

HOUSE OF ASSEMBLY

Thursday 22 September 2005

The **SPEAKER (Hon. R.B. Such)** took the chair at 10.30 a.m. and read prayers.

SITTINGS AND BUSINESS

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

That the sitting of the house be continued during the conference with the Legislative Council on the Statutes Amendment and Repeal (Aggravated Offences) Bill.

Motion carried.

FUEL COSTS

Mr BROKENSHIRE (Mawson): I move:

That this house assigns a special sitting day to receive submissions from peak associations representing petrol consumers and oil producers followed by a debate to work through solutions that address the spiralling cost of fuel in South Australia.

This is a very important motion and is probably unprecedented in recent years. However, I am calling on this house, in a bipartisan way, to support a special sitting to receive submissions in the morning from peak associations representing petrol consumers and oil producers, to receive briefings from the ACCC, to receive briefings from the South Australian Road Freight Council, to receive briefings from the South Australian Treasury, and any other organisations, associations or peak bodies that the parliament may feel should be at that special day of sitting to address what we now have in this state—that is, a crisis with petrol prices.

It does not matter where I go, in my own electorate or across the state, the number one topic on the minds and lips of South Australians today is that of this massive spike in petrol prices. It is hurting average families and it is hurting business, and if it is not addressed with some proactive initiatives it is going to cause major problems to a state whose economy trend indicators are already looking quite flat.

This issue needs to be addressed on two fronts. First, it needs to be addressed immediately by the parliament in an absolutely bipartisan way, because this is above party politics, and this is why we need this special day of sitting. This is about the welfare and well-being of average South Australians—the mums and dads and children—who drive this state. It is about them being able to continue to enjoy a lifestyle that is without major imposts that negatively impact on other aspects of their disposable income. Whilst the Treasurer in this state said on radio a couple of days ago that there was good news, that the price of a barrel of crude oil had come back, that is not acceptable. The fact is that, within a few hours of the Treasurer saying that, crude oil prices spiked again, and today we hear from a new international report that we are probably going to see petrol prices in South Australia go north—that is, upwards of \$1.50 per litre—in the near future.

As elected representatives looking after our communities, we cannot sit by and refuse to be advised by peak associations on all aspects of what is happening. We need the truth, and the South Australian community deserves the truth on this matter. Clearly, there is some profiteering occurring. Why is it that all of a sudden in the last few weeks we have not seen the traditional cycle of discounting at fuel stations

that has been there? We need to know the answers to this, and we need to know why distributors are telling me that major oil processors are telling them that they are going to cut their rebates. That is code for the fact that the distributors will have less profit margin and either they will have to look at increasing that or there is going to be other flow on effects to the consumer as a result of that.

My family fill up with fuel a fair bit because we live in the country and we need a fairly significant vehicle for our size family. When my wife goes to fill that car up with petrol, she gets a tax invoice for the \$70 or \$80 worth of fuel that she puts into that car. It is very easy to spend \$70 or \$80 a week at the moment filling up a car with fuel. It is interesting to note that the tax invoice shows the GST component. If you buy \$60 worth of fuel, have a look at the GST figure on that tax invoice and it will show that \$5.67 or thereabouts of that is GST. GST goes straight to the Rann government's coffers. That is where it goes. Every time petrol prices go up in this state, the Rann government gets a windfall gain.

It is not acceptable, nor will it be tolerated by the community of South Australia, that the Treasurer says, 'Oh, well, we're getting extra GST on fuel, but we're losing some GST because people are starting to spend less on other products.' Let us see those figures from the Treasurer with a special day of sitting. Let us see the truthful, honest explanation as to why this community is hurting so badly when it comes to fuel price increases. We do not want to play games where the Treasurer says, 'Well, the opposition wants to see a situation where we give a rebate of so many cents a litre and it is going to cost so many millions of dollars.' We are not silly. We rebuilt this state when the Treasurer was an adviser over the debacle and mess that was the State Bank. The Liberal Party is a very strong economic manager and it will never be reckless.

Let us have a look at a few scenarios that could occur, and let us hope that fuel prices eventually do come down, but we have to look at the short term and the long term. If fuel prices do come down in time, well and good; there will not be those GST windfall gains to the state. If the trend indicators stay as they are for fuel prices, sadly the price will continue to escalate and there will be ongoing GST benefits and gains to the Rann government. Let us say the Rann government has, as an example, \$10 million, \$15 million or \$20 million worth of windfall gain, and we will not know until we get the facts from the government, and that is why we need a special day of sitting. To alleviate the pain, the first thing you might do is increase off-peak bus services in the metropolitan area so that people can leave their cars at home. That is not going to cost an enormous amount of money because those buses are sitting in the depots at this time of the day, so the infrastructure is there and all we need is to be able to pay for the fuel, the maintenance and the drivers. We could do that out of this massive windfall gain.

Country, rural and regional motorists, farmers and businesses are particularly hurting because they do not have public transport services. Traditionally, there has been a 1¢ or 2¢ rebate differential to rural and regional South Australia. When I talk to people who are hurting badly, they say to me, 'Well, the price of fuel is this high, Robert. If you could get another 1¢ or 2¢, even if it is a temporary rebate, that would be an option.' That could be offset by the government's GST windfall gain. We also have a couple of so-called Independent members, Labor ministers. Their communities are hurting very badly over this and I would be extremely surprised if

they did not support the special day of sitting. I also wish to report this to the house that in 2004-05—

Mr O'Brien interjecting:

The SPEAKER: Order, the member for Napier!

Mr BROKENSHIRE: Thank you for your protection, Mr Speaker. It is a pity that the government is not taking this seriously. It should be listening in silence, as it will have time to put its points forward. This is the most serious issue facing the South Australian community at the moment. The difference between the Rann government and the Howard government is that at least the Howard government capped the excise on fuel and is continuing to cap it. I am not letting the Howard government off the hook either, because there is no doubt that we need to have a look at what is going on, and that is another reason for this special day of sitting. This government is getting the windfall gain of GST. In 2003-04, the amount the government budgeted as revenue from South Australian motorists was \$694.4 million. From the wallets in the hip pockets of motorists, it actually received \$757.7 million. In the 2004-05 budget, there is another big increase—\$798.8 million. In 2005-06, we are looking at \$823.7 million of revenue to this government from stamp duty, registration, licence fees and other fees but, particularly, a massive whack of that comes directly from GST.

I will talk about a couple more points on this matter. The special day of sitting is to achieve two key goals. The media do not know all the answers, because they are not getting the truth. The parliament does not know all the answers, because it is not getting the truth, and the poor old consumer of fuel certainly does not have the answers, because they are definitely not getting the truth. I say: what is wrong in using the parliament in a democratic way for one special day of sitting?

Mr O'Brien interjecting:

The SPEAKER: Order! the member for Napier is out of order.

Mr BROKENSHIRE: We are sitting for only four more weeks. We are happy to sit longer in the interests of looking after the South Australian community. It is the government that is scared to sit longer. There is plenty of time for a special day of sitting. Because this matter is so urgent, we can have it on Monday, if you like. It is no longer tolerable for the Rann government just to say that there is nothing it can do. Let us get the truth and the facts on the table in the first half of the day and, in the afternoon, let us debate in a bipartisan way the truthful facts and information we have not been given so far. I am sure that some real solutions can come out of that to address this chronic problem facing the South Australian community.

Neither I nor my colleagues is ashamed to call strongly on the government to support this motion and, when the division bells ring and we vote on it today, I would expect to see 49 members of parliament supporting it. There is not one member of this community who is not suffering enormous financial pain at the moment as a result of these fuel prices. As a parliament, we owe it to the South Australian community to have a special day of sitting and to let in all the media so that they can learn where the profiteering is occurring; what the ACCC is doing, is not doing, or should be doing; what is happening with the lack of discount cycles at the moment; and why these massive spikes are happening. They can learn the background to the matter, whether we have enough fuel supply and what is the windfall gain to the Rann government from GST, remembering that, if you fill up your

car with \$60 worth of petrol in this state today, the Rann government takes about \$5.67 straight into Treasury.

The government is offering no relief, no initiative or idea to the South Australian community to address this matter. The government should have come into the parliament with an urgency motion to debate this, anyway. The government should have done that; it should have shown leadership on that. But why did it not? So we have had to call a special day of sitting. I have clearly justified that there is validity in having this special day of sitting. In the interests of the South Australian community I call on this parliament in an absolute bipartisan way to support this motion, and get this urgent day of sitting up and running next week.

The Hon. M.J. Atkinson: Put a figure on it.

Mr O'Brien: You want us to have a day, but you haven't got a clue what you want to bring to the sitting.

The SPEAKER: Order! If members want to contribute to the debate, they seek the call; they do not try to do it by way of interjections. If the member for Napier and the Attorney want to contribute, they are welcome to do so. The member for Schubert.

Mr VENNING (Schubert): I cannot believe that the members opposite can carry on with a motion like this that I thought would have attracted bipartisan support. I support the member for Mawson's motion this morning, in a bipartisan way, that this house assign a special sitting day to receive submissions from peak associations representing petrol consumers and oil producers, followed by a debate to work through solutions that address the spiralling cost of fuel in South Australia. I believe that this policy is very timely. You cannot just sit here as a legislator and see the cost of fuel wound up and up and up, knowing that there is a fair component of government take in it, both federal and state. Of course, as the member for Mawson very capably said, the GST component of this fuel is large. If it was half given back to the people it would make a huge difference, because—

The Hon. M.J. Atkinson: Is that your policy?

Mr VENNING: It is not our policy, because we have not discussed it. We want to see what a debate in this house can bring forward before we frame our policies.

The Hon. M.J. Atkinson: Ah! So, you don't have a policy?

Mr VENNING: No, because this is a moving feast. I am not saying we are having a policy or not.

Ms Rankine: Have you discussed it?

Mr VENNING: We have not discussed it yet, no.

The Hon. M.J. Atkinson: So, you don't know what you want.

Mr VENNING: All I know is that the Auditor-General, who cannot keep quiet, does not regularly pull up at the fuel bowser. He probably never ever ever has paid for a tankful of fuel.

The Hon. M.J. Atkinson: I do. I'm the registered owner of a Tarago.

Mr Brindal: That you don't drive.

The Hon. M.J. Atkinson: Yeah, but I pay for the fuel.

The SPEAKER: Order! The member for Schubert will resume his seat.

Mr Scalzi interjecting:

The SPEAKER: Order! The member for Hartley knows the consequence of talking after the Speaker calls order. The house will come to order. We know that we have had a two-week intensive series of meetings, but members just need to allow other members to make their point. If they want to join

the debate, they are free to do so. They need to just stand to get the call. The member for Schubert has the call.

Mr VENNING: Thank you, Mr Speaker. I cannot believe the vitriol coming across the chamber on a motion like this. I know that it used to cost \$50 to fill up a Holden Commodore; now it costs \$80, in only a few weeks.

The Hon. R.J. McEwen: You don't pay it, anyway.

Mr VENNING: I certainly do.

The Hon. R.J. McEwen: You don't have a government car?

Mr VENNING: In the car that I drive; I pay it for other vehicles I drive.

The Hon. R.J. McEwen interjecting:

Mr VENNING: The member for Mount Gambier is playing with this—I have availed myself of a Fleet SA car; it pays the fuel. But in my private life I still drive vehicles. But I am speaking for my constituency, too; not just me, member for Mount Gambier. And I will mention him again in a second, because the member for Mount Gambier asked for and headed a select committee on fuel prices—

The Hon. R.J. McEwen: And we had one.

Mr VENNING: We had one; I was on it. It took a lot of evidence. I think the chair, who started off very enthusiastically on this task at the time, lost the enthusiasm and we just wound it up and made some quite soft conclusions at the finish.

The Hon. R.J. McEwen: You are criticising the same committee you were on.

Mr VENNING: Well, I do not think we came up with a result that you thought it was going to come up with. Anyway, that was the select committee. Have a good look at the result. We took evidence that was quite conflicting about who regulated the prices, and about how the prices could go up and down like they did, because the fuel was already in the tank but the price would go up 3 or 4 cents overnight. We came up with some fairly startling results, and who was actually in control of them and what monopolies were in place. We need to read some of this evidence in the light of day, particularly if we dedicate a special day of parliament in relation to this.

I support this motion because, at what level will a government, this one or any other, act to hold a special sitting day to consider a serious problem which is hurting all South Australians, and also to act to ease the burden? Even if the government were to put a ceiling on its own GST tax take, it could get to a point where we take no more, and then it comes off the price of fuel. At what level that is, is a decision for the parliament. My party has not discussed what level that would be, but I can see no reason why we cannot put a ceiling on the government take. To make it worse, with the escalating fuel prices, the Rann government receives a huge cash windfall, and that would not be quite so hurtful if it actually was spent on fixing up our roads, which are in a parlous condition. But, no, all these funds go straight into general revenue, which I think is quite wrong.

So, with the cash windfall, the government could put in place petrol replacement services. In other words, people could leave their cars in the shed and use an alternative service, particularly, as the member for Mawson said, if extra bus services could be put on. We have the infrastructure there, we have the buses there, and we could certainly do that. In my electorate of Schubert, which is just outside of Adelaide, I would like to see the government—and it could easily do it—extend the Gawler train service. Any train service should be extended, particularly where a railway line

exists. It could extend the Gawler train service to the Barossa Valley.

Let us try it and see what happens. At the moment, so many people, including my own staff, drive their vehicle to Gawler, park their car at the Gawler railway station, and then catch the train to Adelaide. Why not extend the service to Lyndoch, Tanunda, Nuriootpa and Angaston—four major towns that would feed this railway? No; the government is not even prepared to trial it. I cannot understand why it does not at least run the train up and try it, particularly in these times with the fuel prices the way they are. You would be amazed just who might decide to leave the car in the shed and catch the train.

Also, I think we should try reintroducing train passenger services to our regional cities where there is a railway line. The member for Gordon has one, and I know there is a problem with the gauge, but we ought to at least put these rail cars back on and see what the consumer response is. We should at least give them the opportunity because, when you are a country person and you are locked into contracts and things, these prices hurt. A lot of people use several hundred dollars of fuel per week, and this has made that \$100 dearer.

I feel for country businesses, particularly if they are locked into contracts relating to fuel, for example, a country road haulier with a contract to cart freight for a major manufacturer or food chain company. If they are locked into a contract, and they are usually for 18 months or two years, what will this be doing to their bottom line? This will be eating into their profits hugely. So, I believe the government ought to, first, understand that there is a problem; secondly, we should discuss how to solve it; and, thirdly, put something in place to assist. This motion is a most urgent and serious matter, and I thought that it would have attracted bipartisan support this morning. I understand that the Attorney-General has left the chamber. He carries on, but I doubt that he would not feel the sting when he sees the fuel bowser come around to \$80.

An honourable member interjecting:

Mr VENNING: You could say I that I can well afford it, but there are a lot of working class families in the state who cannot. I am not being a hypocrite here; I really do feel for them and I think that we should do something about it. I can see no harm in this motion whatsoever. You can call it a stunt, you can call it what you like, but in the end the government can agree with this, come in and take it over, put its own mark on it and, with the media machine that it has behind it, it will win the day. Let us be men about this, and ladies about this, and put it in and see what we come up with. I certainly support the motion.

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): I wish to amend the motion. I move:

Delete the word 'assign' and replace it with 'call on the federal government to hold', and delete the word 'South'.

Mr BRINDAL: I rise on a point of order, sir, and seek your guidance. You are not allowed to negate a motion and, by changing it to a sitting of the federal parliament, is that—

Ms Rankine: No, it does not.

Mr BRINDAL: Just a moment.

The SPEAKER: I do not believe that it negates it, although I have not seen the exact wording. We are getting a copy now.

Mr BRINDAL: I think that you should look at it, sir, and then give us your advice.

Ms Rankine: It does not negate it any more than any other amendment before the house.

The SPEAKER: I do not think it—

Mr BRINDAL: The motion, as it stands, calls for a sitting of this house. By calling for a sitting of the federal parliament, it negates the right of this house to have a special sitting. It is an opposite.

Members interjecting:

The SPEAKER: Order! I have not seen the exact wording, but I do not understand it to mean a sitting of the federal parliament. I thought that it meant a special meeting in Canberra.

The Hon. M.R. BUCKBY: On a point of order, Mr Speaker, the tenor of the motion is being changed and, in meeting procedure, that is not allowable. The fact is that, if you change it to something quite different, you are changing the motion and, therefore, you cannot accept the amendment.

The SPEAKER: I do not believe that the amendment negates the general thrust of the motion in suggesting a different location for consideration of the same issues.

The Hon. R.J. McEWEN: Much of what the speakers today have said in relation to the motion, and now the amendment to the motion, is absolutely true. As a nation, we are going to be confronted with considerable economic stress, if fuel prices continue the way they are. We also understand that any tank of fuel has two tax components. The most significant, of course, is the federal excise; a much smaller component is the GST, which comes back to the states. We also understand that, in the GST that comes back to the states, there is absolutely no windfall in this, because the GST is 10 per cent of what people spend. If they do not spend the money on petrol, they will spend the money on something else. In fact, GST receipts to the states are going down. To suggest that there is any windfall for the state, in terms of the GST collection from this, totally misunderstands the nature of that particular tax. However, that is an aside, and I am just correcting the record.

As a nation, we need to confront this issue, and we need to look at alternative sources of energy. As a nation, we need to look at biofuel and the research that we are doing so that we are prepared to at least lessen the shocks that are coming. This is a global commodity in an international marketplace and, as a nation, we must try to lessen the impact of that. Anyone who is serious about this motion will accept that it is a national issue. There is no point in trying to bring this into a state chamber—the states can do nothing about this issue. The select committee—

Ms Rankine interjecting:

Mr Brokenshire interjecting:

The SPEAKER: Order, the members for Wright and Mawson!

The Hon. R.J. McEWEN: Nothing. Let me tell you. The select committee, alluded to by the member for Schubert, sets this out in detail. It sets out exactly how the whole costing and pricing structure works around petroleum, and it suggests that, at a national level, we ought to have a greater degree of transparency between wholesaling and retailing. It points to some of the issues that arise when we have total vertical integration within the wholesaling-retailing distribution of fuel. It says that as a nation we ought to have a look at that—and, guess what, the Prime Minister is saying that today. The Prime Minister is saying that there is something we can do as a nation. We can have a closer look at the whole revenue stream from refinement through to the final purchase of this product, and we need to do that as a nation.

Equally, the Prime Minister is saying that he wants to bring everyone around the table. I agree with that, and I think this motion and this house will support that. That is an eminently sensible thing for the leader of our nation to be doing. Why is he saying that he is disappointed today? He is saying he is disappointed because some of the key players will not come around the table. He is not alluding to state parliaments; he is alluding to the marketplace and to the commercial sector, which does have some questions to answer.

So, much of what is being said is true. I think that, as long as the opposition just wants to take the element of political point scoring at a state level out of this, it will obviously embrace the amendment. As a nation, we will do some work; we will have a look at what needs to be done; we will put some extra effort into bio-fuel; and we will put some extra effort into research, particularly of oil seed mustard. This state will then benefit, because that is an industry that this state can embrace, and it will help. I know that those opposite are now not going to deny the opportunity for this state to be part of significant research and the creation of a new industry to offset some of the shocks that are coming—and they are coming.

We understand that this is a finite resource; we understand the global pressures on the resource; and we understand the pain and hurt, particularly for rural and regional South Australia, where most of our commodities have to be carted by road. We understand the impact of that, and as a nation we understand the impact of that. Let us embrace this motion, and let us do this seriously as a nation. Let us support this amendment today.

Mr BRINDAL (Unley): I would like to give notice of a contingent amendment. If the minister's amendment is successful, contingent on his amendment, I would like to move a further amendment, that is, after the words 'calls on the federal government to hold' to insert the words 'and will itself hold'. I am convinced by—

Mr HANNA: I rise on a point of order, Mr Speaker. That would be in contradiction to the amendment moved by the minister. If the amendment is carried, that is the will of the house. If the amendment is not carried, the will of the house can be exercised in relation to the original motion. Effectively, the amendment from the member for Unley is going back to the original motion, so it is out of order.

