specified action to publicise the contravention and its environmental and other consequences and any other orders made against the person;

4. Order the person to pay to any public authority costs and expenses it has incurred in taking action to prevent or mitigate the environmental harm or to make good any resulting environmental damage; and

5. Order the person to pay compensation to any person who has suffered injury, loss or damage to property as a result of the contravention or incurred costs and expenses in taking action to prevent or mitigate the injury, loss or damage.

In addition to any penalty for an offence against the act, the court can order the offender to pay to the Environment Protection Authority an amount that the court estimates to be the amount of economic benefit acquired by or accruing to the offender as a result of the commission of the offence. The EPA then pays the money into the Environment Protection Fund.

As to his second question, whether it would be possible for him to use this bill as a vehicle to amend the law relating to de facto couples to extend property rights to same sex couples, as a matter of law it would. The government hopes, however, that the member can be persuaded to refrain from doing this because the government is about to introduce a comprehensive measure amending more than 60 statutes to equalise the civil rights of same sex couples with those of opposite sex couples in a wide range—

*Ms Chapman interjecting:*

**The Hon. M.J. ATKINSON:** Yes—in a wide range of matters, including—

*Mr Hanna interjecting:*

**The ACTING SPEAKER (Mr Koutsantonis):** Order! The member for Mitchell is out of his seat.

**The Hon. M.J. ATKINSON:**—inheritance, compensation for wrongful death, guardianship, stamp duty, conflicts of interest and other matters. I would ask the member for Mitchell to bear in mind that, when I announced this in a ministerial statement, a number of members of the Liberal opposition announced their opposition to that measure. That measure will amend the De Facto Relationships Act, among others. The government would like these amendments to be made in a comprehensive and consistent way across the statute book, for instance, using consistent terms and definitions, otherwise arrangements made now may simply result in further amendments shortly. The government hopes to introduce the measure within the next few sitting weeks.

Bill read a second time.

**The Hon. M.J. ATKINSON (Attorney-General):** I move:

That it be an instruction to the committee of the whole house on the Statutes Amendments (Courts) Bill that it have authority to consider amendments about the Young Offenders Act and the Youth

Court Act, and a further amendment to the Environment, Resources and Development Court Act about penalties.

Motion carried.

In committee.

Clauses 1 to 6 passed.

Progress reported; committee to sit again.

#### SUMMARY OFFENCES (OFFENSIVE WEAPONS) AMENDMENT BILL

The Legislative Council did not insist on its amendments to which the House of Assembly had disagreed.

#### ADJOURNMENT DEBATE

**The Hon. M.J. ATKINSON (Attorney-General):** I move:

That the house do now adjourn.

**Mr BRINDAL (Unley):** I want briefly to grieve about the editorial in *The Advertiser* this morning. I was dismayed that *The Advertiser* should choose to editorialise on the fact that the opposition has not yet chosen to use question time to ask a series of questions on the very serious ills in the Family and Youth Services report. I am absolutely sick and tired of what purports to pass for intelligent reporting in the state of South Australia. Journalists are here most of the time, but the amount which they bother to read *Hansard* or accurately record the proceedings of this place, in particular, the contributions to debates in this place, is indeed and has for a long time been questionable.

I take particular objection to this morning's story because all members would know that the Leader of the Liberal Party has for some time been raising this and allied matters. Indeed, I have had many discussions (both privately and in the chamber) with government members and my own colleagues about this matter, because we realise that this is a growing problem. The FAYS report was tabled the other day and, as the minister quite rightly said, he was not pleased to table it, but I do not think it came as any great shock to most members of the government bench or members on this side of the house. The fact is that over the last 12 to 18 months we have all become increasingly aware of what is undoubtedly a very long-term problem in this state, one which will be difficult to resolve.

I, personally, and I know other members have as well, have made a number of speeches in this place, which *The Advertiser* has steadfastly ignored, about the plight of young people and families in South Australia which have gone remarkably unreported because *The Advertiser* just did not want to know. Then, when a report comes in and they can read a few statistics and sex it up, *The Advertiser* decides that somehow the opposition is negligent in its duty because it does not ask the number of questions which some journalist has determined should be asked. I am more than a little offended and upset that *The Advertiser* in its editorial believes that it can set the agenda for the opposition and this parliament and that it somehow feels that it is the social conscience of South Australia. It would have a perfect right to do that if it had shown any leadership.

**The Hon. M.J. Atkinson:** It lost that when I left.

**Mr BRINDAL:** The member for Spence says that it lost that when he left. I do not know exactly when it lost it, but I do remember a time when Adelaide newspapers (not only *The*

*Advertiser*) were famous for taking up issues which they thought involved an issue of justice.

**The Hon. M.J. Atkinson:** Splatt.

**Mr BRINDAL:** Yes, Splatt, and the one before that, the Ceduna one which Murdoch took up and nearly got taken.

**The Hon. M.J. Atkinson:** Rupert Maxwell Stuart.

**Mr BRINDAL:** Yes, Rupert Maxwell Stuart.

*The Hon. M.J. Atkinson interjecting:*

**Mr BRINDAL:** Yes, but Murdoch was the one who owned the paper and nearly got burnt over it. We are just having a bit of repartee across the chamber, but the point is that there was a time when newspapers and media outlets in this state, if they thought the parliament was remiss, would take up social causes, but that is no longer the case. Now it is difficult to get *The Advertiser* to report some of the serious issues of the day. Half the time they cannot be bothered. I ask the member for West Torrens who is in the chair to tell me whether he can remember the last time that *The Advertiser* bothered to sit in on a Public Works Committee meeting. They do not bother to attend half of the proceedings of this parliament, yet they would like the people of South Australia to believe that they are the journal of record.

**The Hon. M.J. Atkinson:** It is the journal of record, not the journal of record.

**Mr BRINDAL:** Hansard will spell it the same way whether I say record or record. This will make amusing reading in the future, because readers will not know that we are talking about the difference in pronunciation. As I say, I was offended this morning by that article because this problem has been raised in this house not once but a number of times with very real examples of people having suffered because of the inadequacies of the current system. I can recall—I do not know whether the Attorney was involved—when we were in government and the current Labor Party was in opposition a couple of quite horrendous Family and Youth Services cases involving the death of a young child. I remember a couple of cases at least that were raised then.