Mr BRINDAL: Sir, I gave notice of a contingent amendment if the amendment is successful. It is not until the amendment is carried, and then—

The SPEAKER: An amendment either to the amendment or to the motion—

Mr BRINDAL: That is what I am seeking to do. Anyway, I would rather spend the time talking about the issues I think are most important, not where it goes. There are several issues, and the member for Mount Gambier has alluded to them. In the past few months, petrol has risen for the first time from \$1—and people were scandalised at having to pay \$1 a litre—to in excess of \$1.30, and there is some talk that it will go even higher. It is all right to engage in cheap point scoring in this place and to have the Attorney-General say, 'Well, what's your policy?', or the minister, who has just left the chamber, saying, 'Well, do you drive a car? Are you paying for petrol?' That is not the point. Every single one of us represents 20 000 or so electors, most of whom are paying for petrol and whom, in many cases, are dependent for their livelihood on their ability to drive a car.

In the past few months, we have seen that cost for ordinary South Australians rise by 25 per cent, and that is a significant matter for this house. I do not deny that it is a matter for the federal parliament; but it is a matter for every legislator in Australia. The people of this state have elected us to do the best we can to represent them, and to sit down and talk about this is not beyond the wit and the capability of this house. If people who are suffering have a reason to be disgruntled and have a reason for us, as the elected representatives of those people, to talk together and see if there is anything at all we can do, we owe it to the people of South Australia to do just that. I am not prepared to vote against an amendment that asks the federal government to do the same and I am not prepared to stand up here and say that the federal government is not capable of doing much more than we can about it, but I am quite prepared to stand up here and say that we can do something. We can at least look at this and try to work out strategies that help the people who are hurting. It does not matter if we are in a privileged position whereby some of us have government cars and the taxpayer is bearing the extra cost of the petrol for us.

What matters is that some of our electors, some of the battlers out there whom many people on the government benches represent, are not getting the same relief, are not in the privileged position of having a car paid for by the farm and are not in the privileged position of being middle level management and having the car and petrol paid for by whatever agency represents them. They are doing it tough and in the last six months they have been asked to do it a lot tougher. We are elected not to duck shove in this place but to take responsibility. There might be only one or two things that we can do and they might be marginal things but, whatever it is that we can do, we should be doing; not sitting here comfortably taking the government's petrol and not sitting here comfortably saying we are all right, it is a federal government problem.

As the member for Mount Gambier pointed out, this is an Australian problem that touches every house in this nation and it is a problem that is only going to get worse. I hope the member for Mitchell is going to speak and I am sure that he will, because petrol is a finite resource that is not going to become any more abundant in the community. Sooner or later we are going to run out, and it is coming to us at a great cost now environmentally, if you listen to the people who are concerned. The effects of hydrocarbons on our atmosphere are already probably approaching catastrophic, but for too long we have all sat in the comfort zone. We have heard lots of talk about fuel replacement, energy replacement. While the cost of hydrocarbons is relatively low we all get in our cars, fill them up and rush hither and yon with little regard for alternatives, especially environmentally responsible alternatives.

If there is anything good at all to come from the escalating fuel prices, it is the ability to look at the way we use this resource and perhaps use it better on the way to replacing it with things that may be more friendly. However, we are not going to do that by doing what we are proposing today, which is just saying: 'Isn't this catastrophic, but let's push it off to the federal government.' I have heard the member for Mitchell and I know that he has some good ideas on this. I am sure the Minister for Environment and Conservation has some good ideas on this issue. I do not think it is beyond the wit of this chamber to come up with one or two suggestions that will help the population of South Australia and, even more, to make a statement on behalf of the people of South

Australia to the rest of Australia, to the commonwealth parliament, if need be, and to the other state legislatures, if need be.

If we as a parliament are not going to take a responsible position and say that this is important to our electors, what is? It is a bit like the possibility of a pandemic for 'flu. I heard on the ABC that they are stockpiling anti-viral material as we speak, against that possibility. If you are in the village or town where it starts and you do not give attention to it because it is too big and it is a government problem—and this is what was said on the ABC yesterday—it may be possible to control pandemics, but the only way to control them is by getting in early and acting very locally, quarantining and isolating them.

I am not saying that it is exactly the same, but I am saying that in this matter this community, whom we represent and on whose behalf we speak, is suffering. We are all paid a lot of money in this place to come in here. I know we all work—I am not saying we do not—but if we look at the number of sitting days we see that we are not here that many days a year, even though we do lots of other things and lots of work. To come in here for one extra day in the next six months to try to think or talk about something is not wrong or bad and is a matter that should be commended to this house and taken seriously. We have had sitting days before for special reasons. A few years ago we had a sitting day on employment.

I am sure that in the last Liberal Government a day was set aside for something, although what it was escapes me, so it could not have been all that successful. There is no reason why this motion should not be taken seriously by the house, why we should duck shove it to someone else or why we should not fulfil our obligations and consider this matter on behalf of the people who have elected us to do just that.

The SPEAKER: We are getting copies of the amendment moved by the minister. In essence his amendment would mean that the special day would be held in Canberra, organised by the federal government. The member for Mitchell.

The Hon. I.P. Lewis: That means you have been ruling it in order?

Mr HANNA (Mitchell): Excuse me. I've been given the call. Bloody rude—

The Hon. I.P. LEWIS: By way of explanation, and not out of impertinence to the member for Mitchell, whose time has not commenced, but so he will understand whether the amendment moved by the Minister for Agriculture is to be accepted, it may affect the manner in which he addresses the subject matter in his remarks. Mr Speaker, if it is your ruling that we accept that amendment as it affects the way in which I might propose to further amend the amendment—

The SPEAKER: The amendment by the minister was handwritten. It is being typed up and circulated. I am not sure whether the member for Unley still wishes to give an indication of a contingent amendment; if so, he needs to provide some wording. It is not technically a contingent amendment. The minister's amendment has not been seconded.

Mr SCALZI: On a point of order, why is an amendment being circulated when it has not been seconded? It has no status. Why are we debating something that has not gone through the proper procedure?

Mr O'BRIEN: I second the amendment.

The SPEAKER: When something is brought to you and it is handwritten, it needs to be examined to make sure it is in order. It is hard for someone to second it unless they know what they are seconding.

The Hon. I.P. LEWIS: As I understand it, it needs to state who is moving it and who is agreeing to second it and be signed by both and brought up to you, sir. In the absence of that having happened, and notwithstanding the sincerity with which the member for Mount Gambier spoke, since it was not seconded nor formerly presented to the house during the course of his address, it should not be accepted.

The SPEAKER: The debate can proceed, provided that someone has seconded the motion. The member for Napier has done so verbally. The member for Unley has indicated that he wishes to further amend the amendment by adding the words, 'and will itself hold', after the word, 'hold'. Is that seconded?

An honourable member: Yes.

Members interjecting:

The SPEAKER: Order! We will have the member for Unley's second amendment typed up and circulated as quickly as possible. The member for Mitchell.

Mr HANNA: Keep them under control for me, sir, please. The member for Mawson has moved that this house have a special sitting day to discuss the spiralling cost of fuel in South Australia. I am going to support this motion, despite the blatant politicking of the member for Mawson, because the issue of petrol fuel altogether needs to be considered in this parliament and in the federal parliament.

Members might refer to the speech I made, I think last year, on the subject of peak oil. This motion is about prices but the issue is actually about supply and demand of petrol itself. This cannot go on forever. There is a lot of research now to suggest that the world's oil supplies are at or are approaching their peak; there is not going to be any more. It is not a renewable resource and we have to start thinking about the alternatives. One good way of doing that is to have a debate in this place based on submissions to us from people who know something about it. What are we going to do when the oil runs out? This is not a spike in petrol prices, as the member for Mawson referred to it; this is an upward ramp that is not going to come down again, so we need to work on something now to look at the alternatives. We need to look at gas-powered cars, and we need to look at hydrogen-powered and solar-powered cars. We need to look at those alternatives and we need to change our behaviour.

It is happening already. I know from my constituents that people are already taking the bus and train more, and this is going to have to happen more and more. The state government has to come to the party in improving public transport because people will have to rely on it more and more. We will not be able to continue with this petrol-driven society; it is coming to an end and we had better start talking about it now.

The SPEAKER: Order! Just to clarify matters, the member for Mawson's motion states, in effect, that there be a special sitting day in South Australia; the Minister for Agriculture, Food and Fisheries' amendment would mean that there would be one in Canberra and not here; and the member for Unley's amendment would mean that there would be one in Canberra and one here. Those are the choices members will have.

Mr SCALZI (Hartley): I came into the chamber and could not believe the toing-and-froing that was going on. I am

really disappointed with the Attorney in opposing this motion.

The SPEAKER: Order! The Attorney has not spoken so I do not know to what the member for Hartley is referring.

Mr SCALZI: He was interjecting.

The SPEAKER: Well that is out of order, so the honourable member should ignore it.

Mr SCALZI: I support the motion that this house assigns a special sitting day to receive submissions from peak associations, representatives of petrol consumers and oil producers followed by a debate to work through solutions that address the spiralling cost of fuel in South Australia. I also commend the member for Mitchell because we should look at the broader issues of alternatives and how it affects the average South Australian.

I am concerned that this government talks about listening, but we have come into this chamber day in and day out and we even have questions without notice that were questions to be noticed. The Minister for Agriculture, Food and Fisheries has come up with a motion that suggests that we involve the federal government in this. Of course the federal government is involved with petrol pricing, but this is an issue that we can consider at a state level. What are we going to do as a state? I am amazed that the government is opposing it so much. If it is a political stunt, as they claim, with all the expertise and with all the advisers and the great Mr 94 Per Cent, it will be proven as such and we can send a clear message to Canberra that we cannot do anything about this problem.

The reality is that we can; there are some things we can do. I know my constituents are hurting. This issue is on their mind because it is affecting them. The state government, through the GST, is receiving revenue. We can talk about the substitution effect, and so on, but the reality is that when you have increasing fuel costs, increasing electricity, increasing land tax and increases in other state charges, there is not much of a substitution effect because there is nothing there to substitute. Let us look at it and, if we are wrong, if it is a stunt, then prove it. Have a day of sitting. Why is the government so frightened? There is an arrogance in this government: arrogance, arrogance, arrogance. The Premier goes into the marginal seats to meet, listen—

The Hon. K.A. Maywald: Maybe that's where you should go, too.

Mr SCALZI: I do. It has not just been in the last six months; I have done it for 12 years, in fact. What happens? The Labor government listens; five or six people turn up and the Premier is willing to listen to five or six. Why does he not come here and listen to the 47 members? Why do we not have a special day of sitting? Why are you so frightened?

The Hon. M.J. Atkinson: I love street corner meetings in your electorate.

Mr SCALZI: How many were at the street corner meeting with the Attorney? Not many, I suspect.

The Hon. M.J. Atkinson: I love coming to your electorate.

Mr SCALZI: Well, you are welcome. Let us talk about petrol prices and the effect it has on average weekly household costs.

The Hon. M.J. Atkinson: What's your policy? What do you want.

Mr SCALZI: Before you can have a policy you have to get information. Let us get around the table and find out how it affects people and then we can come up with something constructive. We could do this as a parliament in a bipartisan way. It does not say here that we are going to blame the

government. The motion does not say that. It seeks a special day of sitting to look at it. Let us look at it in a bipartisan way. Let us come up with some resolutions. If we need to involve the federal government, then let us do that. Why are government members so frightened to talk about it today? Why are they so frightened? I think thee protesteth too much.

Mr RAU (Enfield): I want to say a few words about this. First of all, I do not think anybody in this room who has read a newspaper, or watched television, or listened to the radio in the last 10 years doubts many of the facts that have been put forward by members so far in this debate about the shortage of petrol, about the finite resource, about global warming, about the fact that ordinary people on fixed incomes are finding it very difficult to make ends meet when one of their essential living requirements is going up in price. None of these things is news to us and every one of us is concerned about it. Every one of us has constituents who are being disadvantaged by this. There is nothing to argue about on that point.

There is also nothing to argue about on the point that the reason the price of fuel is going up at the pump is because the price of oil per barrel is going up. The reason the price of oil per barrel is going up is because people in China and India have discovered that there is a thing called a motor car and they want one. They need to put petrol in them to make them go. As they put petrol in their cars to make them go, the demand for petrol goes up and up and up—and it will continue to do so.

I do not want to be disparaging to any member of this chamber, but we have to be realistic enough to accept that the average citizen in China and the average citizen in India does not give a toss what we think in this chamber. They are going to get on with it whatever we think. So, the major driver of the fuel cost is something completely and utterly beyond our control or, indeed, the control of our national government.

The second point is that, in addition to the price charged by the fuel company, the price of oil at the pump is made up of two tax components, both of which are federal taxes and completely beyond the legislative control of this state parliament. Thirdly, the fuel companies, which may or may not have something to answer for (although, very little, I suspect, as the price of oil is beyond their control as well), will not be at the beck and call of a state parliament that represents 8 per cent of the population of a country which is basically a pimple on a pumpkin in the world scene. They will pay no attention to us whatsoever.

So, what will happen on this day of debate and elucidation being sought by the opposition? What we will have is everyone wailing, gnashing their teeth and wringing their hands about the disastrous price. We already know that, so we do not need to have a debate about it. Is the opposition going to announce a policy that it will subsidise fuel to the consumers in South Australia? If it is, get a policy out into the marketplace. We do not need a day of parliament for that, as the opposition can announce it today. If it is not prepared to do so, I suggest an amendment (which I will not move but which I suggest to other members of the opposition) stating that, when we have finished our day debating the price of petrol, we devote another day to solving the crisis in Iraq, another day to solving the crisis in Palestine and perhaps a fourth day to looking after Zimbabwe as well, because the relevance of our opinion on the subject of fuel prices in this little parliament is about as great as it is on those topics.

If we want to do anything at all about this problem—and I doubt whether there is much Australia, let alone this tiny corner of Australia, can do about it—it needs to be done at a national level or it is not done at all. We would be wasting taxpayers' money sitting here gnashing our gums for a whole day to no good purpose. But if we want to talk about Zimbabwe and come up with a nice letter we can send to Mr Mugabe explaining how he can get his act together, it might be just as productive—in fact, it might be more productive, because Mr Mugabe might even read it. The point is that we can do nothing, and I am afraid this is a stunt.

If you want to deal with something that is within the legislative competence of this parliament, by all means let us do it. If you want to spend a day talking about something we can actually deal with, that is a different proposition. As much as the issue is important—and nobody denies that, particularly me—it is beyond the control of this state. The world price for crude oil per barrel is beyond the control or even influence of this country, and it is ludicrous to suggest our wasting a whole day in this parliament at great expense to the taxpayer to recant the same stuff we have heard this morning about how woeful it is that people are paying more for fuel. We know that it is dreadful, and nobody is arguing about that. We do not need a day here to establish the obvious. It is obvious—it is absolutely obvious.

So, having recognised the obvious, let us try to do what limited amount can be done. The answer (and I am not confident that there is an answer) lies, if anywhere, in the amendment of the member for Mount Gambier, because the only place that this issue can be dealt with is at a national level. We are kidding ourselves and pumping ourselves up to a point where we are imagining that we have influence over the things which are completely and utterly beyond our control.

The Hon. M.R. BUCKBY (Light): I rise to speak on this amendment. I always find the member for Enfield's contributions to the house very sensible, but I think that all members are missing one point, namely, that oil companies, when they purchase oil, hedge the prices. In about 1995, from memory, I sat on the select committee on the multifranchising of petrol stations in the Adelaide metropolitan area. We found then that the actions of the oil companies, in terms of being honest, were somewhat less than we would have expected. Certainly, with the number of petrol station owners we spoke to, there was an element of collusion going on, but, unfortunately, they all feared for their business and were not prepared to come out and say it. But they did present off the record plenty of evidence to us to suggest that that sort of action is going on with the fuel companies. We did find out that, when like many other companies such as the Australian Wheat Board and the Barley Board buy and sell on the international market, they actually take out a hedging. For those who do not understand that, it is buying at today's prices but hedging it to take delivery of that product 12 months in advance. The member for Napier would understand this fact.

The question that I think needs to be answered here is: are the oil companies making windfall profits at the consumer's expense? The price that they purchase the barrel of oil that they are then refining into petrol was actually the hedging price 12 months ago. If that is the case, there is no doubt that the consumers are—excuse the pun—being taken for a ride. The fact is that the price at the bowser now is that which aligns to the price of oil at this point in time. But, if my information is correct, that is not the price that the oil

companies are actually handing over when they pay for it on delivery; it is a fact of 12 months ago. That is the point that either this state parliament or the federal parliament need to get to.

We notice in the paper this morning that the ACCC said that it does not have the power to look into this. And the federal government has said that, if the power is going to be given to it, some legislation would need to be put into place to ensure that that can occur. The select committee that I stood on gained a lot of information about the fuel industry and the players within the industry. I always believe that gaining information for members of parliament in particular is not a wasted exercise.

When we get approached by constituents—and I am sure that every member in this house is approached by constituents—about this issue, if we put out the platitude of, ‘Well, there’s nothing that we can do about it. It’s a world price; it’s more federal government issue,’ I think that is unacceptable. As far as I am concerned, we should be looking at the oil companies to say, ‘Justify the price that you are currently charging at the bowser. Show us the evidence that the price that you are paying on delivery of the oil or the refined product is that which exists in the world at this point in time.’ If they can do that, fair enough; you can say, ‘Right; you are not making abnormal profits, and as a result of that we can understand why the price is such at the petrol bowser.’ But, if they cannot, it will be shown to the public that these companies are as ruthless as we found them to be in that 1995 inquiry; that is, that they are out purely to gain as much profit as they possibly can with no thought of the consumer in mind whatsoever.

When you look at it, you have to realise that is the task that the shareholders set the CEO of the companies. The shareholders want maximum returns; the CEO has to achieve that to keep his job and, if they see a market opportunity, that is exactly what they will do. That is where the parliament comes in, to make them accountable and to try to get some justification for it. I think it would also be worth discussing with the South Australian Freight Council exactly what impact this is going to have on trucking rates around South Australia and across the nation and whether it has yet impacted on the price of goods on the grocery shelves and elsewhere. We will be able to then discuss with them how much they are able to absorb, or whether that is already occurring and, as a result of that, how much the retail industry is absorbing. Anybody who has studied economics knows that, when you are in a time of high prices, the middleman (‘middle person’, I should say) cuts their margin.

The Hon. I.P. Lewis: And women do the same.

The Hon. M.R. BUCKBY: Absolutely, the member for Hammond. So, that margin is cut in times of high prices. It would be interesting to see how much the retail industry is absorbing, and I think it is purely a matter of gathering information. The members on the other side are saying, ‘What is your policy?’ Anybody who is sensible gathers information first and then decides whether there are any options for a change in policy. There may not be any options, but the fact is that we will walk away from here with much better knowledge of the industry and of the sorts of games that are being played in the industry than any member of this house currently has.

Mr O'BRIEN (Napier): This is a very complex issue and one that is bedevilling governments right around the world. It is a problem that is not isolated to Australia. The United

States and Europe, in particular, are grappling with the issue. Today, the NRMA has called a national summit in Sydney to address the issue, and representatives from all the motoring organisations will be attending, including the RAA. I think the federal government was initially reluctant to participate on the basis of what the NRMA was seeking to do; that is, what motoring organisations always seek to do: to politicise what is basically not a political issue and to try to force an outcome, again, which is political, but which is ultimately not in the national interest. For that reason, the federal government was unwilling to participate in the NRMA national summit today but begrudgingly has deigned to send the Assistant Treasurer, Mal Brough, with considerable reservation. The member for Light alluded to the comments of the Prime Minister which, I think, indicated that the Prime Minister thought that there was very little latitude at the national level to do anything about petrol pricing.

The member for Light picked up on an interjection that I made in relation to hedge funding. If you look at the various reasons given in the financial press for the escalation in fuel pricing, one of them is the role of international hedge funds, which are making a massive level of profit as a result of certain things that have happened around the world. If you operate a hedge fund, by and large, you are a very intelligent individual. Looking at international political situations and looking at changing weather patterns, you come to the conclusion that there is significant political instability in the Middle East, that things are not going to improve, and that that is going to impact on the supply of crude oil, particularly out of places like Iraq. What is going to happen with Iran which, I think, is an even larger exporter of crude? Are we going to do anything about the Iranian nuclear program? Is that going to produce a shortage of crude? How severe are the tropical cyclones going to be in the Gulf of Mexico? What is going to be the impact of the industrialisation of China, in particular, and India? Is that going to increase the demand for crude oil? What is the refining capacity?

So, if you are a very clever individual operating a hedge fund, you weigh up these factors and come to the conclusion that the supply of crude is going to be incredibly tight, ironically, around this particular time. So, they have bought forward (as the member for Light has said) and, basically, forced up the price of crude. The NRMA national summit may well come to these conclusions. If it has the expertise of the international financial community at its beck and call to outline how the calls are made with hedge funds and how the various equations are drawn up, well, so be it.

However, I must agree entirely with the member for Enfield. To think that this state parliament can actually get into the inner workings of the international financial system and, in particular, the hedge funds and in some way reform that mechanism is just getting ludicrous. By and large, it would be a day wasted with people trotting out fanciful notions for trying to grapple with a problem that, at best, has to be sorted out at an international level with considerable input at the national level.

My concern is that we might start meddling too much and engage in a blatant bid for votes by promising to reduce our revenue take through GST. Interestingly, just to give some idea of the percentage of the GST take that comes to South Australia, *The Age* today in its editorial had a breakdown of where a litre of petrol purchased yesterday in Melbourne would go. Basically, 38 cents would go to the federal government, 11 cents is raised by way of GST and comes to

the states, 7 per cent goes to the retailer and refiner, and, at this point in time, a massive 71 cents goes to crude.

One can see that South Australia has virtually nowhere to go in terms of what we can do with the small amount we get out of a litre of petrol. We have to be concerned—and this is my concern in going through this exercise—that, ultimately, we may distort the price message that is being sent out at this point in time, because the fact of the matter is that the world is running out of fuel and, irrespective of what the hedge funds are doing, they are actually sending out a fairly clear price message to the community that we have to modify the way in which we use petroleum. If we start meddling in an ill-conceived, ill-considered manner and try to distort the price message, it will affect the likes of Toyota, who have announced that by next year half of their vehicles in production will be the hybrid model. If we start distorting the price mechanism, we will send a message to the major auto manufacturers around the world that they should not proceed down the path of producing more fuel efficient motor vehicles, particularly the Toyota hybrid.

This is a national issue which has lots of ramifications. I think that the motion that has been moved by the member for Mawson is largely meddlesome, and it would ultimately result in highly inappropriate outcomes for the states in terms of forgone revenue. Given that the member for Mawson talked about running more buses, in the State Strategic Plan we talk about doubling the patronage of public transport within a few years. We actually have to start thinking through how we will find the money for those buses and the additional trains, and to start meddling—

Mr Brokenshire interjecting:

Mr O'BRIEN: Yes; okay. The member was saying that on the one hand we should be rebating part of the GST take but, on the other hand, increasing the facilities that we require to get more people to use public transport. You cannot have it both ways. This process that the member for Mawson is trying to pull on will be troublesome, meddlesome and messy, and it is not going to come to any clear conclusions. It will be politically driven and a stunt. I think that the NRMA, with its resources, and the resources of all the other motoring organisations around Australia, will probably come up with some kind of conclusion today. They can forward it to the federal government. The federal government can have its day in the sun with its resources and come up with some conclusions about how we deal with this issue. I support the amendment.

Mrs HALL (Morialta): I rise today to discuss this issue and to support the member for Mawson's motion. I want to talk about the families that are being affected in my electorate of Morialta. In particular, I want to talk about the tourism industry and the appalling effect the petrol price issue is having on the tourism industry not just in the city of Adelaide but, in particular, throughout our regions.

I became so infuriated when I heard the Minister for Agriculture, Food and Fisheries talk about the fact that the states could not do anything. I became even angrier when I heard the member for Enfield essentially put the case for the abolition of state parliament. So, I decided that I just might change some of the issues I wanted to address first up and then refer to the tourism industry and my electorate at the end of my remarks.

I commend the member for Light for his remarks and, whilst I disagree with some of the remarks made by the member for Napier, I think they have put a different perspec-

tive on this debate. There are some practical things to be done. I deeply resent the member for Enfield or the Minister for Agriculture, Food and Fisheries saying that members of parliament are not elected, first, to listen to the views of their constituency or their stakeholders in their portfolio areas and, secondly, to have an opportunity to try to work through some solutions.

For members of this chamber who have not read a booklet entitled, 'Understanding petrol pricing in Australia: Answers to some frequently asked questions' put out by the ACCC about two weeks ago, at question No. 1, under the heading 'What factors determine petrol prices in Australia?', it lists seven points. For those members who have not read it (and, presumably, the Minister for Agriculture, Food and Fisheries and the member for Enfield have not read it), it states:

1. International refined petrol prices.
2. The Australian/USA dollar exchange rate.
3. Excise and the GST.
4. State government policies (e.g., relating to fuel standards and petrol retailing arrangements) and subsidies.
5. Australian government policies (e.g., relating to the indexation of excise and fuel standards) and grants.
6. Domestic price cycles.
7. The level of competition in local markets.

That needs to be put on the record because, clearly, the Minister for Agriculture, Food and Fisheries and the member for Enfield do not understand that state government's have a role in the final price at the pump.

Further, I suggest that the Minister for Agriculture, Food and Fisheries gets onto the internet and, if he does not have time, that he gets one of his senior staff members to do so because, under 'Office of State Revenue', there is a page about the Queensland fuel subsidy scheme. First up, it states:

The Queensland Fuel Subsidy Scheme is designed to ensure that Queenslanders enjoy the benefit of an 8.354 cent per litre subsidy for eligible fuel purchases.

It goes on:

The subsidy is paid directly to fuel retailers—including your local petrol stations—who pass it on to motorists by reducing the price of fuel by the amount of the subsidy.

It then goes on to talk about how people must be licensed to be eligible, as well as four more paragraphs about how the scheme works.

It is not unreasonable for two of the members who particularly got up my snout at least to understand that state governments do have a role to play. The Treasurer himself has admitted that the revenue coming into South Australia from GST ranges somewhere between \$16 million and \$26 million. I think the RAA is using a figure of 10¢ equating to \$20 million, but I have heard the Treasurer use a figure of 16¢. I understand that treasurers always like to—

The Hon. K.O. Foley: \$26 million for every 1¢.

Mrs HALL: Okay. I understand that in public treasurers always like to keep their income revenue down as low as possible so that they do not have to appease all their party members about why they cannot spend more money.

Getting onto some of the other issues where we do have a role and about which we make decisions, I understand the member for Napier when says that the states are getting about 11¢. When we look at the prices today, as a state parliament it is not our duty to say, 'It's too hard: we can't do anything.' I absolutely reject the view that individuals within a community can do nothing. As a parliament, we are elected here to try to do something, and I think that some of the remarks that have been made so far are absolutely out of line. I agree with what the member for Mitchell said earlier about the bigger

issues: we do need to talk about them. I do not think that all of us are so expert on this issue of fuel and fuel costings that we should be arrogant enough to say we could not learn something and maybe contribute to a solution.

I get really annoyed about this. We all saw what happened to the actual spikes when Hurricane Katrina hit the United States. Hurricane Rita has just been upgraded to a level 5, so that clearly will have some flow-on effects as it comes through the system. I think we ought to be a little more honest than some members have been in their interpretation of what a state parliament can and cannot do. I feel very strongly about it and I truly hope that the Minister for Agriculture, Food and Fisheries, in particular, has a look at some of the material that is available and some of the options that state governments have been involved in in the past and no doubt will continue in the future and, as he sits as a minister in a Labor government, I would have thought that he would have a different view.

I will move on to some of the issues that are particularly affecting the tourism industry, because that is one of the major issues that will need to be faced by each state government—because tourism happens to be the responsibility of state governments. We have already seen the huge slump in numbers and nights coming into this state, and I talked about that earlier this week. When you look at the individual regions that are going to be affected, they are some of our most important contributors to the tourism industry. I have a couple of figures that people can understand. The Clare Valley had 159 000 intrastate and interstate visitors last year. If you take that through to the fact that, once you are outside of a radius of around 100 to 200 kilometres, you have a two hours' drive there and back from the city, those numbers are dramatically in decline as we speak, and other places will also be affected.

Kangaroo Island will get the double whammy, because not only do you have to get down to Cape Jervis and get on a ferry to get there, but one of the main attractions of Kangaroo Island is driving around once you land at Penneshaw or Kingscote. The Flinders Ranges and Outback I would have thought would be a huge concern to the member for Giles, because already the tourism operators up there are saying that they are in deep, deep trouble and they desperately need some help. I have suggested that in their case it is much easier to put together some extra marketing dollars from the coffers of this Treasury, which are absolutely awash with money. I think it is really frightening that in a real sense we do not seem to be taking in how people are going to be hurting.

Members can imagine why I get so annoyed when the role of any state government or state parliament is so dismissed. I am expecting the member for Enfield to come in at any point and move for the abolition of state parliaments, because essentially that is what he was saying. I do think that the motion moved by the member for Mawson deserves our support. One of the things that the Minister for Agriculture, Food and Fisheries has not suggested, sir—and I am surprised that you did accept his amendment—but I do not quite know where he is going to have his summit in Canberra because clearly, unless he has a wonderful relationship with the Prime Minister of this country, we will not be meeting in the federal chamber. Perhaps he thinks that he is being such a smart Alec with his general approach.

The member for Napier outlined the break-up of the cost of petrol at the pump, and I hope most sincerely that all of us spend a lot more time trying to work out some solutions for this very vexing problem.

The Hon. I.P. LEWIS (Hammond): I move:

After 'from' insert 'scientists, economists', and after 'producers' insert 'and consider how alternative fuel (energy) sources can be used as a substitute for oil'.

Members have applied themselves to this debate in a manner in which I find refreshing, regardless of whatever transgressions there may be in the friction between personalities across the chamber. I have not seen in many years an issue that has so rapidly arisen in the consciousness of the public and of members in this place that it has defied the capacity of the caucuses, that is, the party rooms, to grab it, take control of it and direct members that they must not speak upon it, other than that they do so according to arrangements made in their caucuses or party rooms.

We have had something of a debate as to what the motion ought to canvass, as well as a debate as to whether or not there ought to be a debate, but it does not go far enough and we are not well enough informed for this debate to satisfy the needs suggested by the proposition put by the member for Mawson. Whether or not members see the member for Mawson's proposition as self seeking—and the member for Enfield saw it as being both self seeking and a political exercise—does not really matter. The fact remains that the subject matter ought to be debated by all of us but in a slightly wider context than is contemplated in the member for Mawson's narrower construction of the motion. That is why I suspect that the member for Enfield in some measure understood what the member for Mawson had in mind when he put the motion together in his head and put it on paper.

I have drafted amendments to the motion to include not just the peak associations representing petrol consumers and oil producers because I have sought to add the words 'scientists and economists'; and after 'oil producers' I have sought to add the words 'and consider how alternative fuel (energy) sources. . .'. At present the motion does not seek information about good science, sadly, and that includes organic chemistry, inorganic chemistry and the physics of refining, processing and a good many other elements of science and the disciplines that flow from it, which arise in consequence of us also taking up what I have suggested further on in that sentence how we should consider alternative energy sources as a substitute for oil, instance by instance, where we currently rely on oil.

I am inviting the house, in whatever form it chooses to pass this motion—whether in the form the member for Mount Gambier wants, in the form originally moved or in the form in which I think it ought to be moved and passed, which incorporates both the member for Mount Gambier's amendments as well as the member for Unley's amendments. It is the suggestion from this chamber that not only should this parliament debate the matter but that the federal parliament should do so also. Whilst that may be a bit gratuitous on our part, nonetheless they need to be spurred to action. This is serious.

We are not running out of crude oil for the reasons suggested by the member for Mitchell. One needs to remember that you do not go looking for crude oil unless it would pay you to do so (should you find it) in getting a rate of return on your money. So, if there is adequate oil in the market place at the present time, and the cost that you expect you will incur in exploration, discovery and development of new oil wells would be greater than would allow you to get a reasonable return on the money outlaid in that fashion, you do not do it; you wait until the economic climate is right and you, sensibly, put your money into other things. That is why we need to

have no doubt that at present, whilst the known reserves are being used, there are huge reserves implied in the geology and geomorphology of the earth well in excess of what we have already used.

So I am not concerned about it for those reasons; I am concerned that the disturbance it will cause will be far greater than the oil price hike of over 30 years ago in 1974. I am also concerned about the disturbance it will cause to the world's economy and that it will have its worst consequences for the poorest on this planet, not the like of us—although God knows, and every member of this place who thinks about it knows, that it will have considerable disturbance for us. If we do not address it in societies where we have the technologies and the science, and a sufficient number of the population who understand both, and debate and examine the alternatives to mineral oils to ensure that the costs are held down and that the risk is spread across a greater number of areas of supply—not just production on the planet, but different types of energy materials—then we will be in trouble indeed.

Therefore, I make the point that we need to acknowledge that China and India will annually use more oil than the whole world was using up to 1980 on a daily basis, each of them within 10 years; and we need to acknowledge that the ACCC here is not the agency which has the power to do much about this, even by its own statement, and it does not have the power to go into the alternative sciences.

As the member for Mitchell pointed out, the fuel technologies we should examine include hydrogen, but we should also be using far more wind technology where the wind blows yet the price of power in the grid is so low that it can be diverted straightaway to electrolysis or some other form which produces hydrogen, enhancing fuel cell production, and so on. We could use wave platforms if it is economical to build them—that is, where the waves cause the platforms to move up and down on a hydraulic ram, driving a turbine that generates electricity, which is then used to electrolyse sea water on the spot. You collect hydrogen right there, put it into iron cylinders as hydrazine, and carry it off those platforms to shore in that form. We could even use energy from hot rocks to assist in that regard.

I have mentioned fuel cells, but we have had no debate yet about biodiesel and, clearly, that is the way for the impact of this problem to be addressed. The member for Mount Gambier does that, but at the same time he denies us the cheap fuel we can get from biodiesel by saying that we should not genetically modify canola to make it so economical to produce. All we have to do is use genetically modified canola for fuel oil, even if honourable members have worries about its effect on them—I am not worried about it at all in any context. We need to be using genetically modified canola to produce biodiesel.

We should also be using sea grass as a source of sugars for the production of ethanol. There is a huge area around our coastline—far greater than the amount of land we have to farm crops—which can produce sugar and thereby ethanol; and we have not looked at all sensibly at using coal as the basis for the production of ethanol. These prices make the conversion of the poor quality coals we have here to ethanol a very sensible proposition.

We should examine fuel prices and the impact they have on our industries, and we should also be examining fuel subsidies for the forms of energy, fuel types and technologies that I have mentioned to encourage the rapid development of those technologies, and again use South Australia as the place of innovation that it claims to be. Damn it, if the parliament

cannot innovate in the fashion that the member for Mawson has suggested—albeit amended in any way, shape or form by the members I have mentioned—then we have failed in our duty.

I would say also that the member for Light knows that there are people with better knowledge, and we need to get that knowledge before we embark on the debate. I thank honourable members for their attention to the remarks I have made, and I trust that the debate is an illustration to them not only of the need to have debate on this subject but that we ought to be attacking and dealing with such subjects as this in many other respects as well.

Mr HAMILTON-SMITH (Waite): Mr Speaker, I will be supporting the motion put by the member for Mawson. I followed the debate with great interest. This motion is not to be underestimated. I think the implications of fuel prices are going to be profound and long-lasting. The issues are many: there are issues of daily fluctuation in petrol prices; there are issues of potential profiteering; there are demand side market factors; and they all need to be addressed. The government seems not to want to have a view. It does not want to have an opinion or to show any leadership on this issue. I am most intrigued by that, because the Premier was very quick to call for a summit on terrorism. He was very quick to jump up and declare the end of World War II. He was very quick to move to save the whale caught in a net in Whyalla. In fact, he was very quick to jump on a lot of populist issues. He was very quick to bash the DPP. He was very quick to call for the gaoling of Paul Nemer. He is very quick to jump on any issue that might deliver a positive headline.

I say to the Premier that here is an issue where it might be a very good idea to show some leadership, because it is not just about Mr and Mrs Bloggs going to Victor Harbor for the weekend and the cost of filling up the Commodore with fuel. This issue has the potential to push the economy into recession. Very clearly, it has the potential to push the economy—

Mr Koutsantonis: Are you serious?

Mr HAMILTON-SMITH: I am extremely serious.

Mr Koutsantonis: Does John Howard know you just said that?

Mr HAMILTON-SMITH: If I were the Prime Minister or any of the state premiers, I would be very focused on this issue. Fuel prices have previously pushed both the national economy and the global economy into recession. It is having an effect right now on business; for example, rural businesses that depend on machinery and oil use for their livelihood are paying significantly increased prices. Any industry requiring rail, road or air freight transport is being impacted upon right now by this issue. The services sector is being hit heavily by it. Industries that consume oil and petroleum products are now paying exorbitant prices.

Some of those industries have an ability to hedge; some do not, but the costs of these additional fuel purchases are going to flow through and cause inflation. There is going to be an effect on the cost of living and inflation if these fuel prices are sustained at the high levels we have been experiencing. That inflation will inevitably have an impact on fiscal policy and on interest rates. The United States has recently had another lift in interest rates and foreshadowed more to come.

I put to the Premier and the government that they ought to be very focused on the effect of this issue. I would also point that out to the Prime Minister, because I think it is a

national issue and it is certainly going to have an impact. The buoyant economic times which we have been experiencing nationally and which South Australia has been experiencing to a lesser extent than every other state—all the others are experiencing greater prosperity than us, but we have experienced strength in construction and retail, and we have been experiencing a low interest rate fuelled economic surge—could come to a very abrupt halt if these fuel prices are sustained at such high levels.

I also bring to the attention of the house some of the possible flow-on effects. We have already had debate about the impact that sustained high fuel prices might have on our motor car industry. Both our manufacturers produce large cars that are petrol guzzlers when compared with their much smaller competitors, most of which are imports. There could be a dramatic effect on the motor car industry in this state if these fuel prices are sustained. Small business—and I am speaking particularly as the shadow minister for small business—is already being impacted upon. The ‘shop a docket’ factor is experiencing renewed focus as fuel prices rise. Many small retailers, fuel outlets and motor traders—small businesses that are linked one way or another to the motor vehicle, freight and transport industry—are all feeling the repercussions of these higher fuel costs. Small business is experiencing quite a bit of pain as a consequence.

The government says that there is nothing it can do, and I listened to the contributions from the member for Enfield and the member for Springfield—

Mrs Geraghty: Napier.

Mr HAMILTON-SMITH: I apologise; Napier, not the member for Springfield—and others about the fact that we are just a small parliament out in the middle of nowhere and who asked what we can possibly do. I take some exception to that. I think we need to represent our local communities and have a voice. Where is the Premier calling for a national summit and indicating that he will raise the issue of fuel prices at COAG? Where is he out there claiming and clamouring for a national debate and a national focus on how, in a positive way, we might influence fuel prices down? Other members have quite rightly pointed out that fuel prices are predominantly a consequence of market forces, but there are things we can do.