So, to say that the opposition is somehow negligent for not asking questions on the day after the report is delivered or to say that this parliament is ignoring one of the most serious issues confronting it is simply not true. It is unfair and unjust not only to the opposition but to every member of this parliament to suggest that we are not taking an issue seriously, one which is often discussed by me with colleagues on both sides of the house. It is discussed in the refreshment rooms, in some of the committees and in general conversation, and it is a matter that concerns this parliament. Just because *The Advertiser* did not get its smart little story or its two or three paragraphs in which it could underestimate everything, somehow we are held to account. This will probably get me another article saying that I deserve to be

dropped from the shadow ministry. I do not care, because it is about time that we in South Australia stood up and said that the people of South Australia are not getting the calibre of journalism that they deserve.

*Mr Caica interjecting:*

**Mr BRINDAL:** They are being treated like seven or eight-year-olds. You go to a journalist with a story and they say, 'We can't write that story, that's too hard, our readers won't understand it.' Most electors (including those of the member for Colton) are not idiots, they are not retarded in their intelligence, and they understand a lot more than *The Advertiser* gives them credit for. They understand that on some occasions this newspaper might be concerned more with advertising dollars than with reporting fact, but I will leave that.

The other matter to which I would briefly draw the attention of the house concerns an opportunity which I believe exists within the Murray Darling Commission. I have been asked about this on several occasions, because I have expressed some concern in a bipartisan way to the minister about having a salt slug stored in Lake Victoria simply because the New South Wales government wanted to get rid of some salty water to fill up the lakes. The member for Chaffey's PA rang and asked me about this. I think one of the intelligent solutions to this problem would be for the commission to talk seriously to the New South Wales government, the South Australian government and the Victorian government about a new paradigm in river management.

It seems to be an anachronism of a condition which existed prior to federation that an area of major storage in our biggest river system, a whole percentage of it, could in fact belong to the New South Wales government, and that the commission only has the top third or the top half. It seems to me that in 2004 and the years ahead if we are going to redress the river system in a holistic way we cannot have someone owning this bit and someone else owning that bit. It strikes me that this is the right time for the ministers to get together and say, 'How can we cut some of these old knots? How can we manage the whole river system and all the resources as a single entity without in any way trespassing on the sovereign or historic rights of New South Wales, Victoria, South Australia or any other government? I know the member for Colton is a convert through Ticky Fullerton's book *Watershed* on the River Murray, as is the member for West Torrens. Ticky Fullerton's book on the River Murray sets an example which we should all follow.

Motion carried.

At 5.04 p.m. the house adjourned until Monday 29 March at 2 p.m.

## HOUSE OF ASSEMBLY

Monday 22 March 2004

### QUESTIONS ON NOTICE

#### SCHOOLS, PRIORITY

83. and 155. **Ms CHAPMAN:** What is the status and details of any program identifying priority schools?

**The Hon. P.L. WHITE:** School and preschool improvement is a clear focus of this government and the Department of Education and Children Services. When we came to government I moved quickly to improve DECS's capacity to support schools which, for a variety of reasons, were experiencing difficulty achieving the sorts of outcomes we would expect in a high quality public education system.

The Government indicated that we would: 'direct new effort to schools in most need' with 'particular emphasis on the early years' (Labor Party's Policy Commitments 2002).

The community is aware that we are focusing on the areas of literacy and numeracy achievement, student attendance and retention.

I have already implemented a number of initiatives that will help school communities, where education results are falling behind, break the cycle of poverty and disadvantage, including:

- An extra 160 Junior Primary salaries to sites with junior primary students in most need reducing these class sizes by up to one third
- The student-mentoring program for secondary school students at risk
- Extra school counsellor salaries for primary schools with difficulties and in need of extra support.
- Extra speech pathology, psychologists, behavioural specialists and attendance counsellor positions
- Targeted resources for schools who were having difficulty in meeting ICT standards

You are also aware of the recent announcement of an additional \$28.4 million to improve school retention rates as part of our overall approach to social inclusion.

I am determined to ensure that our resources are used to gain the maximum benefit for all of students and therefore build the capacity of all our local communities.

You will be aware that schools in need are identified for extra resources by mechanisms such as the Index of Disadvantage, students with disabilities verification and isolated students index.

Further to these mechanisms, the Priority Schools Program addresses specific issues that need improvement and are identified by the school principal and the District Director. This work will occur within the larger context of supporting systems of school improvement for all sites.

The model we are developing in SA will encourage positive intervention at all levels of the system. The Priority Schools Program is premised on the assumption that every school is effective in some areas of its work and struggles in others. This means that no one group of Priority Schools will be identified. Schools targeted for support will vary depending on the issue. The program directs resources where research and data analysis suggest that focused action can make a difference to student learning outcomes.

Principals and district directors may request intervention and support to address school performance issues in situations where they believe that is necessary.

The Priority Schools Program intervention will depend on the issues being faced by each school community. In some cases this may require a school review to look more closely at the identified issue in order to determine what type and level of support is needed to effect long-term improvement. The Priority Schools Program will coordinate the support required to make the biggest difference to student learning outcomes.

There are a number of areas that may be the subject of improvement and would be indicated by school data. These include the professional skills of teachers such as ICT skills, parent or student satisfaction levels, staff morale and student achievement and retention levels.

The Priority Schools Program will work closely with the District Director and the Principal to ensure that support processes are properly coordinated, and that the changes required are monitored and outcomes reported.

School improvement will be designed to suit the developmental needs of the school community. This may be through

- 1:1 support through a district improvement coordinator,
- A cluster based approach where a number of schools with similar developmental concerns work cooperatively with the Priority Schools Unit and district officers over time
- or a state wide initiative such as action research through the National Quality Schools Framework which links schools working on certain improvement projects with other schools throughout Australia.

#### RAIL LINES

185. **Dr McFETRIDGE:** When will a transport plan be implemented and funding allocated to standardise the remaining broad gauge rail lines in South Australia?

**The Hon. M.J. WRIGHT:** There are four remaining broad gauge rail networks in South Australia.

South East

On 12 December 2003, I announced a future direction for the rail lines in the South East following Cabinet's decision to the former Government's tender process.

The Government has resolved to work with the Victorian and Federal Governments, and the private sector, to get the South East Rail network re-opened for business.

State Government's new approach will open the way for us to work with the Victorian and Commonwealth Governments on a more comprehensive response to the proposed standardisation of the rail network in the south east of South Australia and the south west of Victoria.

The Green Triangle Rail Network includes the broad gauge railway between Wolseley and Mount Gambier and out to Millicent and the Victorian border, as well as the dormant broad gauge sections in Victoria that link Mount Gambier to Portland.

Mount Barker and Victor Harbor

Between Mount Barker and Victor Harbor, Steamranger run a Heritage railway operation. There are currently no proposals for standardisation.

Snowtown and Wallaroo

The railway line between Snowtown and Wallaroo, which is partially leased by the Lions Club of Yorke Peninsula Rail Inc, is primarily mixed gauge, with a short section of broad gauge only rail line. The Department of Transport and Urban Planning will continue to liaise with Yorke Peninsula Rail Inc to determine if there is any demand to operate on standard gauge only.

Metropolitan Adelaide, Mid North and Barossa Valley

The most significant remaining broad gauge network is the TransAdelaide metropolitan network, and the Australian Railroad Group owned network from Gawler to the Barossa Valley, Balaclava, Burra and Kapunda.

The Department of Transport and Urban Planning currently is investigating the option of standardising the metropolitan rail lines.

An important component of any metropolitan standardisation project is the upgrading of the TransAdelaide tracks with sleepers that are suitable to be gauge converted. The installation of gauge convertible concrete sleepers on the Outer Harbor line was one of the first decisions taken by the Government when it entered office. TransAdelaide is developing forward plans for further resleepering that will be considered by the Government.

#### WATER LICENCE FEES

190. **Dr McFETRIDGE:** How will any dramatic increase in annual water licence fees impact the EPA and SA Water?

**The Hon. J.D. HILL:** Water licences authorise the taking and use of water from prescribed watercourses, wells or surface water resources throughout South Australia. No annual fees are charged for water licences, however, a fee is charged when applications are submitted to issue new or transact existing licences. Licence fees are set by regulation and are therefore subject to scrutiny by Cabinet and Parliament.

SA Water would only be impacted by a dramatic increase in licence fees if it changed its current licensing arrangement. The EPA is not impacted by increases in water licence fees.

### WATER QUALITY

**192. Dr McFETRIDGE:**

1. How were the current water quality sampling sites determined in the Patawalonga Lake and along the coastline, who determined the sites, what are the individual results, is the testing ongoing and will the current locations be reviewed?
2. Is the Barcoo Outlet performing as it was designed, what have been the results from regular water quality monitoring and what is quality of the outlet water compared to normal urban storm water?

**The Hon. J.D. HILL:** I have been advised:

1. The current water quality sampling sites in the Patawalonga Lake and along the coastline were determined by an Environment Protection Authority (EPA) assessment of sites that were representative of lake and beach waters for swimmers.

The water quality sampling targeted storm events as these carry the greatest pollutant loads. The EPA considers that sufficient data has been collected to provide guidance to swimmers following most storms. However future sampling, following large summer storms, will be required to provide guidance for swimmers following such storms.

It is not anticipated that the current locations will be reviewed. It is important to collect samples from the same locations so that results can be compared.

Monitoring results are attached.

2. The EPA is not responsible for the assessment of the performance of the Barcoo Outlet against design criteria, however it has operated two water quality monitoring programs associated with the Barcoo Outlet, a targeted program to assess water quality in the Patawalonga Lake and adjacent beaches and an ambient water quality program.

The targeted program in the Patawalonga Lake and the adjacent beaches following a storm has shown that water quality deteriorates for a few days.

In the Patawalonga lake the water is unsuitable for recreational activities eg swimming for two to three days after a storm. On advice from the Department of Human Services notices have been erected by local council around the lake advising people not to use the lake during this time. Similar notices are posted around West Lakes.

Although water quality also deteriorates on the adjacent beach following a storm event it is still generally suitable for recreational use. As a precautionary measure the Department of Human Services advises that swimming at the beach should be avoided in discoloured water after rain. A communication strategy and appropriate signage to this effect has been developed.

Ambient water quality monitoring of the metropolitan beaches occurs fortnightly over summer and monthly in the winter months. The results show that water quality can generally be classified as 'good' for recreational use.

It is difficult to directly compare the outlet and 'normal' stormwater quality. Stormwater quality varies markedly depending on the time between storm events, the magnitude of the event, seasonal differences and the nature of the catchment.

### STAR FORCE, ALLEGATIONS

- 202. Mr HANNA:** Are the allegations that Star Force Police Officers initiated the disturbance with members of the Gypsy Jokers Motorcycle Club at Beachport in 2001 substantiated, has there been any review of Star Force strategy regarding large gatherings since the incident and has any disciplinary action taken against any officer over the incident and if so, what are the details?

**The Hon. K.O. FOLEY:**

1. 'The Acting Commissioner of Police advises that the allegation has not been substantiated.
2. Star Group works within procedures laid down in the SAPOL Public Order Management Plan. This document relates to handling crowds and is regularly reviewed.
3. No disciplinary action has been taken against STAR Group members or any other police officer for activities at Beachport.

### ADELAIDE ENTERTAINMENTS CORPORATION

**212. Mr HAMILTON-SMITH:**

1. When will the Adelaide Entertainments Corporation be in a position to return a dividend, why has the Recovery of Production Costs tripled in 2002-03 and will the recent review of Food and Beverage Operations result in reduced costs in the future?
2. What have been the key outcomes for the three dedicated function venues—Alchemy, Rubikon and Revelations?

**The Hon. J.D. LOMAX-SMITH:** In 2002-03 the Adelaide Entertainment Centre (AEC) recorded an operating surplus of \$416,000.

Recovery of Production Costs

The recovery of production costs for 2002-03 was \$1,169,000 against \$551,000 in 2001-02.

There was an increase from 46 performance days in 2001-2 to 63 in 2002-03, with many large scale performance events in the latter year.

Review of F & B Operations and Reduction of Costs

In 2002, Deloitte Touche Tohmatsu undertook a review of the food and beverage operations at the Adelaide Entertainment Centre and found that:

'The return achieved by the AEC for the food and beverage operation is at the higher end of the return and performance of comparable venues.

The return being achieved by the Centre from the food and beverage operation is equivalent to, or better than, that which may be received from an external caterer. (Deloitte Touche Tohmatsu - October 2002)'

2. The three function rooms are used for a range of functions and special events including banquets, conferences, trade shows and weddings. These rooms do not have individual revenue targets, as staff schedule events in the various spaces so as to maximise total AEC income over a particular period.