One of the issues raised in this debate is that of rebate. I appreciate more than anyone the fiscal impacts on the state budget. I know that the state has benefited from literally billions of dollars of extra revenue in the past three to four budgets from land tax, GST revenue and its other taxes upon the business and private community. A rebate is an option, but it is not one I would favour, and it certainly has been the subject of debate in other states and nationally. There are also regulatory options that both the state and federal parliaments might pursue in regard to the role of the ACCC, albeit a limited role. There have been successful prosecutions—in March 96, totalling \$3.5 million, and in March 2005, totalling \$23 million—in cases where the petroleum industry has been held to account for petrol price fixing, etc. So, there is a regulatory dimension.

There is also a market solution which, frankly, is the solution I favour. There are also demand and supply solutions, as well as demand side solutions that a state or federal government might seek to pursue to reduce demand, and we have debated this in regard to electricity. In fact, the Minister for Energy, with his snakes and light bulbs, had plenty of demand side solutions to reduce electricity demand; perhaps

we need something similar to get petroleum prices down. There are also alternative energy solutions.

As other members have mentioned during their contributions, this is a long-term issue. A finite amount of petroleum is available for the world economy. China and India are absolutely exploding in terms of economic growth, and we are going to face this problem time and again. The price of fuel will rise and continue to rise. The long-term trend is up, and it is up exponentially. There will be peaks and troughs, but we have a long-term strategic question to answer, that is, how will we sustain this economy in an environment of rising fuel prices? At the very least, it is worth having this debate to hear from stakeholders and, as a parliament, to discuss how we will address those long-term issues. Sure, we have a short-term problem before us at present, but we have a long-term problem to solve.

In summary, we need to have this debate. It is far more significant and important to the average constituent than some of the other issues with which we are dealing. It has a short and long-term dimension. In my view, if these prices are sustained, we face, the very real risk that it will impact negatively on economic growth and inflation, and it could well be a contributing factor to tip the economy out of growth and into recession. It is a very real danger. We need to be debating how we can get these prices down. It is too easy for the government to dismiss it. The opposition is showing leadership on this, not the government, and that demonstrates that, on the issues that really matter, the government and its allies, the Independents, are nowhere to be seen.

The Hon. G.M. GUNN (Stuart): I just want to make a contribution. My electorate, of course, understands the effects of high fuel prices, as does the member for Giles’ electorate, because people have to travel long distances to go about than normal daily lives. The cost of diesel and petrol is having a significant effect. The cost of diesel to sow the next crop in South Australia is going to drastically affect the bottom line of many people in agriculture. It will change farming practices. There will be a very significant increase in the move to minimum tillage. There is a cost with that, but that will have to come, because you cannot drive large tractors around paddocks if there is an alternative. Perhaps for the first time in history, the cost of diesel is in now excess of the cost of petrol. That is caused basically because of the tremendous demand for diesel in China. The rapid expansion of the Chinese economy is having flow-on effects here. Therefore, it clearly brings into focus the need to look at alternate sources.

Recently there was a suggestion that there may be an ethanol plant built north of Port Pirie. I strongly support that. About a week ago I had the privilege of visiting an ethanol plant in the state of Nebraska, where they are producing 40 million gallons of ethanol a year, and they are about to double it to 90 million gallons of ethanol per year. There is the 10 per cent mixture, but in the United States there are also available mixtures of up to 85 per cent. One discussion that is terribly important in looking at alternate fuel sources is that you have to protect the warranty conditions that the manufacturers put forward. I had a lengthy discussion with a representative of Cummins, which is one of the largest producers of large diesel motors—

Mr Brokenshire: Good motors!

The Hon. G.M. GUNN: Well, I am not advocating one above the other. I am just saying that it is a large producer. They said that, for the use of alternate fuels such as ethanol

and bio-diesel, the appropriate regulators must set a standard in cooperation with the manufacturers. So, everyone knows what the rules are; there is going to be no effect on the warranty of motor vehicles; and then, let's get on with it. The investment in ethanol in the United States has to be seen to be believed. There are a lot of tax concessions going into all these new plants. I believe that we need to do it. We can produce ethanol from wheat. The majority in the United States is produced from corn, because it just has an unbelievable capacity to produce corn, as it has with agriculture, as the economy is so large.

The next point I want to make is that, as the member for Morialta rightly pointed out, this is going to affect the tourism industry. In my electorate, many small communities rely upon the tourism industry to survive. If the buses and motorists are not travelling through there, that will have an effect. Therefore, the flow-on effects of these high prices are going to be here for a long time. We have to do everything possible to reduce the costs.

I sincerely hope that there will be a very large increase in the amount of exploration, also in the drilling for oil and gas. We have to make sure that governments do not unreasonably tax this product, because we have to be very conscious of the flow-on effect. It is also going to affect the price of fertiliser. All these things are going to have an effect on the economy of South Australia and on the nation as a whole. All of us who have the privilege to serve in parliament have the responsibility to make informed, responsible, sensible comments in relation to this matter, because wishful thinking will not solve the problem, but a mature—

Mr Koutsantonis: Mr Good News.

The SPEAKER: Order, the member for West Torrens!

The Hon. G.M. GUNN: In conclusion, we have to ensure that all steps necessary are taken to mitigate the effect of excessively high fuel prices. In the United States, people were complaining vigorously about \$2.90/gallon and, when I pointed out to them that the day before I was there it was \$1.30/litre—they did not understand litres, so I did a calculation for them—they looked somewhat pale in the face. However, some of that effect is caused by other circumstances in the United States. I think that this has been a worthwhile discussion. It is a discussion that needs to go on, and I sincerely hope that it is going to be done on the basis of constructive, well-informed comment, because the worst thing we can do is unduly raise people's expectations.

We need to have an informed debate and endeavour to come up with solutions. I want to repeat that I strongly support an inquiry and work being done into whether it is at all possible to build an ethanol plant. There also needs to be a great deal more research done on producing bio-diesel. We can produce bio-diesel from canola and we can grow heaps of canola in South Australia. If we can grow it economically and reduce the cost of diesel, that will benefit all citizens.

Ms THOMPSON (Reynell): The price of petrol certainly is an issue for South Australians and Australians in general. It is particularly an issue for those who live in outer suburban areas and who often have to commute long distances to work. Public transport is part of the answer, but it is not the only answer. Many people need their cars to get to work in order to take children to school and child care on the way, to share journeys with two partners and to do shopping on the way home. This is not a community that thinks in terms of public transport; it thinks in terms of the flexibility and convenience of a car. At various times, initiatives have been developed to

support car-pooling but, again, this depends on people being able to predict their transport arrangements for the day. I recall, not long after I had the honour of coming into this place, talking about a particular family in my electorate who had a severely disabled child and the expenses that they were incurring.

One of their main problems was the cost of fuel, and I remember talking about how it was so much harder for them to make their disability support and carer's pension last when the price of petrol went from 60¢ to 70¢ a litre, and now we can hardly recall the days of only 70¢ a litre for petrol. So, families, particularly in outer suburban areas, are hurting, and businesses are hurting. People who are working in businesses that rely on fuel are fearful for what might happen to their jobs. The makers of large cars will be worried that the cost of fuel might cause fewer people to buy those cars. As you know, sir, we do not locally make small cars, which is a decision of the market, not a decision of the government. I endorse the fact that the high price of fuel is a challenge for nearly everybody in our community, but especially for those who battle every week to make ends meet and who do not have much flexibility in the way they organise their lives. They are feeling the most pain, as are those who are concerned about future business and their jobs.

However, this is clearly a matter that has to be dealt with by the Howard government. Having a day's talkfest in South Australia will achieve absolutely nothing. Having concerted action at the federal level can make some impact. Some of this action should have been taken long ago, when the powers of the ACCC should have been improved. The powers of the Trade Practices Act should have been changed long ago, too. These are the ways that the ACCC can get serious about price gouging. The Trade Practices Act could have been, and still can be, amended to prevent the abuse of market power and other unfair practices, but this has not yet been done by the Howard government. Perhaps the pressure that is arising at the moment and the pain being expressed by so many people in our community will lead them to act. I enthusiastically support the amendment moved by the member for Mount Gambier, the minister for local government.

I urge the Howard government to hurry up and get serious about addressing this assault on the pockets of struggling Australians—this barrier to their enjoying their way of life, their homes that they are so proud of, and this barrier to enabling them to take their children to sport and community activities. It is a problem, and it is time that Mr Howard did something about it.

Mr CAICA (Colton): I will be brief in my comments. Similar to the member for Reynell's electorate, many people in my electorate, as is the case across South Australia and Australia, are suffering from the sudden increase in fuel prices and the impact that it is having on their daily lives. It is affecting them as it is affecting most of the people within the community. I cannot in any way support the original motion—that narrow political stunt that I believe it was—as advanced by the member for Mawson, who likes to believe that his narrow, shallow motion was in fact oriented towards bipartisan support. It is an absolute joke. It was political grandstanding at its very worst and, indeed, a political stunt.

However, from that narrow, shallow motion that was moved by the member for Mawson has come some very sensible debate of thoughtful insight which moved well beyond the political rhetoric being espoused by the member for Mawson. I have strong views that lean towards the

comments made by the members for Mitchell and Hammond. I believe that our outlook needs to be broadened to look at alternatives. The fact is that petrol is a finite resource which will become far more expensive in the future. Unless we collectively look at alternatives to the use of crude oil and the products of crude oil, this planet will be far worse off than it otherwise would be; in fact, we will be forced down that road whether or not we like it. In that regard, I would certainly welcome a bipartisan approach from the opposition with respect to looking at alternatives and ways in which we can manage what inevitably will be the ever-increasing price of fuel in this state.

I was somewhat surprised by the comments made by the member for Waite as well. On the one hand, in other debates, he talks about increasing the wages being paid to people and, on the other hand, he talks about a recession that may be caused by fuel prices, which I think is a fairly irresponsible comment. He should be talking to his federal colleagues about what can be done by the federal government to manage what will become a crisis unless it is managed by the federal government and, indeed, by all of us collectively.

I commend the amendment moved by the Minister for Agriculture, Food and Fisheries, and I will be supporting that. I also look forward to future debates and perhaps the incorporation of the views espoused by the members for Mitchell and Hammond with regard to how we manage what will become an ongoing crisis with respect to fuel supplies, not just in South Australia and Australia but also across the planet as we know it.

Mr BROKENSHERE (Mawson): In concluding the debate, I thank all honourable members for their input. I believe that just this small session this morning has highlighted the fact that there are opportunities for the state to be proactive in a bipartisan way in order seriously to come up with initiatives to address this problem, which is hurting and causing a lot of bleeding in the South Australian community. I am disappointed that the government is trying to use what appears to be its numbers to deflect this back onto the federal government. The state government has a role, a right and a responsibility to work in the best interests of the South Australian community, and we are offering genuine bipartisanship.

This issue is above party politics. This is about trying to find local solutions, as well as supporting national solutions, to address an enormous problem facing our community now and possibly into the future. I ask all members proactively to support the motion and ensure that, as a matter of urgency, we have a special day of sitting to try to come up with some solutions and address the facts around why South Australians are now hurting so badly as a result of these exorbitant increases in fuel prices. I commend the motion to the house.

The SPEAKER: For the benefit of members, I will summarise the situation. The member for Mawson's motion seeks to have a special sitting day in South Australia; the Minister for Agriculture, Food and Fisheries has sought to amend that motion in order to have a special sitting day organised by the federal government in Canberra; the member for Unley's amendment, in effect, states that there would be a special day of sitting both here and federally; and the member for Hammond has moved that the participants not be limited to those mentioned in the member for Mawson's amendment but also include scientists, as well as to look at alternative fuel sources.

We will deal with the amendment moved by the member for Unley, which is an amendment to the amendment moved by the Minister For Agriculture, Food And Fisheries.

The house divided on Mr Brindal's amendment to the Hon. R.J. McEwen's amendment:

AYES (19)

Brindal, M. K. (teller)	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
Chapman, V. A.	Evans, I. F.
Goldsworthy, R. M.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L. J.
Hanna, K.	Kerin, R. G.
Lewis, I. P.	McFetridge, D.
Meier, E. J.	Penfold, E. M.
Scalzi, G.	Venning, I. H.
Williams, M. R.	

NOES (22)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Caica, P.
Ciccarello, V.	Conlon, P. F.
Geraghty, R. K. (teller)	Key, S. W.
Koutsantonis, T.	Lomax-Smith, J. D.
Maywald, K. A.	McEwen, R. J.
O'Brien, M. F.	Rankine, J. M.
Rann, M. D.	Rau, J. R.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	Weatherill, J. W.
White, P. L.	Wright, M. J.

PAIR(S)

Redmond, I. M.	Hill, J. D.
Kotz, D. C.	Foley, K. O.

Majority of 3 for the noes.

Amendment to the Hon. R.J. McEwen's amendment thus negated.

The house divided on the Hon. R.J. McEwen's amendment:

AYES (24)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Caica, P.
Ciccarello, V.	Conlon, P. F.
Geraghty, R. K.	Hanna, K.
Key, S. W.	Koutsantonis, T.
Lewis, I. P.	Lomax-Smith, J. D.
Maywald, K. A.	McEwen, R. J. (teller)
O'Brien, M. F.	Rankine, J. M.
Rann, M. D.	Rau, J. R.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	Weatherill, J. W.
White, P. L.	Wright, M. J.

NOES (17)

Brindal, M. K.	Brokenshire, R. L. (teller)
Brown, D. C.	Buckby, M. R.
Chapman, V. A.	Evans, I. F.
Goldsworthy, R. M.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L. J.
Kerin, R. G.	McFetridge, D.
Meier, E. J.	Penfold, E. M.
Scalzi, G.	Venning, I. H.
Williams, M. R.	

PAIR(S)

Hill, J. D.	Redmond, I. M.
Foley, K. O.	Kotz, D. C.

Majority of 7 for the ayes.

Amendment thus carried.

The SPEAKER: The question is that the amendment moved by the member for Hammond be agreed to.
Amendment carried; motion as amended carried.

WHEEL CACTUS

The Hon. G.M. GUNN (Stuart): I move:

That this house calls on the government to fund a 10 year program to—

- (a) contain the spread of wheel cactus;
- (b) commence an eradication program; and
- (c) assist local councils, the officers authorised to control pest plants and local landholders to ensure this particular problem is contained and eventually eradicated east of Peterborough, the Flinders Ranges and the Riverland.

Most members are probably not aware of the problem of the spread of this particular plant which, in recent times, has greatly expanded. It is not an option to do nothing but, unfortunately, the plants are very difficult to control. They are of no practical value for grazing or for any other purpose, and recently the Upper North Animal Pest Control Board prepared a report which clearly demonstrates the difficulties with this problem. On page 2 of the report it says:

Prickly-pear is spread by seeds and segments. The segments, which are readily detached from the parent plant by animals, wind or flood waters and take root where they lodge. Prickly-pear plants produce a heavy crop of fruit each summer, which is very palatable to animals and birds, particularly crows, emus and magpies.

The tough-coated seeds pass undamaged through the digestive systems and quickly germinate where dropped. The seeds can remain viable for long periods and are capable of germinating for at least 20 years after production. Seedlings produce small segments only a few centimetres in diameter, each of which grows slowly producing new segments on its margins.

The first flowers do not develop until the plant is at least three years old. Plants are long lived. When a segment falls to the ground, roots are formed from one or more of the areoles on the surface in contact with the soil and new segments are produced from some of the areoles on the upper surface.

The history of this is that very little is known of the introduction to the Parnaroo area—that is in the District Council of Peterborough—which is east of Peterborough, but it is also found growing in Port Augusta, Pekina, Blinman, the Riverland districts and some other areas.

Wheel cactus has been a problem in the Peterborough district for many years and in the past 10 years it has become more dense and widespread. Infestation at Parnaroo and Nackara are estimated to cover some 35 000 hectares with plant density in some areas averaging 200 per hectare. Many large infestations are located in areas that are difficult to reach with suitable spray equipment and pose issues of safety to workers, due to thick scrub and the nature of the plant.

The Hon. I.P. Lewis: What does it do?

The Hon. G.M. GUNN: It just takes over and therefore it is very expensive to spray. It has been estimated that it costs about \$1.15 per plant to spray. It is in an inaccessible area in Blinman, in very rugged country, which therefore makes it even more difficult for control measures to be put in place. You have to spray the whole plant because if you miss just a small segment of it, it will grow. Therefore it is a particularly difficult and arduous task to contain and control this plant.

My understanding is the plant probably came from Mexico. There is not much knowledge about how it originally started in the Peterborough area, but some of the information contained in this report clearly indicates the difficulties and the impact on staff working in places where wheel cactus is

growing. The spines can cause injury which makes it difficult for people mustering and handling stock. There is contamination of wool, meat and hides. There are environmental issues because it competes with native plant species, it is a food source for exotic animals, it is spread by animals and birds and it can cause injury to stock and native fauna. It has impacts on tourism as access to significant sites is restricted, it does not promote native vegetation and it certainly reduces aesthetic values.

Control is by way of spraying with herbicides which is costly and time consuming. Physical removal is not an option because the plants have an ability to reshoot from severed pads. Biological control at this stage is not effective but, hopefully, a biological control may be able to be developed in the near future. As I said earlier there is a spread of some 35 000 hectares in the Peterborough area. In 1998 a number of landowners met in an attempt to solve some of the issues regarding wheel cactus.

In the Hundred of Hardy a Landcare group was formed to seek funding for the control of wheel cactus and land rehabilitation. Funding was received from NHT (two lots of \$25 000) and chemical was purchased with this money for the use of landholders. Landholders supplied diesel and labour as in kind. The authorised officer for the Upper North Animal and Plant Control Board, Mr Mortimer, conducted the coordination and monitoring of this problem.

I have brought this to the attention of the house because I believe it is a matter that the government must address. I know that it is not easy but, as I said earlier, it is not an option not to provide funds to ensure that, first, the spread of the plant is contained and, secondly, that there is a program to contain and, eventually, eradicate it. The conclusion of the report states:

Monitoring is now finding new plant growth from the seed bank in the soil in areas that have been controlled in the past years.

Personal comments indicate that the plant continues to spread and that it hasn't reached its full range or density.

Landholder enthusiasm to control this plant is waning because of the lack of a 'light at the end of the tunnel'.

A small grant is being sought from Weeds CRC for trials on Best Management Practice.

Wheel cactus is cause for concern in the Peterborough District, Flinders Ranges near Blinman and areas of the Riverland.

Financial support is needed for:

- Map the full extent of Wheel cactus
- Coordinator to bring 3 regions and interstate in line
- PhD scholarship for a more in depth study of this species
- Determine an effective predator

In the meantime, land-holders are working to hold back the invasion of this plant, but it is a difficult and time-consuming exercise. A few weeks ago, I took some of my colleagues to visit the outbreak at Peterborough, and I have had discussions with people concerned about the matter at Blinman. I bring the matter to the attention of the house, and I hope that the minister will be in a position to provide urgent assistance, because we do not have the option of doing nothing. I commend the motion to the house.

The Hon. I.P. LEWIS (Hammond): I, too, commend the motion to the house. Whilst this plant is not broom rape, it occupies land, nothing really eats it once it reaches its adult stage and it sends lame all kinds of animals, such as commercial livestock. It is an awful weed. The use of herbicides is a way of controlling it but, as the honourable member for Stuart pointed out, that is expensive. This is the kind of project that Green Corps ought to be addressing, and it is the kind of

weed, just like box thorn and the peppertrees everywhere along the creek lines of the north of this state—

The Hon. G.M. Gunn: And apple tamarisk.

The Hon. I.P. LEWIS: Yes—should be removed by Green Corps, and it ought to be a challenge put before the mining industry. First of all, we should facilitate the removal of the pastoralists, handing the land over to anyone who has a mineral claim and wishes to turn it into a commercial mine, and make it a condition of the lease that they supervise and meet the cost of eradicating the weed from the site before the land is rehabilitated after mining and returned to pastoral purposes. This is the only way we will get rid of these exotics and, if we do not accept that this is the way to go, we will get it wrong and they will take over the vast areas of our state that are not densely populated. There is no other way to do it.