The income stream from the three function venues has increased by 32 per cent during the past three years.

### NATIONAL WINE CENTRE

- 215. Mr HAMILTON-SMITH:** When will the report into the National Wine Centre conducted by Ferrier Hodgson's Bruce Carter be released?

**The Hon. K.O. FOLEY:** A copy of the report prepared by Mr Bruce Carter into the National Wine Centre was forwarded via letter to the member for Waite on 16 February 2004.

### SOUTH AUSTRALIAN MUSEUM

- 217. Mr HAMILTON-SMITH:** With respect to the South Australian Museum in 2002-03:

1. Why was there a reduction in Expenses from Ordinary Activities?
2. What additional cleaning and maintenance funding was allocated to cater for the extra floor space acquired by Museum?
3. Why did Payments for Administration reduce by \$500,000?
4. Why was there a decline in visitor numbers?
5. Why has the program 'Out of the Glass Case' cancelled and will it be reintroduced?

**The Hon. M.D. RANN:** I have been advised:

1. There was not a reduction in expenses from Ordinary Activities in 2002-03. The Museum's audited financial statements indicate that expenses from Ordinary Activities increased by \$331,000 in 2002-03.

2. The previous Government failed to make provision for the extra costs associated with redevelopment of the South Australian Museum. However, the costs are being considered as part of the current Budget process.

3. In relation to this matter, I have provided the following information in response to your question asked on 12 November 2003:

'In 2002-03, the State Government provided the Museum with an operating grant of \$7,328,000, an increase of almost \$500,000 on the previous year's grant. The 2002-03 grant included a wages increment relating to the 2001 Enterprise Agreement and an increase in superannuation charges, as well as funding to meet increases in whole-of-government charges due to the realignment of baseline electricity charges/supplementation and an increase in corporate service charges.

At the same time, in 2002-03, the Museum was required, as its contribution towards the State Government's agreed savings targets, to absorb a reduction in its operating grant of \$100,000 and to forego any indexation for inflation.'

4. In relation to this matter, I have provided the following information in response to your question also asked on 12 November 2003:

'Visitor numbers for 2002-03 were 668,045 as compared to 743,994 in 2001-02. An analysis of visitor attendances undertaken by the Museum identified the absence of an extended

Summer Program of free activity ('Out of the Glass Case') as being the major cause of the decline.'

5. In 2001-02, the Museum received additional once-off funding from Arts SA to run weekend programs of free activities as part of its 'Out of the Glass Case' program from mid-November 2001 to the end of March 2002.

**INDIGENOUS MEDICAL SCHOLARSHIPS**

218. **Dr McFETRIDGE:** How much Government funding has been allocated to the Indigenous Medical Scholarships Project and many scholarships were approved in each year since 1999-2000?

**The Hon. L. STEVENS:** The Indigenous Medical Scholarship was initiated in 1999 for Indigenous students studying the Bachelor of Medicine/Surgery. In 2001 the Scholarship was extended to cover those students studying in the nursing and allied health areas and can

now also be utilised to assist other areas that would increase the health and well-being of Indigenous Australians.

The Indigenous Medical Scholarship Project now operates nationally, based on the SA model.

The Indigenous Medical Scholarship has been allocated \$400,000 since 1999-2000. In this time 14 Scholarships have been awarded, comprising:

- two in 00-01;
- six in 01-02; and
- six in 02-03.

Two Scholarship recipients have graduated in medicine and five in nursing. One Scholarship recipient has transferred to the University of Newcastle. There are currently seven Scholarship recipients in SA, with another four allocated for the 2004 academic year.

Other initiatives funded by the Indigenous Scholarships Project have included:

Allocated Funds	Initiative
\$15,000	Cardio Vascular Training to Aboriginal Health Workers
\$27,000	Training for 11 community people in Port Augusta in Certificate 3 Aged Care, all have graduated
\$16,000	Enrolled Nursing Cadets at Coober Pedy Hospital – both graduated
\$10,000	University of SA Summer School Program for Indigenous students
\$60,000	Aboriginal Health Council for training of Indigenous people in Aboriginal Primary Health Care Certificate
\$32,000	Undergraduate Registered Nursing employment at the Port Lincoln
\$30,000	Personal Care Training (including disability) in the APY Lands
\$20,000	Umoona Community Council – Coober Pedy – 4 Community people training and employment in Alcohol & Other Drugs and Community Services.
\$10,000	Umoona Aged Care – 2 Community people trained and employed in Aged Care.
\$5,000	Coober Pedy Hospital – 1 community person trained and employed in Aged Care
\$30,000	Tutor support – Pika Wiya Learning Centre for 15 Community people studying Enrolled Nursing

**HOSPITALS, WAITING LISTS**

219. **Dr McFETRIDGE:** What are the current orthopaedic waiting times and lists at the Repatriation General Hospital, Flinders Medical Centre and Noarlunga Health Centre, respectively, and what were the comparative details in 1999?

**The Hon. L. STEVENS:** The median waiting times for Orthopaedic Surgery for people on the Surgical Booking List were:

	31 December 2003	31 December 1999
Flinders Medical Centre	10 weeks	9 weeks
Repatriation General Hospital	8 weeks	7 weeks
Noarlunga Health Centre is not part of the Booking List Information System (BLIS) so no data is available.		
January data is not available until the end of February.		

	5048	134	86	78
		Serious Criminal Trespass Residence		
Postcode		2000-01	2001-02	2002-03
5040		16	24	17
5044		101	138	82
5045		229	236	190
5046		89	100	92
5048		120	103	125
		Property Damage inc Graffiti		
Postcode		2000-01	2001-02	2002-03
5040		38	43	54
5044		210	231	224
5045		557	568	565
5046		350	370	421
5048		356	416	462

**HERITAGE LIST**

223. **Dr McFETRIDGE:** How many buildings were added to the State Heritage List in 2002-03 and how many buildings were delisted.

**The Hon. J.D. HILL:** During 2002-03:

- During 2002-03:
- 11 places were provisionally entered,
- 11 places were confirmed, and
- 3 previously confirmed places were removed.

**CRIME STATISTICS**

228. **Dr McFETRIDGE:** What are the statistics for car thefts, house breaks and property damage in each of the following postcode areas—5040, 5044, 5045, 5046 and 5048 for 2000-01, 2001-02 and 2002-03?

**The Hon. K.O. FOLEY:** The following information is provided:

Postcode	Theft of Motor Vehicle		
	2000-01	2001-02	2002-03
5040	9	4	7
5044	67	66	35
5045	264	215	203
5046	177	169	109

**SPEED CAMERAS**

229. **Dr McFETRIDGE:** What were the top five speed camera revenue locations within the boundaries of the Morphett electorate for each year since 1999-00 and in each case:

- (a) how much revenue was raised;
- (b) how many expiation notices were issues;
- (c) how many times did the site operate; and
- (d) how many casualty accidents occurred at or near the site?

**The Hon. K.O. FOLEY:** The Commissioner of Police advises that the SA Police computer record holdings are unable to extract information on expiation notices issued on electorate basis.

**131444 CALL CENTRE**

230. **Dr McFETRIDGE:** How many operators staff the 131444 call centre and how many complaints have been received regarding service?

**The Hon. K.O. FOLEY:**

- 1. The SAPOL Call Centre is staffed by 32 full time operators, 12 part time (0.5 of a Full Time Equivalent) operators and 10 casual operators.
- 2. The Call Centre commenced operations in January 2001. From that time to the present time there have been 10 complaints

regarding service.

#### REGISTRATION CONCESSIONS

232. **Dr McFETRIDGE:** Will motor vehicle registration concessions be extended to the long term unemployed?

**The Hon. P.L. WHITE:** No. To extend benefits further would come at the cost of revenue to the Highways Fund and Hospitals Fund (stamp duty on Compulsory Third Party insurance) and would likely need to be recovered through a general increase in registration charges for the general public.

#### BOATING FACILITIES FUND

233. **Dr McFETRIDGE:** Why is revenue being directed from the Boating Facilities Fund to the Boating Industry Association of South Australia to fund a book of river and coastal charts when there are already two existing books which contain this information?

**The Hon. M.J. WRIGHT:** Approval of funding assistance to this project was given based on the recommendations provided by the SA Boating Facility Advisory Committee, the membership of which represents the broad spectrum of recreational boating interest groups in this State.

It was funded through a Treasury allocation to Transport SA for support of special recreational boating projects; not by the Boating Levy Fund.

I am advised that only one other publication exists that contains a similar type of navigation information; this being the 'River Murray Pilot'. However it deals exclusively with River Murray issues, does not contain charts to scale, has no GPS references, nor does it provide emergency service information.

A series of coastal navigation charts produced a number of years ago by the former Department of Marine and Harbors is no longer published. The few remaining copies in circulation contain information that is now outdated.

The Boating Industry Association publication will cover both River Murray and Coastal navigation. It has been designed as modern up to date information, a consolidated volume of user friendly maps commensurate with those already produced for the eastern seaboard, and will contain scalable maps and charts, as well current navigation hazard information and emergency response procedures.

#### MOTOR VEHICLE ACCIDENTS

235. **Dr McFETRIDGE:** How many motor vehicle accidents and injuries, respectively, occurred in the vicinity of the Anzac Highway, Tapleys Hill and Brighton Roads intersection for each year since 2000-01?

**The Hon. M.J. WRIGHT:** The number of reported crashes and resultant injuries at this intersection since 2000 are as follows:

Year	Property damage only	Casualty crashes	Serious injuries	Minor injuries
2000	38	6	1	9
2001	37	4	0	4
2002	19	5	1	4
2003	*Not Available	4	0	6

\*At this stage, processing and checking of data is not complete.

#### SHARED PATHS PROGRAM

248. **The Hon. M.R. BUCKBY:** What funding was allocated to the Shared Paths program in 2002-03 and 2003-04 and what specific areas were funded?

**The Hon. M.J. WRIGHT:** Shared paths are funded through the State Bicycle Fund, which is administered by the transport agencies of the Department of Transport and Urban Planning. The State Bicycle Fund is a subsidy funding program available to all South Australian Councils on a dollar for dollar basis. Councils are invited to apply for funding for a range of cycling initiatives, including on road bicycle lanes, off road shared paths, bicycle route signage and mapping and initiatives to encourage more cycling.

In 2002-03 a total of \$494,500 was allocated for shared paths in 20 Council areas, (Alexandrina, Campbelltown, Cleve, Franklin Harbour, Grant, Kingston, Marion, Mitcham, Mount Gambier, Murray Bridge, Onkaparinga, Port Augusta, Roxby Downs, Salisbury, Streaky Bay, Tatiara, Tea Tree Gully, Victor Harbor, Wattle Range, West Torrens).

In 2003-04 a total of \$98,000 was allocated for shared paths in 8 Council areas, (Barossa, Mitcham, Mount Barker, Mount Gambier,

Onkaparinga, Salisbury, Unley, Yankalilla).

#### RAPID BAY JETTY

250. **The Hon. M.R. BUCKBY:** When will the Rapid Bay jetty be repaired or upgraded?

**The Hon. M.J. WRIGHT:** Public access to Rapid Bay jetty is available for approximately 375 metres. However, due to storm damage, access to the outer extremities has been restricted, to address safety concerns.

A new diver access platform has been constructed to allow scuba divers to get into the water near the end of the open section of jetty rather than swim out from the beach.

Transport SA is continuing to have discussions with key stakeholders regarding the long term future of the jetty and all stakeholders will be consulted before a final decision is made.

It is unlikely that any major remedial work will be done for at least 12 months.

However, any emergency repairs will be performed as required.

#### PERPETUAL LEASES

236. **The Hon. G.M. GUNN:**

1. How many applications to freehold perpetual leases were received by 31 December 2003 and when will they be processed?

2. Will high rental lessees be able to freehold under the same conditions as low rental lessees and will miscellaneous farming lessees be able to freehold under the same conditions as perpetual lessees?

**The Hon. J.D. HILL:**

1. The number of applications to freehold perpetual leases that were received by 31 December 2003 was 8,737. They will be processed over a four year period in numerical order, taking into account any lessees' requests for processing earlier or later in the period.

2. For perpetual leases where the annual rental is greater than \$100, the price to freehold is calculated as 20 times the annual rent. Where an application is for multiple contiguous leases, all of which have the same name and registered interests, the sum of the rental on the leases is used to determine whether the freehold price is calculated on 20 times the total rent.