People who want to do something for the future can do this for everyone, including themselves, by belonging to Green Corps and seeing that these projects will eventually win if we get on and do them. I commend the member for Stuart for bringing the matter to the attention of the house. I commend the motion to all honourable members.

Mrs GERAGHTY secured the adjournment of the debate.

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

HOSPITALS, NOARLUNGA

A petition signed by 203 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.

DISABILITY SERVICES FUNDING

A petition signed by 34 residents of South Australia, requesting the House to urge the government to increase funding for disability services in South Australia to at least the Australian national average expenditure and in particular to fully fund the Moving On Program to a five day full time service for all disabled people, was presented by Dr McFetridge and Mrs Penfold.

Petition received.

CRIME FUNDING

A petition signed by 63 residents of South Australia, requesting the house to urge the government to reinstate crime prevention funding to local councils and locate a 24 hour police station in a prominent position in Moseley Square, was presented by Dr McFetridge.

Petition received.

POLICE, RECRUITMENT

In reply to **Mr BROKENSHERE** (14 February).

The Hon. K.O. FOLEY: The Commissioner of Police has advised that the South Australian Police (SAPOL) is recruiting 200 police above attrition with the final 75 positions being recruited by December 2005. SAPOL'S recruitment strategy is continually monitored to ensure that the cadet intakes are adjusted in line with fluctuations in the attrition rate and other staffing level adjustments.

In the 2003-04 financial year, six courses were conducted and commenced in July 03, September 03, January 04, March 04, April 04 and May 04 respectively. No courses were cancelled.

So far in the 2004-05 financial year, there has been an increase in the number of courses conducted with six courses commencing

in the period July to December 2004. There were low numbers of suitable applicants in November and December, and these courses were combined to form one course of 14 members. No course was scheduled for January 2005 and a scheduled double course of 53 recruits and two community constables commenced on 23 February 2005.

Another double course commenced on 21 March 2005 consisting of 84 United Kingdom recruits and two previously serving interstate police.

The 2004-05 year clearly indicates that courses have been averaging one per month. The recruitment campaign has intensified and a structured marketing campaign together with refining selection processes has resulted in increasing numbers being recruited.

In reply to **Mr BROKENSHERE** (14 February).

The Hon. K.O. FOLEY: The Commissioner of Police has advised that the selection criteria for new police recruits is published on the SAPOL internet site and is available to the public from the Police Recruiting Office and police stations. The selection criteria has not changed over many years.

SAPOL is an equal employment opportunity employer and does not discriminate on age. People are recruited of all ages ranging from young persons to those of mature and life-experienced age.

Applicants are selected with a focus on the skills and qualities required to be an effective police officer, and therefore take into consideration a wide range of factors. These include education standards, physical fitness, personal qualities such as integrity, leadership, decisiveness, managing stress, objective problem solving ability and life experience. These factors are not age specific.

An age profile of persons recruited by SAPOL from March 2004 to February 2005 reveals the following:

18-20 years	21-25 years	26-30 years	31-40 years	41+ years
30	80	56	46	7
(13.7%)	(36.5%)	(25.6%)	(21%)	(3.2%)

The total number people recruited in that time frame was 219. The youngest recruit was 18 years and the oldest 47 years.

LAND TAX

In reply to **Mr WILLIAMS** (9 December 2004).

The Hon. K.O. FOLEY: In February, the Government announced a land tax relief package costing close to \$245 million over the period to 2008-09.

The package involves adjustments of the land tax threshold and rate structure to provide broad-based relief. The tax free threshold will be lifted from \$50 000 to \$100 000, with the number of taxable brackets increased from three to five enabling marginal rates to be smoothed.

An estimated 44 000 landowners will pay no land tax as a result of lifting the tax-free threshold from \$50 000 to \$100 000. A further 77 000 taxpayers will benefit from the restructured land tax scale.

The maximum benefit is \$2 850 for land ownerships valued between \$550 000 and \$750 000 (total taxable site value).

An *ex gratia* land tax rebate will apply to 2004-05 land taxpayers equal to 50 per cent of the savings under the new land tax scales.

The rebate will be determined by recalculating the tax that would have been payable in 2004-05 under the new tax structure that will apply from 2005-06. This amount will be compared to the taxpayer's actual land tax liability in 2004-05 and 50 per cent of the difference will be the rebate amount. RevenueSA commenced issuing rebates in April 2005.

In addition to the broad-based relief to be provided through the restructured land tax scale, further specific relief will be provided in 2005-06.

Property owners conducting a business from their principal place of residence will be able to claim full or partial land tax exemptions, depending on the proportion of the house area used for the business activity.

Effective from the 2005-06 assessment year, a full exemption will be available if the home business activity occupies less than 25 per cent of the house (excluding outside/garden areas) and a part exemption will apply to home business activities that occupy between 25 per cent and 75 per cent of the house area based on a sliding scale that moves in 5 per cent increments. No relief will be provided where the home business activity occupies more than 75 per cent of the house area.

Land used for caravan parks and for residential parks (where retired persons lease land under residential site agreements for the

purpose of locating transportable homes on that land) will now be exempt from land tax.

Finally, the criteria for determining eligibility for a primary production exemption for owners of land located in "defined rural areas" (close to Adelaide and Mount Gambier) will also be amended to broaden eligibility.

I am advised by RevenueSA that the Office of the Valuer General has recently reviewed the site value of the Robe Post Office for the current financial year, resulting in a significant reduction.

This reduction in site value has led to a reduction in land tax payable.

RevenueSA has arranged for a refund of the difference to be issued to the proprietors.

MIGRANTS, SKILLED

In reply to **Mr WILLIAMS** (14 April).

The Hon. K.O. FOLEY: As part of my Government's commitment to attracting more skilled migrants, we are actively using a range of State-Specific and Regional Migration Mechanisms (SSRM's) which are visa categories that have been implemented by the Commonwealth to assist low population growth areas of Australia attract more migrants. Four of the Commonwealth Government visa sponsorship categories which South Australia has embraced and actively uses are:

- The Regional Sponsored Migration Scheme (RSMS) and the Regional 457 visa, which allows employers in regional or low population growth areas of Australia to sponsor overseas trained, skilled people for a minimum of two years to fill positions that cannot be filled from the local labour market.
- The State/Territory Nominated Independent (STNI) scheme and the Skilled Independent Regional (SIR) scheme that enables the Government of South Australia to sponsor skilled migration applicants who are willing to settle in SA for a minimum of two years if their skills are in demand.

In 2003-04 509 visas were granted through the RSMS and 566 visas were granted through STNI.

To improve employers access to skilled migrants in regional areas of the state my Government has provided funding to establish a Regional Project Officer network. Seven Regional Project officers (RPO's) were employed in August 2003 by the Regional Development Boards. The regions they cover include the Barossa, Eyre, Fleurieu, Mid North, Murraylands, Riverland, South-East and Upper Spencer Gulf. Their role is to increase the number of skilled migrants settling in regional areas by identifying and assisting businesses with skilled labour shortages. As a result of the RPO's activities a 170 per cent increase in skilled migrants settling into these regions has occurred.

The RPO's actively source skilled migrants on behalf of employers from a range of sources. These include databases administered by *Immigration SA* which contain details of skilled migrants who have been sponsored by the SA Government. Recently a successful outcome was achieved using this approach. An electrician from the UK who was sponsored by the SA Government chose to settle in the Barossa Valley after the RPO negotiated a job offer with a local employer.

South Australia is the only state in Australia to have established a Regional Project Officer network to assist regional employers to have access to skilled migrants. This network also supports the achievement of immigration and population targets identified in the State's Population Policy.

AIRPORT SECURITY

The Hon. K.O. FOLEY (Deputy Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.O. FOLEY: On 7 June 2005 the Federal government announced a review into security at Australian airports. The review was in response to the public debate on the level of crime at international and domestic airports. The review focused on three main themes: the threat from serious and organised crime at airports and cargo areas, the integration of ground-based security and law enforcement arrangements and the adequacy of existing security requirements. The South Australian government was consulted in the

preparation of the report. Both Police Commissioner Malcolm Hyde and I met with senior members of the team to discuss the review. Members of the team also met with the Minister for Transport and other senior government executives. The review makes several recommendations which impact on Adelaide Airport. These include: the provision of additional CCTV cameras in airports; the greater coordination of agencies regarding intelligence related to airports; additional teams to investigate serious and organised crime at airports; and strengthened air cargo security arrangements, including the introduction of improved technology for the detection of explosives.

The Premier, accompanied by Acting Police Commissioner John White, will be present when the report and its recommendations are considered at the COAG Terrorism Summit to be held next week on Tuesday 27 September. It is a summit that had been called for by Premier Rann. The broad thrust of the report is welcomed by the South Australian government. The recommendations in general should assist the management of security at Australia's five major airports, including Adelaide. The appointment of airport police commanders with primary responsibility for counter-terrorism at major airports, and the integration of commonwealth and state policing at all major Australian airports is an important recommendation requiring further consultation on the detail. The report also recommends that all security officers at airports need clear and defined powers to stop, search, detain and arrest where necessary within the airport and surrounds.

The government has already announced that it will pursue powers of this type during specific periods as part of a broader response to the ever-present threat of terrorism. Consideration will be given to the recommendation. Although current crime statistics do not support a permanent police presence at Adelaide Airport, the Wheeler Report recognises that there is justification for a permanent policing presence on the basis of broad security, deterrence of terrorism and reassurance of the community. This cannot be a mere token presence. It cannot be simply a booth for people to ask for directions.

As Sir John himself identifies, the presence needs to be real and effective. It is estimated that South Australia would need to provide a presence of about 12 additional police officers to make this happen. The government looks forward to working with the commonwealth on delivering this service and resolving the outstanding legal, operational and financial issues. I am confident that these issues can be resolved through constructive negotiations among all levels of government. SAPOL has a long history of successfully working with its federal counterparts, most recently as part of a police team in the Solomon Islands. There has never been a greater responsibility on all levels of government to do all it can to protect its citizens from the ever-present threat of terrorism. The government remains steadfastly determined to meet this challenge and do our bit in terms of defeating terrorism.

The Hon. I.P. LEWIS: Mr Speaker, may I, through you, ask the Deputy Premier what the acronym CCTV means, and who 'Sir John' is?

The Hon. K.O. FOLEY: I thought it was funny that the particular member in question was questioning whether a minister could ask a question of a minister, and now a backbencher is asking a question of a minister as he is giving a ministerial statement. It sounds like breaking new ground.

I am not as hung up about the protocols of this place as are others. ‘CCTV’ is closed circuit television, and Sir John Wheeler is a former Tory MP from the United Kingdom, brought out by Prime Minister John Howard to review the security of our airports, as he did for the United Kingdom. I am happy for you, member for Hammond, to break new ground in this place. Twice in one week; it’s is not that big a deal, is it?

Members interjecting:

The SPEAKER: Order! The member for Hammond makes a valid point. Often people who are using particular acronyms do not necessarily spell them out for everyone else. That particular one is in frequent use, but there are many others that are not.

PAPER TABLED

The following paper was laid on the table:

By the Minister for Gambling (Hon. M.J. Wright)—

Problem Gambling Family Protection Orders Act—First Annual Report on the Operation and Effectiveness of the Act.

ECONOMIC AND FINANCE COMMITTEE

Ms THOMPSON (Reynell): I bring up the 55th report of the committee, being the annual report for 2004-05.

Report received and ordered to be published.

QUESTION TIME

EYRE PENINSULA BUSHFIRES

The Hon. R.G. KERIN (Leader of the Opposition): In reference to the Minister for Transport’s statement yesterday that, on Monday 10 January, CFS headquarters offered water bombing aircraft to teams fighting the Eyre Peninsula fires, will the minister now inform the house who made the offer, to whom was it made, what time was it made and why was it rejected?

The Hon. P.F. CONLON (Minister for Transport): Given that I am not the Minister for Emergency Services, I do not have—

Mr Williams: You were at the time.

The Hon. P.F. CONLON: I was—that’s right—I was at the time. Can I suggest to the Leader of the Opposition that if he doubts the word of the—

Mr Williams: It was a simple question.

The Hon. P.F. CONLON: I agree it was a simple question, but what else would one expect? I will ask the Minister for Emergency Services to provide the information. I will tell the house this: I spoke to the Minister for Emergency Services this morning, who is not well. I do know that she has spoken to Bob Smith, that he has contacted the opposition and that he will meet with them next week and brief them. There is something that the opposition needs to understand: Bob Smith’s report is not about attributing blame and going after the CFS. The opposition wants to use it that way. But if members opposite want to know why Bob Smith made the report that he did, they can ask him next week. It is really simple. Can the opposition just leave the CFS alone for a few days until the CFS provides a briefing?

SCHOOLS, ALLERGY MANAGEMENT

Ms CICCARELLO (Norwood): My question is to the Minister for Education and Children’s Services. What is the state government doing to ensure that students with allergies are safe within our government schools?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children’s Services): I thank the member for Norwood for this important question, which alludes to an unfortunate death in another state relating to an anaphylactic reaction. In the wake of that episode, I am pleased to inform the house that South Australia has already implemented measures in our government schools to prevent and deal with serious allergic reactions. We have the most comprehensive policy in the country already in place on allergy management.

I am pleased to say that this has allowed us to be the first in the country to introduce an anaphylaxis management policy throughout our kindergartens and schools at all stages in children’s development. Anaphylaxis is the most serious form of allergy. It is acute and commonly triggered by such things as foodstuffs, insect venom and, occasionally, pharmaceuticals.

The anaphylaxis management policy is distributed to all schools, preschools and child-care centres along with a very detailed booklet, analysing step-by-step instructions on how to plan support for a child who may be known to have had a reaction in the past. The booklet is updated regularly to address changes in medical knowledge and advancements in the area.

Of course, when a child enrolls in a school, it is the responsibility of the parent to inform the school, child-care centre or preschool of any serious allergies that may be known to the parent and, having given that information, it is important for them to update any medical changes that occur in a child’s situation. The schools then keep a register of children with conditions such as anaphylaxis to make sure that all staff are routinely made aware of children with these conditions.

Children with anaphylaxis must have a health care plan designed by a doctor. The school, preschool or child-care centre then uses this plan to support a prevention policy and recognition and management of the situation, should it arise. Importantly, the education department funds training for all staff in schools where a child is identified as having this condition, which is delivered by experts from either St John’s or the Red Cross to help them deal with first aid issues and to provide expert health advice.

The education department developed this strategy with a staff member from the Children’s Youth and Women’s Health Service who is a leader in establishing safe practice in schools and services for children with a history of anaphylaxis. He is the paediatric immunologist and allergist, Dr Mike Gold. In South Australia, I am pleased to say that the education department has already addressed all the issues that were raised in the coronial inquest in New South Wales into a death by anaphylaxis.

We are committed to the safety of all children in our state schools, and we have policies and procedures in place to ensure that serious incidents of the sort that have occurred interstate will not happen, we hope, under these circumstances in our schools.

EYRE PENINSULA BUSHFIRES

The Hon. R.G. KERIN (Leader of the Opposition): Will the minister now advise the house when he was first—

The Hon. K.O. Foley: Which minister, Rob?

The Hon. R.G. KERIN: We will try the Minister for Transport. I am not having much luck getting answers out of him, but I will try again. Will the minister now advise the house when he was first briefed about the Eyre Peninsula fires? In his answer to this question yesterday, the minister's answer was ambiguous. He said that it was a meeting of the emergency management council on 'that day'. It is not clear to which day he was referring.

The Hon. P.F. CONLON (Minister for Transport): On that day meant the day of the fire, if that was the confusion in your mind.

The Hon. R.G. Kerin interjecting:

The Hon. P.F. CONLON: No; since you want the detail, I will give you it all. As the member for MacKillop knows, that weekend I attended a briefing at the invitation of the local council on the Sunday about Cape Jaffa. I stayed there on the Monday, on the day before Black Tuesday, with my wife and my then three week old child. I got reports on the Monday night of serious fire conditions that day and the forecast for the next day. The next day, I got a phone call in the morning to be told that fire conditions were severe, at which time I elected to drive back to Adelaide with my three week old child and my wife. Over the proceeding several hours of that drive, I got further out of phone range and received several more terrible messages on the phone.

It was a very grim day and I do not think I will ever forget it. If people want to cast their minds back, there were so many fires that day that I had to reroute throughout the Freeway, as I recall, and go round back through the Hills. I actually went to my inlaws' place because it was closer than mine. I got the wife and the baby settled and then I went off, to the best of my recollection, to see the Premier who had, quite rightly, assembled an Emergency Management Council meeting, and we were all briefed together. In the meantime, I got a series of SMS messages on my phone about events unfolding. I found it hard to believe that events could unfold so quickly, I must say.

I remember thinking: gee, I hope this is just confusion on the fire ground, because this cannot have happened so quickly. Can I also explain something to the Leader of the Opposition: one of the things that I do not do and maybe the member for Mawson—who, I understand, has choofed off to Loxton to try to do a job on Karlene Maywald instead of being here for question time—one of the things the member for Mawson might have done was interfere with the Chief Officer while the fire was on. I did not do that. What I did was make sure that those people were fully concentrating on fighting the many fires around South Australia that day and that we were given a briefing when the operational requirements of the service suited it.

We drove up from the member for MacKillop's electorate that very day, and I must admit that he is popular with two or three people down there: I met all of them. Of course, they were all related. Again, for the life of me, I cannot work out the point of the honourable member's question. As I recall, the first briefing we got—and I cannot recall whether it was Euan Ferguson or some other representative of the CFS, and we would have had the police there and those sorts of people—was the night of Black Tuesday in the state adminis-

tration building. For the life of me, I do not know what is remarkable about that.

The Hon. K.O. Foley: I backed you on TV today, Kero, by the way. We want you.

The SPEAKER: Order! The Treasurer is out of order. I remind members to use a member's title or electorate.

PARLIAMENTARY PERFORMANCE RATING

Mr KOUTSANTONIS (West Torrens): My question is to the leader of government business. Will the minister advise the house if he is aware of any new rating of parliamentary performance, and is this rating service accurate?

The Hon. P.F. CONLON (Minister for Transport): Being the leader of government business, it is a matter of great concern how the government might be rated in such things as answering questions, something directly relevant to my job, so I was disturbed to find that there was a new rating service out. Apparently, it has started since we came back for this session. It says:

Total so far of sitting days, seven—

which is why I assumed that it was for this session—

Questions asked, 103.

Questions answered, 30.

Government's success rate to date, 26.7 per cent.

Government's average success rate, 29.1 per cent.

This is concerning, because I thought we were doing much better than that. I checked who the rating service was and, of course, it is the Hon. Rob Kerin. Apparently, what has been happening since we got back—

The Hon. DEAN BROWN: On a point of order—

The Hon. P.F. CONLON: They do not want to talk about their own press release! They want to put it out but keep it a secret.

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

The Hon. DEAN BROWN: Sir, I thought you just picked up the minister for using a member's name and I was somewhat surprised you did not do it again, as required by the standing orders.

The SPEAKER: I did not know whether it was a quote. Was it a quote?

The Hon. P.F. CONLON: It says 'Rob Kerin' on the press release, and that is why I was misled. I will refer to the Leader of the Opposition and his press release. Basically, what is happening is that, each day since we have got back, the Leader of the Opposition has been putting out a press release at the end of question time to all the journalists here, saying, 'Look: you might have thought this is what you heard today, but you didn't. This is what you saw and heard.' This is the Leader of the Opposition's attempt at Jedi mind control! 'We didn't do badly. The government did badly. These are not the polls you're looking for. It's a Kerin slide, not a landslide. We actually did really good.'

I am asked about the accuracy. In all, the opposition asked 15 questions. Given that we used to get four or five questions in opposition, I would have thought that they might have given us a tick for that, but apparently we do not answer them. If you read through the press release, what a hiding they have been giving us. I now know why I am going home aching and sore at night! I did not know this was going on. Unfortunately, neither does the rest of South Australia. A 30 per cent success rate for them is a 70 per cent success rate, unless I have got the numbers wrong.