Miscellaneous leases are not included in the discount offer to freehold.

#### UNMARKED POLICE VEHICLES

237. **The Hon. G.M. GUNN:** How many unmarked police vehicles patrolled the Eyre and Stuart Highways in the previous six months?

**The Hon. K.O. FOLEY:** South Australia Police have a total fleet comprising approximately 850 vehicles excluding motorcycles, of which approximately 300 are unmarked police vehicles. Such vehicles are subject to use throughout the State assisting police in the provision of essential policing services. A wide range of units including crime, tactical support, inquiry and traffic police have access to unmarked police vehicles.

Due to the broad complexity of the policing services which utilise unmarked police vehicles, it is not practical for SAPOL to identify the individual occasions when unmarked police cars patrolled the Eyre Highway or Stuart Highway within the last six months.

241. **The Hon. G.M. GUNN:** Why was the police car operating a speed detection device allowed to park on the median strip opposite the Gepps Cross drive-in on 1 February and under what circumstances are police exempt from parking restrictions?

**The Hon. K.O. FOLEY:** Speed camera vehicles are exempt from the provisions of Part 12 of the Australian Road Rules, which relate to the restrictions for vehicles stopping and parking. This exemption was granted on 7 January 2001 by the Minister for Transport from the previous Government, pursuant to Regulation 7 of the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999. Therefore, these vehicles are legally parked when acting in that capacity.

#### ROAD SAFETY

247. **The Hon. M.R. BUCKBY:** Will a reward system for drivers not involved in car accidents or issued with speeding fines within a certain timeframe be implemented and if so, what are the details?

**The Hon. M.J. WRIGHT:** In January 2004 the Road Safety



Advisory Council (RSAC) presented to the Government 25 recommendations for a second phase of road safety reforms for South Australia.

The Council has also identified 13 key road safety issues that it will further investigate during 2004, including an option to promote safer and improved driver behaviour through the establishment of driver incentive programs.

The Council will further examine the merits of an incentive scheme in South Australia during 2004.

#### RAIL TRANSPORT FACILITATION FUND

251. **The Hon. M.R. BUCKBY:** What is the current balance of the Rail Transport Facilitation Fund?

**The Hon. M.J. WRIGHT:** The balance of the Rail Transport Facilitation Fund as at 31 January 2004 is \$7,076,969.

#### ROAD SAFETY OFFICERS

252. **The Hon. M.R. BUCKBY:** Will the Road Safety Officers from the Driver Standards section at Oaklands Park begin road testing vehicles in the next twelve months and if so, what are the details?

**The Hon. M.J. WRIGHT:** My Department has advised me that the Road Safety Officers from the Driver Standards Group at Oaklands Park do not road test vehicles and there are no plans for them to do so in the future.

The primary function of Road Safety Officers is to audit authorised driver licensing examiners.

#### ROAD ACCIDENTS

254. **The Hon. M.R. BUCKBY:** Do all agencies investigating fatal road accidents consider all factors relating to the state of the road and whether the lack of maintenance has contributed to the cause?

**The Hon. K.O. FOLEY:** The Commissioner of Police has advised that the South Australia Police, Major Crash Investigation Unit has a state-wide responsibility for the investigation and prevention of fatal vehicle collisions.

Every fatal vehicle collision is investigated to:

- Identify the cause and reason for the fatal crash in an endeavour to reduce or prevent similar crashes in the future.
- Place evidence before the Court for the offending driving.

Where it is identified that there may be an issue with road conditions, signage and/or the surrounding environment, Transport SA or the appropriate Local Government responsible for that road is advised.

Major Crash Investigation Unit has regular meetings with Transport SA and the Centre for Automotive Safety Research (CASR) where the investigation of serious collisions are reviewed and any factors regarding the cause and likely preventative measures are discussed.

#### HISTORIC VEHICLE REGISTRATION SCHEME

255. **The Hon. M.R. BUCKBY:** Will historic vehicles currently fitted with LPG be required to revert to petrol at the end of their current registration?

**The Hon. M.J. WRIGHT:** The historic vehicle registration scheme was introduced in South Australia in 1992 and was developed in consultation with the Federation of Historic Motoring Clubs SA Inc. It was never intended to include significantly modified vehicles, as the modifications compromised the historic integrity of the vehicle.

In 2002 the Federation approached the Registrar of Motor Vehicles with a view to establishing clear guidelines on what modifications were acceptable for vehicles to be eligible for the scheme. Following consultation with key stakeholders the 'Code of Practice for Historic Vehicles Prescribed Left Hand Drive Vehicles' was released in April 2003 to recognised motor vehicle clubs. This code provides clear guidelines to assist club members to establish if a vehicle is acceptable to register under the Scheme.

During the consultation process, the matter of LPG conversions was discussed. While a consensus was not reached, the Registrar of Motor Vehicles considered that the fitting of LPG compromises the historical integrity of the vehicle and, therefore, these vehicles should not be eligible for the scheme.

Although there are some vehicles fitted with the LPG that have inadvertently been registered under the scheme, no further vehicles

with LPG will be approved. Vehicles currently registered under the scheme will have until April 2005 to have the LPG removed, or the vehicle registered fully.

#### DRUG AND ALCOHOL REHABILITATION PROGRAMS

257. **Dr McFETRIDGE:**

1. What is the government's expenditure for drug and alcohol rehabilitation programs and facilities, respectively, for 2002-03 and 2003-04?

2. Do drug and alcohol rehabilitation counselling and facilities operating outside of the public health system receive any government funding and if so, what are the current details and future arrangements?

**The Hon. L. STEVENS:**

Year	Total Expenditure
2002-03	\$22,600,330
2003-04	\$23,230,700

2. 39 agencies are funded by the South Australian government to deliver drug and alcohol treatment and support services. 24 of these are either non-government or community organisations.

It is intended that the non-government sector will develop increased capacity to respond to alcohol and drug issues over the next 3 years.

#### CANCER PATIENTS

258. **Dr McFETRIDGE:** How many young and teenage cancer patients in the care of the South Australian health system have been offered placements in clinical trials of new treatments and how many have participated since 2001?

**The Hon. L. STEVENS:** Information on the number of young and teenage cancer patients offered placements in clinical trials and participating in clinical trials is currently not collected for the South Australian health system. Collecting this information would be a major undertaking for the State's hospitals, requiring a search of casenotes matched to diagnostic and age categories. It is also not possible to report the number of young and teenage cancer patients who discussed but declined participation in clinical trials, as this is not recorded in individual casenotes.

Most young cancer patients are treated at the Women's and Children's Hospital (WCH). In 2002-03 there were 154 research projects approved by the WCH Research Ethics Committee. A breakdown into cancer and non-cancer research projects is not possible with currently collected information. Participants in cancer research projects may include cancer patients and non-cancer patients. Projects are required to provide an annual report on the status of the trial but this does not necessarily include numbers of subjects.

#### ROAD ACCIDENTS

261. **Dr McFETRIDGE:** How many road accidents were reported and how many fatalities occurred in each year since 2000 and what has been the impact of the introduction of 50kmh speed limits?

**The Hon. M.J. WRIGHT:** The number of reported road crashes in South Australia and number of fatalities since 2000 are as follows:

Year	No. Reported Crashes	No. Fatalities
2000	40,603	166
2001	40,788	153
2002	40,130	154
2003	39,300 (provisional)	156

Note that the total number of reported crashes for 2003 is provisional, as final processing and checking of data is not complete.

The first anniversary of the introduction of the 50 km/hr default speed limit in built up areas is 1 March 2004.

Since the introduction of 50 km/hr from March to December 2003 there were 5 fatalities on 50 km/hr local roads.

This is a reduction of 68 per cent compared to the March to December 2002 fatality total on local roads of 12 fatalities.

That figure of 5 fatalities is also 44 per cent below the previous March to December 3-year average of 9 fatalities.

Preliminary casualty crash data for all local roads with a speed limit of 60 km/hr and under in the Adelaide metropolitan area show that the average number of casualty crashes per month from March to December in 2003 is 19 per cent lower than the average number

of casualty crashes per month on local roads for the previous 3 years.

#### CHILD CARE

263. **Dr McFETRIDGE:** How many childcare centre licences were issued by the State Government in each year since 2000 and what is the average childcare centre capacity?

**The Hon. P.L. WHITE:** Childcare centre licences are issued on demand by the Department of Education and Children's Services, provided that services meet minimum regulatory requirements as specified in the Children Services (Child Care Centre) Regulations 1985. I am advised by my department that:

- In 2000, 5 new licences were issued.
- In 2001, 4 new licences were issued.
- In 2002, 5 new licences were issued.
- In 2003, 19 new licences were issued.

The number of childcare centre licences that can be issued is not restricted, but the unmet demand for childcare centre places will not be addressed by increasing the number of licensed childcare centres.

The shortage of qualified staff is a national issue for the childcare sector. At present, 18 per cent of all childcare centres in South Australia are unable to recruit the required minimum number of qualified staff. Although it is a federal government funding responsibility, the State government is helping the sector to address this shortage by giving childcare workers the opportunity to gain scholarships to help them to gain their qualifications.

In South Australia the current average capacity of a childcare centre is 50 children. In recent years, the Commonwealth has relied upon market forces and growth in the private sector to increase the supply of centre-based childcare places, but this strategy is failing to meet continuing strong demand for childcare in this state.

I have written to, met with and lobbied the Federal Minister for Children and Youth Affairs about the issues facing the childcare sector. However, unless the State Opposition changes its position and joins me in lobbying the Federal Government to change its policies in this area, issues such as a shortage of childcare places, high fees and childcare staff shortages will not be resolved.

#### NATIVE VEGETATION ACT

268. **The Hon. G.M. GUNN:** Do the provisions and exemption criteria of the Native Vegetation Act 1991 apply equally to Government agencies, employees and private landholders and if not, how is it different?

**The Hon. J.D. HILL:** The Native Vegetation Act 1991 was amended by Parliament during 2002, with the Regulations, including the exemptions, amended on 25 August 2003.

Prior to these changes, works of the Crown were exempt from the need to obtain a clearance consent. In effect, Government agencies were able to undertake programs without taking into consideration the impacts of those works on any native vegetation.

The regulation changes of August 2003 require Government agencies to comply with the clearance legislation. At the same time, it is recognised that the role of the Crown is, in part, the provision of public infrastructure and services. The amended regulations enable the continued provision of these services through the establishment of approved "Standard Operating Procedures" (SOPs).

Once endorsed by the Native Vegetation Council, SOPs allow agencies to manage and implement their works program, without the need to seek the approval of the Native Vegetation Council for each project. Consistent with the objectives of the legislation, the SOPs also ensure that the impact on native vegetation is minimised and an environmental gain is established.

Emergency maintenance works for the continued supply of electricity or maintenance of other infrastructure is provided for within the amended regulations.

A similar approach that allows landowners to manage their day to day business while still working within the framework of the legislation is also reflected in a number of other exemptions adopted in last year's amendments. Those changes provide for a greater level of flexibility through the development of management plans.

As with the Standard Operating Procedures being developed by Government Departments, the development of a management plan and its subsequent approval by the Native Vegetation Council allows landowners to undertake works on their property without the need for an approval to be obtained on each and every occasion where clearance may be involved.

Examples where a more flexible approach has been adopted include:

- works by a group of landowners associated with fuel reduction

over a number of adjoining properties;

- the management of native vegetation to maintain established grazing patterns;
- changes in grazing patterns on properties, including pastoral leases;
- clearance associated with a program to maintain the biodiversity values of an area; and
- clearance associated with a pest plant and animal control program.

In summary the changes extend the controls to cover Government agencies, while providing a complementary process for landholders that allows for continued operations within agreed management frameworks.

#### 270. The Hon. G.M. GUNN:

1. Are the provisions of the Native Vegetation Act 1991 being enforced by its officers to the extent that they interfere with the daily operations of farms and pastoral properties, and what action can be taken to ensure unreasonable actions by officers do not occur?

2. When will the membership terms of the Native Vegetation Authority expire?

#### The Hon. J.D. HILL:

1. The *Native Vegetation Act 1991* like many other pieces of legislation, does place a requirement on landowners across the State, to obtain the necessary approvals before clearing any native vegetation. Like all processes requiring a consent, be it a building approval or a change in landuse, the person seeking the approval needs to undertake appropriate planning consistent with the legislative framework.