I think the media owes the Leader of the Opposition an apology because they are not accurately reflecting that! It is

unfair because it is not reflecting in the polls, either. It is about time the media was much fairer to the Leader of the Opposition. They should look directly into his eyes and not anywhere else and then they can believe what he is telling them!

The SPEAKER: The matter was very tangential to the responsibility of the minister.

Members interjecting:

The SPEAKER: Order! The Treasurer, Minister for Transport and the member for West Torrens are very much out of order.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: The Attorney-General should not make reference after he has been called to order.

EYRE PENINSULA BUSHFIRES

The Hon. R.G. KERIN (Leader of the Opposition): My question is again to the Minister for Transport. Why was there a breakdown in communication between Port Lincoln MFS and CFS on Tuesday 11 January, when the Tulka bushfire recommendation 5A specifically required a mutual aid agreement be in place to ensure dispatch with the newer suitable resource from either agency? The minister yesterday told the house that 23 recommendations of the Tulka fire report had been implemented. The Smith report lists the recommendation on a mutual aid agreement as being implemented. However, on Tuesday 11 January members of the Port Lincoln Metropolitan Fire Service did not know that they were in charge of CFS regional sector 6. Further, when the CFS called the Port Lincoln MFS for assistance they refused because the MFS crews were not trained to use the CFS equipment.

The Hon. P.F. CONLON (Minister for Transport): The Leader of the Opposition refers to an independent report by Dr Bob Smith. We have arranged for Dr Bob Smith to answer all these questions.

The Hon. DEAN BROWN: On a point of order, sir, there is some responsibility on the minister to answer the question and to stop trying to dodge the issue, which he does all the time.

The SPEAKER: The minister should answer the question.

The Hon. P.F. CONLON: The short answer is that this was an independent inquiry by Dr Bob Smith, provided to the government on Monday of this week.

Ms Chapman: Have you read it?

The Hon. P.F. CONLON: As Minister for Transport I read it for the first time on Monday, when we released it. The point I am trying to make is that I have not been the Minister for Emergency Services since March.

The Hon. W.A. Matthew: Now we know why!

The Hon. P.F. CONLON: We remember the member for Bright's glory days as Minister for Police.

The SPEAKER: The Minister for Transport will answer the question.

The Hon. DEAN BROWN: On a point of order, sir—

The Hon. P.F. Conlon: Well, don't interject.

The Hon. DEAN BROWN: I am taking a point of order because the question is quite specific: why was there a breakdown in communication between the MFS and the CFS? I highlight that the minister was the minister at the time and therefore must accept responsibility for it.

The SPEAKER: The minister should answer the question or sit down.

The Hon. P.F. CONLON: I will try to explain this for you, Dean: you follow it. This report was read by me on Monday. I am not the Minister for Emergency Services any more. It is identified in the report. It is incumbent on the minister to respond to the report. I am very happy to get the minister's response, but I cannot give you a response as Minister for Transport for a question that needs to be addressed to the Minister for Emergency Services—it is very simple.

The SPEAKER: The Minister for Transport once again used someone's first name.

HOUSING, SUPPLY

Ms RANKINE (Wright): My question is to the Minister for Housing. How is the government contributing to increasing the supply of affordable housing in our community?

Ms Chapman interjecting:

The Hon. K.O. Foley: The economic guru over there.

The Hon. M.J. Atkinson: Do you think you can hold your seat, Vick?

The Hon. J.W. WEATHERILL (Minister for Housing): The government has acknowledged that we are facing a crisis in housing affordability in this state. We are now seeing a whole generation—

The Hon. DEAN BROWN: On a point of order, Mr Speaker, once again we have a senior minister calling a member by their name. These two ministers have been warned by you already this afternoon. If you are going to uphold the standing orders of this house, you have to do so for ministers as well, otherwise we will draw attention to the fact that you are not picking up senior ministers.

The SPEAKER: Order!

The Hon. K.O. FOLEY: Sir, I apologise and withdraw. Member for Waite, lift your chin.

The SPEAKER: Order! The Treasurer is completely out of order. We have had enough of these smart alec responses from members. Members should be setting an example, especially ministers whose behaviour should be above reproach. The Minister for Housing has the call.

The Hon. J.W. WEATHERILL: Thank you, sir. There are many people in our community who are stuck in a position where there is simply no realistic hope of their being able to leave a bricks and mortar legacy for their children. It is perhaps a little understood fact that the question of affordable housing—

Members interjecting:

The SPEAKER: Order! The minister will resume his seat. The Minister for Transport, who is the leader of government business in the house, is setting a bad example, as is the deputy leader who makes a point of order about members breaking standing orders and then breaches them himself. You cannot have a double standard. The Minister for Housing.

The Hon. J.W. WEATHERILL: This issue is not simply restricted to low income households. Members might be staggered to learn that about 60 per cent of South Australians cannot afford to buy a home costing more than \$200 000. That is an extraordinary statistic which points to the seriousness of the crisis that is facing us. We have attempted to address this through the targets that have been set in the State Strategic Plan and our Housing Plan which call for the establishment of an Affordable Housing Innovations Unit. I had much pleasure yesterday evening in launching that unit. We have kickstarted it with a \$15 million injection of

funding. I was heartened to see a broad cross-section of stakeholders at that function. There were people from the private development community, council CEOs, mayors, and the whole of the community housing sector.

Critically, we are already receiving an extraordinary amount of interest from large and well-respected private sector developers such as the Pickard Group, Delfin Partners, A.V. Jennings, Pacific Real Estate, and the Karidis Corporation, all of whom are suggesting that there are ways in which we can turn this affordable housing need into reality. This unit (together with those partners) will develop investment strategies to maximise these housing outcomes. We know that there are a number of important ways in which we can improve our performance. As I think has been referred to in the Housing Plan, there is \$32 million of commonwealth rental assistance which should otherwise come into South Australia but which does not because of the size of our public housing stock. If we had the average amount of public housing stock, there would be about \$32 million extra coming into South Australia. So, there are some important discussions that need to be had with the commonwealth.

However, there is, critically, an important amount that we can do here in South Australia, such as putting together agreements with councils. We have already struck a formal agreement with the Marion council to look at ways in which we can put affordable housing on the ground, and we have been heartened by the early responses that we have received from a whole plethora of public and private organisations.

This issue is critical to the effective functioning of our community. We know that communities will cease to be able to function effectively if we do not have a sufficient mix of housing. We have already seen the crisis that has hit communities in the Eastern States where key workers can live nowhere near where they work. There are still opportunities for South Australia to act before those sorts of serious deleterious effects start to impact on our economy.

In the future, cities will be competing on the basis of their livability and lifestyle. The competition for the people who will be running and making the important contributions to industries and, indeed, the people who will provide the skills to drive our industries will become critical. The way in which to compete is on the livability of the city, which is related essentially to the ability to provide affordable housing, near services and workplaces. This government understands that relationship and it is taking the lead, not just in South Australia but also nationally to kick-start this debate.

EYRE PENINSULA BUSHFIRES

The Hon. R.G. KERIN (Leader of the Opposition): Will the Minister for Transport explain to the house why his version of whether aerial fire bombing was offered and rejected, or requested and denied, on Monday 10 January is totally at odds with the Smith report?

The Hon. P.F. CONLON (Minister for Transport): I stress, once again, that the leader makes a serious error. It is not my version: it is the version of the head of the CFS.

The Hon. R.G. Kerin interjecting:

The Hon. P.F. CONLON: Well, you do care whose version it is because you have just tried to pin it on me. Let me tell you whose version it is: it is the version of the head of the CFS. It is exactly what he told you when you were there.

Members interjecting:

The Hon. P.F. CONLON: Yes; he told them, too. What we have here is a sneaky attempt to undermine the credibility of the head of the CFS. One cannot call it anything else. It is not my version. It is what the head of the CFS told me; it is what the CFS told them. I trust and believe him, and I do not believe it is at odds with the report of Dr Bob Smith, but if members opposite believe it is they can ask Dr Bob Smith next week.

The Hon. K.O. Foley: You were told, Rob.

The SPEAKER: Order! The Treasurer is out of order.

The Hon. DEAN BROWN: I rise on a point of order, sir. Once again, we have the Deputy Premier breaching your ruling three times today.

The Hon. K.O. Foley interjecting:

The SPEAKER: The Deputy Premier is out of order, as is the use of first names; and the interjection was out of order, anyway. Some people seem to be slow in learning the standing orders of this place. I call the member for Taylor.

VIETNAMESE COMMUNITY

The Hon. K.O. Foley: God, you're a sook, Dean.

The Hon. P.L. WHITE (Taylor): My question is—

The Hon. DEAN BROWN: I rise on a point of order, sir. The Deputy Premier has just used my name across the chamber. Sir, when will you apply the standing orders to the Deputy Premier, who sits there and breaches them moment after moment?

The SPEAKER: The Deputy Premier might have to do some homework and write out 100 times, 'I must not use first names.'

The Hon. K.O. Foley: I promise, sir; I will start now.

The SPEAKER: The reason that we have rules in here is so that we do not degenerate into some sort of circus. The people of the South Australia expect members who are elected—which is a great privilege and honour—to behave themselves appropriately. The member for Taylor.

The Hon. P.L. WHITE: My question is to the Minister for Multicultural Affairs. Given that this year marks the 30th anniversary of Vietnamese settlement in South Australia, how has the government honoured the contribution made by the Vietnamese community?

The Hon. M.J. ATKINSON (Minister for Multicultural Affairs): The year 2005 is an important year, not only for the Vietnamese community but also for all Australia as it marks the 30th anniversary of Vietnamese settlement in Australia. Some 30 years ago the arrival of many Vietnamese settlers marked a major shift in Australia's migration history. The South Australian government acknowledges the tremendous role of the Vietnamese-Australian community in the continuing development of our state. I want to pay tribute to the former Fraser Liberal government for its generosity to Vietnamese asylum seekers in the second half of the 1970s.

On Friday 12 August the Premier and I hosted a reception in Parliament House for Vietnamese community leaders, so that we could thank them for their contribution to South Australia. The Premier paid tribute to the courageous flight of Vietnamese people from the Communist regime in 1975 after the fall of the Republic of Vietnam and its capital Saigon. We must never forget their journey aboard small boats. Many were barely seaworthy and, sadly, brave people perished in their search for freedom.

South Australia has become richer through the enterprise of the Vietnamese Australian community and its achievements in all vocations. The reception was an opportunity for the government to acknowledge its role in building the social, cultural and economic wealth of our state. More than 100 members of the Vietnamese community attended this function, including members of the Vietnamese media. For many, it was their first visit to Parliament House and a chance to meet members of parliament, including the Hon. Julian Stefani, the member for Morialta, the member for Taylor and the member for Playford. I have been delighted by the reaction of the Vietnamese community to the reception, and I was pleased to see pages of the Vietnamese language newspaper, *Nam Uc*, devoted to coverage of the function. I particularly want to record my thanks to Mr Hieu Van Le, Deputy Chairman of the South Australian Multicultural and Ethnic Affairs Commission, for the role he played in making the function possible.

HOSPITALS, FLINDERS MEDICAL CENTRE

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is to the Minister for Health. Is the minister aware of the unsatisfactory care of a 78 year old pensioner at Flinders Medical Centre who had a quadruple heart bypass operation and who was left in bloodstained bed linen for 2½ days without the linen being changed, and what action will she take to improve hospital hygiene? I have received a letter from Evelyn Dihm complaining about the terrible treatment her father received at the Flinders Medical Centre. The letter states as follows:

I have always been told that infection is a risk after a major operation, therefore I would like to know why the hospital took 2½ days and still didn't change bloodstained linen off my father's bed.

The Hon. L. STEVENS (Minister for Health): Obviously, I am concerned to hear the allegations of the deputy leader. I will certainly investigate them and bring back a report to the house. However, I assure the house that the Department of Health and its units take the issue of infection control very seriously.

The Hon. DEAN BROWN: Sir, I have a supplementary question. I am willing to make available a copy of the letter, but I just ask: why did the minister not acknowledge that she has already received a letter regarding this matter? Apparently, the member for Mount Gambier has promised to brief her on this very issue.

The SPEAKER: Does the minister wish to answer the question?

The Hon. L. STEVENS: No.

TOURISM, REGIONAL

Mr CAICA (Colton): My question is to the Minister for Tourism. What will the government do to encourage tourists arriving at the new Adelaide Airport next month to visit regional South Australia?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I know that the member for Colton is interested in what happens at the airport and would be keen to acknowledge that, over the past three years, we have increased the number of inbound international seats into Adelaide by 40 per cent and now, with the airport set to be reopened in its new form, we are about to get another boost to inbound tourism. This

year, in fact, for the first time we exceeded 5 million passengers in a year: 5.3 million passengers passed through the existing Adelaide Airport, and we expect great things ahead. However, clearly, in bringing those visitors into South Australia, we want to disperse them around the state so that the tourism dollars can go to regional and rural South Australia. In order to do that, and to gain the maximum benefit from those tourists, we will be welcoming them with an entirely new visitor information and booking centre at the new airport. This will cost \$250 000 a year to maintain and will be a very important way of showing incoming visitors what destinations are available and what options are there for them. In particular, it will work by allowing instant bookings to be made so that the first view of the authentic tourism experiences in the regions can be matched with a booking and a closure of the deal, so to speak.

The SATC's accredited South Australian Visitor and Tourism Centre will manage the facility, and it will be open from the first arrival in the morning to the last one at night. It will give information and computerised booking services and encourage our visitors to spread around the state and stay longer. The new airport provides an opportunity for us to take the lead in attracting visitors to our regional destinations. The new service at Adelaide Airport adds to an already strong mix of initiatives this government has implemented to help promote regional tourism, including investing more than \$640 000 in regional events, festivals and projects under the Regional Events and Festivals program, providing \$1 million to deliver better infrastructure for regional areas through the tourism development fund, and our new \$460 000 campaign, Must See Must Do South Australia, which will encourage South Australians to know what special opportunities and assets we have and encourage them to take their friends and visiting relatives to discover our regions and stay longer.

MENTAL HEALTH

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is again to the Minister for Health. When the minister issued a press release yesterday stating that 'a new mental health nurse was in place at the Queen Elizabeth Hospital for assessment and management care plans', was the minister aware that the position has been advertised but that there are no applicants, and that the job is about to be readvertised?

The Hon. L. STEVENS (Minister for Health): The deputy leader is desperate. He wants to draw people's attention away from the difference in effort in terms of mental health of this government compared with his own.

Members interjecting:

The Hon. M.J. Atkinson: Not long to go now, Gunny.

The SPEAKER: Order! The Attorney is completely out of order, and he knows that, and he should know better.

HEALTH, RURAL AND REGIONAL

The Hon. G.M. GUNN (Stuart): Will the Minister for Health assure the house that the new policy that she intends to bring in for health funding to regions and small country hospitals is based on population and not on existing arrangements? At a recent forum held at Hawker and chaired by Mr Peter Blacker, concerns were expressed that this new funding arrangement would lead to a reduction in funds for small country hospitals and a lack of services to those communities.

The Hon. L. STEVENS (Minister for Health): I can assure the house that the Rann government will continue to improve health services right across the state, just as we have been doing year on year since we have been in government. Country health units and hospitals have never had better budgets than under this government.

The SPEAKER: The member for Bragg.

Mr Williams interjecting:

The Hon. Dean Brown interjecting:

The SPEAKER: The member for McKillop and the deputy leader, again, the member for Bragg has the call.

FARRELL, Ms L.

Ms CHAPMAN (Bragg): My question is to the Attorney-General with reference to the assignment of Leonie Farrell to the Industrial Relations Court. When the Governor's proclamation was published in the *Government Gazette* on 14 July 2005 and which states that it was 'made by the Governor after consultation by the Attorney-General with the senior judge of the Industrial Relations Court and the Chief Judge of the District Court,' had the Attorney-General actually consulted with the two judges?

The Hon. M.J. ATKINSON (Attorney-General): I consulted one but not the other; that is why the matter was redone.

Ms CHAPMAN: I have a supplementary question. Will the minister assure the house that ALP member Don Farrell had nothing to do with the appointment of his sister to the Industrial Relations Court? Leonie Farrell just happens to be the sister of Mr Don Farrell, the same Don Farrell who was quoted in the recently published *Latham Diaries* as saying 'as a feudal lord, deciding who would be shadow Labor minister on the basis of his wife's employment'.

Members interjecting:

The SPEAKER: Order! It is hardly a supplementary question. The member for Hammond has a point of order.

The Hon. I.P. LEWIS: I could not hear the question. Could I have the question asked again?

Members interjecting:

The SPEAKER: If members listen and keep quiet they will hear it. The member for Bragg.

Ms CHAPMAN: Can the minister assure the house that the ALP member, Don Farrell, had nothing to do with the appointment of his sister to the Industrial Relations Court?

The Hon. M.J. ATKINSON: I think that this government has an outstanding record of judicial appointments. People of all political persuasions and none have been appointed to the courts in the time that I have been Attorney-General. I notice in the Whig Gowans column last week I was commended for my judicial appointments. Mr Don Farrell had no conversations whatsoever about this matter with me before Ms Farrell was appointed as a judge of the Industrial Relations Court. This is a government that appointed Anne Vanstone to the Supreme Court, because we thought that she was the best person for the job.

Ms Chapman: What about Wendy Abraham?

The Hon. M.J. ATKINSON: It is very interesting. I notice from some reading that I have been doing that taxpayers' money was spent on Ball Public Relations putting material together for the member for Bragg to give a speech in this place on the merits of Ms Abraham, and the Auditor-General is inquiring into that very matter.

The Hon. K.O. Foley interjecting:

The SPEAKER: Order, the Treasurer is out of order!

Mr Koutsantonis interjecting:

The SPEAKER: Order, the member for West Torrens!

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: On a point of order: once again, the Deputy Premier is using Christian names across the chamber, and I did not hear you call it.

The SPEAKER: I did not hear him use her first name, but I heard enough unacceptable behaviour from the member for West Torrens and the Deputy Premier making silly noises from a chorus over there, and that is completely unacceptable.

PORT STANVAC OIL REFINERY

The Hon. W.A. MATTHEW (Bright): In view of recent public comment, does the Treasurer have full confidence in the Environment Protection Authority's management of environmental issues at ExxonMobil's Port Stanvac oil refinery site? Yesterday, the Treasurer said, in answer to a question from me, 'I do not trust ExxonMobil. . . ' The Treasurer also described ExxonMobil on radio as 'ruthless, greedy sons of you know what.' In a letter to *The Southern Times Messenger* last week, the Acting Chief Executive Officer of the EPA, Tony Circelli, said:

The EPA has a cooperative relationship with Mobil in all dealings with respect to mothballing of the Port Stanvac Refinery and expects this to continue. . . Mobil has and continues to provide EPA with updates on the status and progress of works at the site.

The Hon. K.O. FOLEY (Treasurer): What a silly question!

The Hon. W.A. MATTHEW: I have a supplementary question: does the Treasurer have full confidence in the Environment Protection Authority or not?

The SPEAKER: That is not really a supplementary question.

The Hon. K.O. FOLEY: I do; but I do not understand the question. Yes, I have confidence in the EPA. Do I trust Mobil? No. I cannot be plainer than that.

CROSSBOW REGULATIONS

Mr O'BRIEN (Napier): Will the Attorney-General tell the house whether the government has any plans to change the regulations for crossbows in South Australia?

The Hon. M.J. ATKINSON (Attorney-General): Honourable members may recall a notorious New South Wales case where a school boy shot his former girlfriend in the back using a crossbow, which he had purchased from South Australia. At the time of that incident, I said that I would examine the laws in this area and consider whether any alterations to those laws were necessary. Today I am pleased to announce that the Rann Labor government intends to outlaw the manufacture, sale, distribution, supply or possession of crossbows without lawful excuse by declaring them a dangerous article. Members would be aware that crossbows are currently treated as an offensive weapon, and that means it is against the law to carry one without a lawful excuse. We intend to go one step further so that crossbows cannot be manufactured, sold or even possessed without a lawful excuse in South Australia.