In fact recent changes to the *Native Vegetation Act 1991*, and Regulations have introduced processes that allow for a greater level of flexibility for a number of activities previously requiring a consent. These changes allow landowners to plan activities in advance and, subject to the development of management strategies endorsed by the Native Vegetation Council, undertake those works without the need for continual referral back to the Council. These changes provide the opportunity for less involvement in the day to day management of individual properties.

Notwithstanding this, as with any legislative change there is a transition period where the changes need to be discussed with a variety of interest groups. In this regard officers of the Department of Water, Land and Biodiversity Conservation are currently consulting with both industry groups and individuals on a range of issues associated with the recent amendments. I am confident that this consultation process will result in many of the concerns expressed by the Member for Stuart being resolved.

2. The Native Vegetation Council, in accordance with the terms of the *Native Vegetation Act 1991*, is appointed for a period of two years. The last appointment was made on 15 May 2003 and lapses on 14 May 2005.

#### ENVIRONMENT AND HERITAGE, NORTHERN REGIONAL MANAGER

271. **The Hon. G.M. GUNN:** Who is the new Northern Regional Manager at the Department's Port Augusta office, what are the qualifications of this person and has the role of this position changed?

#### The Hon. J.D. HILL:

1. The Regional Conservator of the Outback Region is Mr Raymond John Watkins.

2. Mr Watkins has worked for the Department for Environment and Heritage for twenty-four years. He has held a number of Senior Management positions within the Department for Environment and Heritage including those of: Regional Manager, Outback Region prior to the amalgamation of Ranges and Outback Region, Parks and Wildlife Manager North Region, Operations Manager North Region, Regional Manager Far North Region and Regional Manager Lofty Region.

He has worked in a number of locations within the State including the Northern areas of the State, Kangaroo Island and the broader Adelaide area.

Mr Watkins has broad ranging experience including: the management of biodiversity, visitor management and development, community consultation including significant experience with aboriginal communities and emergency operations.

3. Yes, there were previously two DEH Managers working from the Port Augusta Office. Mr Watkins as the Regional Conservator Outback Region and Mr Arnold as the Regional Conservator Ranges

Region. Mr Arnold recently retired. Following Mr Arnold's retirement, DEH adjusted the boundaries of its Regions in the northern areas of the State. Mr Watkins now has the additional responsibility for the Northern Flinders District. The Southern Flinders District and Gawler Ranges District have been incorporated into Yorke Mid North and West Regions respectively.

#### AERIAL SURVEY

**272. Mrs PENFOLD:**

1. Who authorised the aerial survey over the Hundreds of Addison and Witera on 28 May 2002, and what was the cost and purpose of this exercise?

2. Did the pilot have the appropriate aviation consent and endorsement to undertake a low altitude flight over these areas?

**The Hon. J.D. HILL:**

1. Flight details are an essential part of aerial photography and the Environment and Conservation Portfolio agencies have no record of aerial photography over the Hundreds of Addison and Witera having been captured by them on 28 May 2002.

2. Not applicable.

#### PERPETUAL LEASES

**273. Mrs MAYWALD:**

1. Why is a boundary survey required for the issue of a freehold title to a waterfront property with a boundary at a minimum of 50 metres from the water line, when previously a boundary survey was not required for a perpetual lease issued to a waterfront property with a boundary 30 metres from the water line?

2. What is the progress of the environmental assessment in determining which perpetual leaseholds will be offered for freehold in the Rangelands area?

**The Hon. J.D. HILL:**

1. Any grant of freehold establishes a title under the *Real Property Act 1886* and carries the guarantee of indefeasibility that is the cornerstone of the Torrens Title System. A critical element of that guarantee is that the boundaries of the land described in the title are known and certain ie. they are surveyed. In the case of adjoining properties the rationale for this requirement should be obvious, regardless of whether the adjoining owner is another person or the Crown, as is the case in the waterfront example cited by the Member for Chaffey. In the case of perpetual leases issued under the *Crown Lands Act 1929* and associated Acts, the requirement for boundary certainty in waterfront situations is not as great because the Crown is the landlord of the lease and the owner of the adjoining Crown land. Unsurveyed boundaries generally 30 metres from the high water mark (or river edge) exist in those situations. The matter of where the boundary is surveyed when freeholding perpetual leases adjoining waterfront Crown land is a matter of Government

policy. Since 1982 a consistent policy of a minimum of 50 metres from high water mark (or river edge) has been applied to preserve a known and sustainable public waterfront.

2. Work is progressing on the environmental and conservation assessment report into the impact of freeholding perpetual leases in the Rangelands area of the State and a considerable amount of land condition assessment has been undertaken. I will contact lessees in the Rangelands individually when the work is complete and a policy position has been established that addresses the fragile nature of the land involved in a responsible manner.

#### NATIVE VEGETATION ACT

**275. Mrs PENFOLD:**

1. Why did officers authorised under the Native Vegetation Act 1991 enter section 9 in the Hundred of Witera in May or June 2002 and did they have the owners consent and if not, why not?

2. Why did officers authorised under the Native Vegetation Act 1991 enter section 19, 20 or 25 in the Hundred of Addison in May or June 2002 and did they have the owners consent and if not, why not?

**The Hon. J.D. HILL:**

1. I have been advised that during 2002, officers of the Department for Environment and Heritage received a report alleging that native vegetation had been cleared from portions of section 9, Hundred Witera and another section. Acting on that advice, further investigations were undertaken that confirmed that vegetation had been cleared without the consent of the Native Vegetation Council.

Acting in accordance with Section 36 of the *Native Vegetation Act 1991* as it applied at the time, and I quote:

“if a person authorised by the Minister (an “authorised officer”) suspects on reasonable grounds that an offence against this Act is being, or has been, committed, the officer may—

- a. enter and inspect the land on which the suspected offence is being or has been committed;
- b. require the person suspected of committing, or having committed the offence, to state his or her full name and usual place of residence.

While I understand that the owner of the land in this instance may not have given his approval to the authorised officers entering the property, the Act allows that action to occur.

2. The member for Flinders has listed an additional three sections, sections 19, 20 or 25 in the Hundred of Addison, where the same information is being sought. I am able to advise the House that a review of departmental native vegetation investigation files has not identified any reference to sections 19, 20 and 25, Hundred of Addison. I have sought further information from the Department on this particular matter and will advise the Member for Flinders if any additional information is discovered.