Legitimate businessmen will still be able to service legitimate archery competitors, but they could also be held responsible if they were to sell a crossbow to someone who

clearly has no legitimate use for the crossbow. Indeed, some of us would have read in this morning's paper of the police raid on the Gypsy Jokers motorcycle gang headquarters at Wingfield which turned up two crossbows. Certainly, backyarders who have knocked together a crossbow and sold it to someone else for a criminal purpose will now be caught up by the new law, and they will be held accountable for their role in the criminal enterprise. It will also apply to anyone who gives or even lends a crossbow to another knowing that it is to be used for crime. The changes to the Summary Offences (Dangerous Articles and Prohibited Weapons) Regulations 2000 will come into effect next year.

FOOD EXPORTS

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Agriculture, Food and Fisheries. Will the minister confirm that 10 000 jobs have been lost in the last financial year in South Australia's food industry, according to a leaked copy of the government's own food scorecard report? The report shows that South Australia's food exports—

The Hon. P.F. Conlon interjecting:

The SPEAKER: The Minister for Transport is out of order.

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order, the Minister for Transport!

The Hon. R.G. KERIN: The report shows that South Australian food exports have plummeted by nearly \$500 million in the past 12 months and that 10 000 jobs have been lost in the food industry. The report goes on to say that South Australia's total food exports have fallen by 23 per cent this year while the rest of Australia has increased by 8 per cent.

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): I need to say a number of things in relation to the question. The first is that the press release from the Leader of the Opposition is totally wrong. It says that the Rann government report was leaked to the opposition when, in fact, the document has been out there with all the members of the Premier's Food Council for a week. Reading on—

Members interjecting:

The Hon. R.J. McEWEN: The Premier's Food Council has had it for a week.

The Hon. I.F. Evans interjecting:

The SPEAKER: Order, the member for Davenport!

The Hon. R.J. McEWEN: But there is an explanation.

Members interjecting:

The Hon. R.J. McEWEN: No; he goes on to say in his own press release that 'this comes at a time' when—

Members interjecting:

The SPEAKER: Order! The house will come to order. The minister will resume his seat until the house comes to order.

Members interjecting:

The SPEAKER: Order, the Treasurer and the Minister for Transport! The minister will wait until the house comes to order.

The Hon. I.P. LEWIS: I rise on a point of order. May I remind you, Mr Speaker, and honourable members, of the statement made in 1641:

That if any man shall whisper or stir out of his place to the disturbance of the House at any message or business of importance, Mr Speaker is ordered to present his name to the House, for the House to proceed against him as they shall think fit.

It is on that basis that you, sir, have been trying to maintain order here against the continuous disruption of members of the ministry and their supporters seeking to disturb proceedings by ridiculing every other member in this place.

The SPEAKER: The member for Hammond is correct in pointing to disorderly behaviour today. As I said, we have had two weeks of fairly intense debate but members just need to settle down, realise what they are in here for and get on with the job. The Minister for Agriculture was trying to answer the question, I believe.

The Hon. R.J. McEWEN: It is a serious question so I would like to give you some advice in relation to the matter. First, if anyone wants to quote from a report, leaked or otherwise, they must truly reflect what the report says and not selectively quote to create a total falseness. To make my point I will just quote from the executive summary. I might add that the whole report is available to you, sir, and anyone else, so if anyone calls for tabling it, you are welcome to it. It says:

Despite a small rise in gross food revenue over 2004-05, the figures managed to slip below the historic trend of 4.9 per cent.

This is true. There has been a small rise. It is below the 4.9 per cent trend and certainly below the trend we require to achieve the ambitious target of \$15 billion worth of exports by 2010. Let us explore for a minute some of the reasons. Let me quote from today's *Stock Journal*, under the heading 'Export drop no surprise'. It states:

Balaklava farmer Paul Daniel is not surprised the grain industry is one of the main reasons—

The Hon. R.G. KERIN: On a point of order, the question was quite specific. It was about whether or not the report says that there were 10 000 jobs lost in the food industry last year. It was quoted straight out of his report.

The SPEAKER: The minister can explain the question.

The Hon. R.J. McEWEN: Because the question is totally loaded, I think for the sake of the house, as you would expect, quoted out of context to try to create—

The SPEAKER: Order! The member for Bragg. The minister can explain an answer and put it in an overall context. He is not going beyond what is reasonable.

Ms CHAPMAN: On a point of order, Mr Speaker, you just ruled that the minister is able to put it in context. He is now about to quote from the *Stock Journal*. The leader's question was directed to the minister in relation to the report. It has nothing to do with what some farmer at Balaklava thinks in the *Stock Journal*.

The SPEAKER: Order! The minister can put his answer in some sort of overall context. I do not believe he is going beyond explaining why there could be a drop in employment in the industry.

The Hon. R.J. McEWEN: I am purposely quoting a respected farmer because I believe it is better for this house to hear the farmer's view of the question, as it will put it in context.

Mr Williams interjecting:

The SPEAKER: The member for MacKillop will be warned, if he is not careful. I make it quite clear that the next member who defies the chair will be named on the spot, and it does not matter who it is. There is enough of this nonsense going on. The member for MacKillop was warned. I do not think he was even listening to the chair. The Minister for Agriculture.

The Hon. R.J. McEWEN: The article states:

Mr Daniel says the combination of low prices, exchange rates, and poor production is to blame and does not expect much improvement this year.

Mr MEIER: On a point of order, I have a lot of time and respect for my constituent Paul Daniel. However, I do not think he is in a position to answer whether or not 10 000 jobs have been lost.

The SPEAKER: That is not a point of order. The minister is putting it in some context. We want to hear the answer. He has not been able to answer.

The Hon. R.J. McEWEN: I am glad the member for Goyder and I have some respect for Mr Daniel. He needs to discuss this matter with the member for Bragg. The article continued:

Last year saw poor seasonal conditions result in low quality grain—

The Hon. R.G. KERIN: On a point of order, the question was: will the minister confirm that his own document says there were 10 000 jobs lost in the food industry? It is a yes or no answer.

The SPEAKER: If you ask a question you have to allow the minister a reasonable opportunity to answer it. He is putting it in the context of why there could be a drop in jobs. The minister will round up his answer, as I do not know that members want to hear it.

Mr BRINDAL: Under what standing order, sir, did you warn my colleague the member for MacKillop, when he has done very little today? Ministers have constantly disrupted this chamber and you have not warned one of them. Why pick on this side and not that side, sir?

The SPEAKER: It is not a point of order: it is a question of the house getting to a point where it is just getting disruptive and disorderly. A line has to be drawn in the sand and the member for MacKillop was it. I did not warn him but indicated that he was about to be warned.

The Hon. R.J. McEWEN: Going on to quote Paul Daniel in relation to the Leader's question—

Members interjecting:

The Hon. R.J. McEWEN: Yes, because anyone who keeps an eye on what is happening in rural and regional South Australia reads the *Stock Journal* on a weekly basis. The article states:

'Last year saw poor seasonal conditions result in low quality grain, and when compounded with low prices and a strong exchange rate, export revenue was always going to be affected,' he said. Mr Daniel was reluctant to criticise the state government, but would like to see more money invested in research and development.

Going on further on the same page of the paper, under the headline 'Poor marketing blamed for South Australian grain export crash', this is the shadow minister's view.

The SPEAKER: Order! All members can invest in the *Stock Journal* if they wish. The minister needs to make the connection between the fall-off in jobs and the rural sector.

The Hon. R.J. McEWEN: I am doing this because we need to establish why part of the scorecard is well below where we expect it to be while the overall scorecard is actually improving. Let us see what the shadow minister thinks is the reason. We have just heard from the industry what the reason is. The reason in 14 October last year was low yields, poor quality—

Mr WILLIAMS: I remind the house of standing order 98:

In answering such a question—

The SPEAKER: The honourable member does not need to read it out. Everybody has a copy of standing order 98 and can read it. If we are talking of relevance, the minister needs to conclude his answer, because I do not think anyone is particularly following what he is saying. I am not saying that is the fault of the minister, but if he is continually interrupted he cannot answer it.

The Hon. R.J. McEWEN: It is important that we put this question in context, because this is what drives the economy of this state. It is important to understand what factors within it can be influenced at a state level or nationally and what factors are totally beyond our control. That is what South Australia expects us to do.

Mr WILLIAMS: The minister is trying to justify why he is debating in question time. This is debate. We are asking questions and we are expecting answers.

The SPEAKER: Order! The minister should wrap it up.

The Hon. R.J. McEWEN: I will give the house relevant information in relation to the question. The opposition primary industry spokesperson, Caroline Schaefer, said that the resounding drop—

Mr BRINDAL: I raise a point of order, sir, as to relevance.

The SPEAKER: The minister has not had a chance to answer the question. I think we will move on and maybe he can arrange a briefing for those who need it spelt out. There is no point, unless people listen to the answer.

The Hon. R.G. KERIN: As a supplementary question: will the minister confirm that his own report does state that the food industry in South Australia lost 10 000 jobs last financial year?

The Hon. P.F. CONLON: On a point of order, sir: repeating the question is not supplementary.

The SPEAKER: It is largely similar to the earlier question. The minister does not have to answer. I think we will give the agricultural area a rest so that it can recuperate.

EDUCATION, CHINESE STUDENTS

The Hon. P.L. WHITE (Taylor): Will the Minister for Employment, Training and Further Education advise how the education system is contributing to a growth in international students from China?

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I thank the member for Taylor for her question. The People's Republic of China is the world's fastest growing economy, and I have been pleased to meet several delegations that have visited Adelaide in the past few weeks, including a film crew from a leading Chinese television station. Our aim in encouraging these discussions is to protect Adelaide as a study destination for school students across China and also to showcase our extensive public vocational system, TAFE SA. China Education Television, the second largest government channel in China, interviewed me recently as part of a week-long tour filming Adelaide's universities and TAFE SA. This followed the signing of a bilateral agreement earlier this year by TAFE SA with the Zhejiang Technology Institute to share management and administrative practices, provide professional development to academic staff, and expand student exchanges.

A similar bilateral agreement has been signed with the Shandong Province. There are great opportunities to expand South Australia's involvement in the Chinese vocational and educational training sector as it goes through the process of

modernisation. The Chinese television program, which was filmed this week, looked at Adelaide universities as well as TAFE SA as a study destination for its students. It will be broadcast in schools throughout China and, more broadly, in Asia.

For the past two years, this state has been performing above the national average in attracting international students, with a 15 per cent rise last year compared with a national rise of 6 per cent. We currently have about 17 000 international students in Adelaide representing 130 nations. The most recent figures in April show that there are 3 504 students from China studying in Adelaide. This is a 47 per cent increase on the same period last year. Mainland Chinese students make up roughly 20 per cent of our international student representation, and a further 1 252 students from Hong Kong make up 9.4 per cent of the total.

Adelaide's attractions for international students include: low cost of living; ease of getting around; relaxed lifestyle; safety; education excellence; and extra visa points. The rise in the number of Chinese students appears to be attributable to Chinese parents highly valuing education and seeing benefits in encouraging their children to travel abroad for education. The dividends for South Australia are significant. Education is South Australia's eighth largest export industry, worth about \$300 million a year to the economy and directly supporting 2 000 local jobs.

BUSHFIRES

The Hon. G.M. GUNN (Stuart): In view of the fact that the Premier has waited patiently, I would like to ask him a question. Given the importance of ensuring that landholders and land managers are able to take all necessary steps to protect themselves and the community against the ravages of bushfires, will the Premier take steps to amend the Native Vegetation Act to remove from the definitions that burning is clearance. At a recent hearing of the Economic and Finance Committee, the Director of the Country Fire Service, Mr Euan Ferguson, recommended that the Native Vegetation Act be amended so that this particular course of action could take place.

When Mr Ferguson was pressed on the issue as to whether there were suitable exemptions, he indicated that under the current arrangements it could take up to 12 months before someone could get permission to carry out necessary hazard reduction programs. The Premier would be aware that it is likely that we are going to have another high fire danger season this year, and every step possible should be taken to protect the community.

The Hon. M.D. RANN (Premier): I would like to thank the member for Stuart for his question. As a registered firefighter, I understand the importance of this question. There is no greater supporter of the CFS in this parliament than me.

Ms Chapman interjecting:

The Hon. M.D. RANN: Don't worry; I will be out there in January ready, waiting and vigilant. When this issue came up on the West Coast, I remember there was a great deal of cooperation. Concerns were raised on the West Coast about whether or not permission would be given to clear vegetation that posed a problem. To the best of my recollection, I understand that the Minister for Infrastructure and Emergency Services and other things, who was appointed by cabinet (which I understand is now the gold standard benchmark for handling a disaster in terms of appointing a cabinet minister

on the spot to make decisions) used legal powers under rule 303 to intervene to make sure that commonsense prevailed. I know the honourable member has a great belief, as I do, in the rule of commonsense.

Ms Chapman interjecting:

The Hon. M.D. RANN: I think we are probably ad idem on this issue. I have an enormous regard for Euan Ferguson, whom I regard as a terrific leader of the CFS and a fine human being. This is another issue to which I am prepared to give consideration. I have a great deal of time for Euan Ferguson. I am aware of the issue, having seen it first-hand on the West Coast, but I also—

Ms Chapman interjecting:

The Hon. M.D. RANN: What? The member for Stuart and I both know exactly what rule 303 means. It means: commonsense must prevail. I am not—

Ms Chapman interjecting:

The Hon. M.D. RANN: Look at the standing orders; look up rule 303 if you do not understand it. You have been here long enough, but not for much longer. I say to the honourable member opposite, who does understand the importance of commonsense, that Euan Ferguson is someone whose opinions I respect enormously. I also understand what the member for Stuart is suggesting. I will ensure it is looked at.

Mr BRINDAL (Unley): I have a supplementary question.

The SPEAKER: Question time has concluded.

Mr BRINDAL: I have a point of order, sir. For your clarification, sir, rule 303 states:

Clerk to verify at every stage of passing of the bill.

I wonder what that has to do with bushfires!

NURSES BOARD

The Hon. L. STEVENS (Minister for Health): I seek leave to make a ministerial statement.

Leave granted.

The Hon. L. STEVENS: I wish to inform the house about matters raised in *The Advertiser* yesterday, and again today, regarding a person holding out to be a nurse. It is an offence under section 36 of the Nurses Act for a person who is not registered under this act to hold himself or herself out as being a registered nurse or permit another person to do so. The maximum penalty for committing this offence is \$10 000 or imprisonment for two years. The penalties prescribed in the act underscore the seriousness of this offence. The public of South Australia must have confidence always that the practitioners providing them with health care are appropriately qualified.

It is not standard practice to comment on matters currently being investigated; and I certainly will not prejudice the investigative process or interfere in any way with the gathering of evidence or the interviewing of witnesses. The Nurses Board is an independent statutory authority, established under the Nurses Act 1999. Under that legislation it has powers to regulate the practice of nursing, as well as investigate matters such as these. I have been advised by the Registrar of the Nurses Board of South Australia that it is carrying out its obligations under the Nurses Act. The board completed its investigation in a timely manner.

The previous employers of the individual were notified of the board's findings on 1 September 2005, and the board has

established that the individual is no longer employed by those organisations. I am advised further that the board forwarded the results of its investigation to the office of the Crown Solicitor on 9 September 2005 for assessment and advice.

GRIEVANCE DEBATE

ROADS, BOOLEROO CENTRE-JAMESTOWN

The Hon. G.M. GUNN (Stuart): Tomorrow a significant event is taking place in the electorate of Stuart: it is the opening of the sealed road between Booleroo Centre and Jamestown. It has been a serial longer than *Blue Hills*. I congratulate Diana Laidlaw, the minister who brought into being a sensible funding program for rural arterial roads that allowed the district councils involved to seal this road. If one wants to go to Jamestown, it is the shortest route between Jamestown and Port Augusta. Unfortunately, the program is not continuing. That program allowed a very large number of rural arterial roads to be sealed. Work on the road from Blanchetown to Morgan has been stopped, as has work on the road between Lyndhurst and Marree.

We will have more to say about those issues as the months go on because, if one is concerned about tourism and really wants to see people given every opportunity, that road should be sealed. In almost four years only 3.9 kilometres has been sealed. This side of politics gave a commitment to do it in one contract. It would have been sealed. It is unfortunate that Diana Laidlaw cannot be present tomorrow. Nevertheless, we will be thinking of her in spirit, because she helped the councils by allowing them to borrow the money and to spend it to make sure that this road was sealed, it having been a matter of great concern to those communities.

I have raised with the Premier the matter of the need to ensure that all hazard reduction programs as possible are put into effect in relation to the amendment of the Native Vegetation Act. If ever there was an act of parliament which people supported with goodwill but which has been misused and foolishly administered, it is that act. It is an absolute nonsense that one cannot burn native vegetation—have cold burns—without all this rigmarole and nonsense. The Aborigines were burning eucalypt scrub for thousands of years. If fire was a clearance measure, there would be no scrub left in South Australia.

Ms Breuer: No—what about the wildlife?

The Hon. G.M. GUNN: The member for Giles purports to want to represent rural members. Does she not know why the Aborigines set fire to the country? It was to stimulate fresh growth so that the native animals could graze on it. The poor member for Giles does not know the difference. If she comes to see me after I have finished speaking, I will explain it to her in more detail. The very point is that native vegetation needs to be burnt to regenerate.

The response of Mr Ferguson, the Director of the Country Fire Service, the person with the ultimate responsibility for helping to protect rural South Australia, was clear and precise. He wants it, and other bureaucrats are stopping him. At the end of the day, it is the protection of the public that is so important. I appeal to the Premier to give this matter close examination and to get on with it so that people can go out at the right time of the year and burn 50 or 100 acres, just as we all used to do prior to this silly act of parliament. At 5 o'clock in April I would go out and walk along the edge of the property and drop matches along it. It burns in 50 yards, it

does not do any harm and you have a safe spot. If you know what you are doing, there is no problem. It is just like having controlled burns of parts of the park. If people know how to do it, there is no problem. They get into trouble when they have not had the experience. One of the problems is that we do not have enough people who have that experience; those people are not still involved in local CFS units.

Mr Ferguson's advice was clear and in the interests of the people of South Australia. Those elements within other sections of government bureaucracy should be overruled, because some of those people are even against firebreaks. They go around with tape measures when the CFS has put in firebreaks at times of fire, and then they want to prosecute farmers. They are foolish, dangerous characters and they need to be dealt with. I call upon the Premier to intervene. They have had their chance, and they have failed miserably. They are not concerned about the welfare of the general public, and this parliament should be concerned about ensuring that we reduce costs and protect the public.

Time expired.

AUSTRALIAN TECHNICAL COLLEGE

Ms BREUER (Giles): I rise today to express my concerns about the proposal for the Australian Technical College in my region. I have kept fairly quiet about this, because one can be accused of being obstructive and not wanting the benefits of one of these institutions. However, I feel that I really have an obligation to express my concerns. These concerns also are being expressed by many of the major stakeholders in the Whyalla community as well as in some of the other communities, particularly Roxby Downs. We feel very concerned about these proposals. Of course, they are very glossily presented.

The major benefits that will result are that this will alleviate the technical and trade skill problem in the state, etc. I am a product of the Whyalla Technical High School, and there is certainly a lot of confusion about what this college really is and what it is about. I know that many people remember with fondness the days of the technical high schools in this state. As I said, I am a product of one, and it was a system that worked very, very well. But we are not talking about this for these Australian technical colleges; it is a completely different concept.

I think that there is a lot of confusion out there with people who think we are going back to those days. The students in the technical colleges were streamed, and that worked very well for many years with people moving into different areas and working alongside each other. The ATC concept, I believe, has the potential to decimate school and TAFE systems which have served as very well, particularly in my region. It is certainly all about shifting money to private providers—in the case of the Spencer Gulf region, it will be the Catholic education system—and to any employer that comes along and tenders for the technical training, to the detriment of the TAFE system. Any shonky employer could come along, tender with a very cheap price, set themselves up, give very poor training and destroy TAFE in the process.

The system will attack TAFE, which has certainly provided quality education in my part of the state for many years despite the disadvantages of distance and isolation. It brought in new technologies and very dedicated staff who were prepared to move around the area, and they have served us very well. Where are we to get the students from to fill this college? We are told that they will target those who are most

disadvantaged. This would be absolute rubbish. If you are setting up something that you want to succeed, you will be looking for the cream of the crop. You will be pulling those students from the schools and TAFE system. They will be hand picked and, certainly, those who could benefit from something like this will be left behind in the schools where there will not be enough students to give the subject choices required. We have only a limited number of students in our areas, and this will have a serious impact on our student numbers. I do not believe that this is the case with the technical colleges that have been set up and are being proposed in the north and south, but in our area it will have a major impact on our student numbers.

The infrastructure and the provision in our area is sound, and it works very effectively as it is. The current proposal has not allowed for any reasonable input by stakeholders in this process. Indeed, I know that many of the stakeholders have signed an MUA, but I believe that, like myself, they have done this reluctantly. I have not signed the MUA—I refuse to—but I know that many of those who signed did so with great reluctance, because they did not want to be seen to be left out the loop, but they were frightened to be seen as criticising, and, certainly, I have held my peace for some time for that reason. So, there are people who have signed the MUA but who are very, very nervous about the whole process.

Despite assurances, the proposal does duplicate the existing infrastructure, services and programs offered by the TAFE and schools. It should be complementing the system, not undermining it. The TAFE already provides free vocational industry based courses that attract those who wish to follow an industry pathway rather than completing their SACE. The schools work very well with the system, also. We have an acute shortage of teachers in our area, in particular, technical teachers. Where are we going to get the staff from? I believe that it is proposed that they will be paid more. All that will do is pull resources from the schools that so desperately need them and the TAFE system that already needs them.

The proposal does not address the needs of 16 to 18 year old students who have left school already. They will be looking for students from schools. The stipulation that this can be managed only by private providers is counter-productive. There is a proposal that it will be tendered out to government or non-government providers. Of course, this will go to those non-government providers when we have the Catholic education system tendering.

Time expired.

GOVERNMENT PERFORMANCE

Mr SCALZI (Hartley): We are five months out of a state election, and today we have seen the arrogance of this government. This morning, during the debate on the motion moved by the shadow minister for transport and police, who asked for a day to be dedicated to the matter of increasing fuel costs and how those costs are affecting the average budget, the government ridiculed, attacked, and refused to have that special day set aside. Well, they got half a day of discussion anyway, whether they liked it or not. Try to tell that to the public who are really hurting because of increasing petrol prices. As we move towards the election, it is important to differentiate clearly between state and federal achievements and give credit where it is due.

Low inflation, low interest rates and low unemployment statistics have been largely due to the success of the national economy, although the government does not freely quote all unemployment statistics. It tells us that we have one of the lowest unemployment figures but omits to tell us that we have the highest youth unemployment rate of 22.8 per cent—the highest in the nation. The Premier never mentions that and the fact that his own electorate has a youth unemployment rate of around 30 per cent. Of course, he would not know—he spends most of his time having a cafe latte on the Parade.

The responsibility for the national economy is a federal issue, and that is the main reason why the Howard government was returned to office. The electorate saw through Mark Latham as a leader as well, as we have found out over the last week or so. After over three years, our hospital emergency departments have been judged the nation's worst performing by a recent federal report, and South Australia now has the second lowest public hospital expenditure per person of all the states. The system is simply not working as it should, and the Premier and the minister appear to be in denial. Clearly, more than 11 000 South Australians on the waiting list for surgery, and a further 3 700 queuing just to get on the waiting list, know that there is nothing to celebrate about this government.

On top of this we have a crisis in mental health services, with the government closing Glenside, and thousands of people with mental illness living in the community who cannot get the treatment and support that they need. In health, new bureaucracies are soaking up valuable funds. Likewise, in the education system, the Rann government plans to employ 560 fewer teachers in public schools next year than under the previous Liberal government in 2001. While education department staff numbers have gone up in the last three years, money for maintenance of our schools—beyond some signage and paint—has not been forthcoming.

The road maintenance backlog is also growing while the government concentrates on building opening bridges at Port Adelaide, a project which could cost around \$100 million more than fixed bridges. At the local level, I also have maintenance of road backlogs, and constituents tell me that there is a lot to be done. They find it hard to believe that we are spending so much money on other projects—for example, \$7 million on Sturt Street school—and it is not equally distributed in places of need.

The minister has finally come up with a project for Lochiel Park, and I support the legislation to have the area—70 per cent of the Premier's original commitment—put under parklands. But, let us remember, there is no affordable housing in there, and what is going to be the cost to the ratepayers of Campbelltown? Already, concerned constituents have come up to me and asked what will happen once the project is established. No doubt the government has waited until the last six months before an election to announce the project. Also, there is the rudeness of not having the mayor at the launch; this government is arrogant.

SCHOOLS, COLTON ELECTORATE

Mr CAICA (Colton): After that outburst of negativity, I would like to focus on something far more positive. Monday evening's early finish of parliament, after we had discharged all our responsibilities for that day, provided me an excellent opportunity to attend three out of the four governing council meetings of schools in my electorate being held that night. I attended the meetings at Grange Primary School, Seaton Park

Primary School and Findon High School but, unfortunately, by the time I got to Fulham North Primary School they were efficient enough to have concluded their meeting. That is not necessarily a problem, because I have an excellent relationship with Fulham North Primary School, as I do with all the schools in my electorate. It is a school with which I am very familiar; my children attended that school. The principal of the school, Clare Rutledge, knows, as do all the school principals in my area, that she has open access to me and that I will drop whatever I am doing to take their calls, if they wish to discuss any issue.

At each of the meetings that I attended, the governing councils covered a whole host of generic issues as they related to educational requirements at the school and some more specific issues that related to the school. Each of the schools' governing councils, like all the governing councils in my electorate, is made up of committed parents who spend an enormous amount of their time providing a wide range of varied skills, thereby assisting in the management and, ultimately, the increased efficiency of the school and improving the educational outcomes that can be achieved at those schools. When you couple those representatives of the governing council with the other representatives of the school/governing council—the principal, the staff representatives and the members of the student representative council—the result is a committed and balanced committee that plays a pivotal role in the affairs of each of those schools.

I congratulate and thank all the school/governing council representatives who serve the schools in my electorate. Their role is appreciated, and it is crucial. I am proud of all the schools in my electorate, and I am thankful for the vital role that is carried out by the principals, teaching and support staff and the governing councils of each of those schools. It is safe to say that each of the schools in my electorate has a special sense of community, and I think that their efforts go well beyond the school boundaries with respect to integrating with the community and assisting in meeting the community's needs.

I could spend some time talking about some of the matters that were discussed at the meetings that I attended, but I want to focus on one of the issues that was raised at the Grange Primary School, where the governing council was provided with a presentation by the maths and science coordinators at that school. The governing council heard from these coordinators and was provided with some examples of how they were delivering mathematical teaching in a practical sense to the students as part of the curriculum. For example, the students from Grange Primary School attended the Royal Adelaide Show, and part of their role and responsibilities that they were charged with when attending was to judge, as best they could, using certain data, the value for money of the rides, the show bags and a whole host of other aspects about the show. It was not only to teach them about money in general, but also the value of money and what was value for money with respect to what was available at the show. They looked at the rides, show bags, the entrance fee and a whole host of issues. I think that the students, from the report we received, were not surprised at what they learnt, but they certainly had a better insight into the value—or, indeed, lack of value—of some of the things that are available at the show. I think that was a very good learning experience for those students, and I congratulate the maths coordinator at Grange Primary School.

The other issue that they focused on was mobile phones and teaching the students that there is more to a mobile phone

than a \$15 plan. Indeed, anecdotal evidence shows that most 21 year olds facing bankruptcy is because of the nature of phone plans. They learnt a lot about some of the dangers associated with these plans. It is a very good way of delivering practical mathematical learning. After tonight's citizenship ceremony at the City of Charles Sturt, I look forward to attending another school council meeting at another outstanding school in my electorate, Kidman Park Primary School. I look forward to attending as many of those meetings as I can.

SCHOOLS, PLAYGROUNDS

The Hon. M.R. BUCKBY (Light): The member for Colton has just been highlighting schools, and he and other members might be having the same problems as some of my schools are. Most of us would remember the Permapine playgrounds that were constructed back in the 1970s, all of which in all schools have now been condemned. As a result, schools are having to dismantle them and take them away from the site, but are then left without a playground for many of their students. One such school in my area is the Freeling Primary School. On attending its governing council meeting I was advised that it is going to cost it \$70 000 to replace the playground for its junior primary school students. Freeling is not a large community, and to try to raise \$70 000 is extremely difficult.

It has applied to the Australian government's Investing in our Schools program, and we are waiting for the federal Minister for Education to release the successful applicants for grants in that program. I believe that it is one area where the state government could perhaps consider helping schools. I understand that this is no small task, but I believe that most of this is outside the fundraising abilities of many of the schools, particularly those smaller schools in country areas, and that it is a program that the government should look at. It would certainly help these schools. I hope that many of them get funding from the Australian government's program, an excellent initiative in trying to improve the assets of our government schools, primary and secondary, but it is one issue that I believe the state government should also examine to ascertain whether there is a role for the it.

I would like to raise a second issue. A constituent of mine from Evanston Gardens came in and advised me about the supply charges on his gas account. Many members in this house have probably had similar complaints from their constituents. He advised me that the supply charge has now increased from \$33 to \$48. For a person who is on a fixed income or for a pensioner, \$15 per quarter is a substantial increase in terms of a supply charge. The supplier of the gas is a private company, it having been privatised in the mid-1980s in South Australia. I advised my constituent that, as a result of that, the government has no control over what the gas supplier can charge, but it is a matter of concern when well above inflation increases occur in these sorts of supply charges, with the impact that then has on an individual's disposable income for an item that is really a necessity in terms of their standard of living.

Another issue I would like to raise is that of the escalating costs for local government development assessment functions. When the Sustainable Development Bill was before the parliament, one of the issues that I remember raising was the fact that the creation of the regional committees and for a CEO of those committees to be appointed would add an additional cost to local government. I have received a copy of a letter from Ian Baldwin, Director of Development and

Environmental Services in the Barossa Council. He also sent a copy of this letter to the Hon. Paul Holloway and to the member for Schubert, highlighting that the total expenditure for the Barossa Council was some \$483 136 and revenue was \$257 649, which meant a net expenditure to council of just over \$225 000.

He and many others (the Local Government Association, in particular) are concerned at the increasing costs and their inability to pass on those costs to people applying for development assessments. It is a matter that I raised and a matter that is a concern to local government, and one that should be addressed by this government.

SCHOOLS, LIBRARY BOOKS

Ms THOMPSON (Reynell): I was amazed to hear the question asked by the member for Bragg about a particular book in some primary schools. My immediate reaction was: did she not ever read *Grimm's Fairy Tales*, because she was worried about children being exposed to black stories. Not only do *Grimm's Fairy Tales* show a lot of dark tales, but nursery rhymes are often grim and awful too, for example:

Oranges and Lemons, say the bells of St Clement's,
Here comes a candle to light you to bed,
Here comes a chopper to chop off your head,
Chip chop, chip chop, the last man's dead.

Then there is:

Rock a bye baby on the tree top,
When the wind blows the cradle will rock,
When the bow breaks the cradle will fall,
Down will come baby, cradle and all.

There is also:

Jack and Jill went up the hill to fetch a pail of water,
Jack fell down and broke his crown and Jill came tumbling after.

The member for Bragg seemed to be worried about injury to animals. I recalled *Three Blind Mice*, which states:

Three blind mice, three blind mice,
See how they run, see how they run,
They all ran after the farmer's wife,
She cut off their tails with a carving knife,

The Hon. Dean Brown: This is a significant contribution!
The DEPUTY SPEAKER: Order!

Ms THOMPSON: The member for Finnis seems to be concerned about the discussion of literacy occurring in this house and a discussion on how children develop an understanding of language and rhyme and a love of literacy. It is a bit outrageous that the member for Finnis has no understanding of the development of a love of literature and the way children approach humour and rhyme. That seems to be the case also with the member for Bragg.

I was reminded that somebody had pointed out to me some time ago an item by *Sydney Morning Herald* columnist Miranda Divine, who is no ordinary columnist. She was selected by the member for Bragg's Federal colleague, Brendan Nelson, to sit on his national inquiry into literacy teaching. She is usually rather a conservative person and I do not often agree with her views, but her article talks about pursed-lipped teachers, librarians and booksellers trying to ban the latest book by Andy Griffiths, one of the new authors who writes specifically and spectacularly successfully for reading-averse little boys. Her article refers to a nine year old boy, whom she asked to read *The Bad Book*. Her subject found it funny, interesting and involving. 'Kids love funny poems,' the kid said.

Ms Rankine interjecting:

Ms THOMPSON: Pursed-lipped. I am not sure whom the member for Wright might have in mind opposite who has pursed lips. There was also mention in the article about a nine year old child saying:

In *Harry Potter and the Order of the Phoenix* they are scary fatal deaths that happen really slowly, but in *The Bad Book* they are just fake deaths. As if anyone who reads this will think it's fun to run across a road and kill yourself.

So a nine year old child seems to have far greater wisdom than do some members opposite.

Ms Breuer interjecting:

Ms THOMPSON: The member for Giles has reminded me about the stepmother who was presented with a poison apple. She may be wondering what sort of apples we have around here at times. Children need to learn to read. Children need to learn to love reading books.

The Premier's Reading Challenge has been spectacularly successful, and I have been pleased to support it in my area. Some schools have *The Bad Book* and some schools do not. I know that I can rely on the incredible wisdom and expertise of the teacher librarians in the schools in my area to make wise decisions about what books will be suitable for children and families in the area. I am particularly supportive of teachers who try to engage reading averse young boys through the presence of such books in their library. When I have presented books to schools. I have followed the schools' requests, and one of the most popular books seems to be *Princess Smarty Pants*. Perhaps the member for Bragg objects to that as well.

Time expired.

MINISTER'S REMARKS

Ms CHAPMAN (Bragg): I seek leave to make a personal explanation.

Leave granted.

Ms CHAPMAN: Today during question time, the Attorney-General said in reply to a question from me:

It is very interesting. I notice from some reading that I have been doing that taxpayers' money was spent on Ball Public Relations putting material together for the member for Bragg to give a speech in this place on the merits of Ms Abraham, and the Auditor-General is inquiring into that very matter.

I advise the house that, first, at no time have I ever spoken to, requested or engaged Ball Public Relations to provide anything, particularly the material referred to by the Attorney-General. Secondly, as the house may be aware, I moved a motion in this house indicating my support for and appreciation of Ms Wendy Abraham QC for her contribution to South Australia as a prosecutor. From memory, that motion was carried.

In the course of that motion being presented to the house, I inquired of the DPP's office as to whether I might be provided with a copy of a curriculum vitae for Ms Wendy Abraham QC—

The Hon. M.J. Atkinson: That's right, and money was spent.

The DEPUTY SPEAKER: Order!

Ms CHAPMAN: —or, alternatively, whether it might be available on some web site. I was informed that a curriculum vitae could be made available and would be forwarded in due course. Subsequent to that—

The Hon. M.J. Atkinson: That's right, and Ball Public Relations did it.

The DEPUTY SPEAKER: Order!

Ms CHAPMAN: —I received in the mail a copy of a curriculum vitae from the DPP's office. I have no other comment to make.

Ms BREUER: I rise on a point of order, Mr Deputy Speaker.

The Hon. M.J. Atkinson interjecting:

The DEPUTY SPEAKER: Order!

Ms BREUER: The member opposite said that the motion of congratulations to Wendy Abraham had been carried. It is still on the *Notice Paper*.

The Hon. M.J. Atkinson: So you've misled the house.

The DEPUTY SPEAKER: Order! I don't think it is worth getting too upset about.

RIVER MURRAY (MISCELLANEOUS) AMENDMENT BILL

The Hon. K.A. MAYWALD (Minister for the River Murray) obtained leave and introduced a bill for an act to amend the River Murray Act 2003, and to make associated amendments to the Development Act 1993 and the Renmark Irrigation Trust Act 1936. Read a first time.

The Hon. K.A. MAYWALD: I move:

That this bill be now read a second time.

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

Leave granted.

Introduction

The *River Murray (Miscellaneous) Amendment Bill 2005* seeks to make administrative and minor changes to the *River Murray Act 2003* and two associated Acts (being the *Development Act 2003* and the *Renmark Irrigation Trust Act 1936*) that relate to the protection and enhancement of the River Murray. The Bill seeks to clarify certain matters and to reduce current ambiguities associated with administration of, and compliance with, those Acts as well as improving government timeliness.

River Murray Act 2003

The Bill proposes a number of changes to the *River Murray Act 2003* that will provide greater protection for the River Murray. The definition of activity is to be revised to recognise that an activity can also mean a series of acts. The cumulative impact of an activity is frequently as great a cause of environmental degradation as an individual act and that it may be a series of acts that will constitute a breach of the general duty under the *River Murray Act*, rather than a single activity. Amending the definition to include a series of acts will provide added protection to the River Murray.

At present, a prosecution for breach of a River Murray Protection Order must commence within 6 months, and breach of any other order, within 2 years. For an environmental offence, these time frames are often too short as it can be expected that a breach of a Protection Order may not become evident until after the six-month period has elapsed. Expanding the timeframes in which proceedings for an offence under the *River Murray Act 2003* must occur will provide added protection to the River Murray. Changes to time frames to commence prosecution will provide consistency with the *Environment Protection Act 1993*, which allows prosecution to commence within three years of commission of the offence, or within 10 years with the consent of the Attorney-General.

Further amendment to the *River Murray Act 2003* relates to minor wording changes to provide greater clarity within the *River Murray Act 2003* that will help to aid in the more effective administration of the Act. An example in this regard relates to the publication of the Implementation Strategy, which will be widely published and, in relation to which, notice of the publication of the strategy will be given in the *Gazette*.

Development Act 1993

Currently under the *Development Act 1993*, the Minister for Urban Development and Planning must consult with the Minister for the River Murray on amendments to Development Plans when all or

part of the Council area for which the Development Plan relates is within the Murray-Darling Basin, even though the actual amendment may relate to an area outside of the Murray-Darling Basin.

As a result of amendments to the *Development Act 1993*, a more efficient process for referring amendments to Development Plans to the Minister for the River Murray will be established. Firstly, it will only be those amendments to Development Plans that relate to the Murray Darling Basin that will need to be referred to the Minister for the River Murray. Secondly, the proposed amendments will also enable procedures and timelines for any referrals of amendments to Development Plans to be established under regulations.

To ensure that these changes do not impact on the Minister for the River Murray's activities relating to policy development and consideration of activities under the *River Murray Act 2003*, a further amendment clarifies that the changes will not affect or limit these operations.

Overall, these amendments will improve government service delivery and improve timeliness.

Renmark Irrigation Trust Act 1936

Changes to the *Renmark Irrigation Trust Act 1936* will enable the Renmark Irrigation Trust to undertake payment transactions using any method that the Trust agrees to by resolution. This will remove dated and over restrictive methods for making payments whilst still ensuring that an appropriate level of accountability is maintained and documented.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *River Murray Act 2003*

4—Amendment of section 3—Interpretation

The definition of *activity* is to be revised so that it is clear that it includes an act carried out on a single occasion or a series of acts.

5—Amendment section 14—Powers of authorised officers

This amendment is of a minor drafting nature.

6—Amendment of section 21—Implementation Strategy

Section 21(7)(a) of the Act currently requires that the Implementation Strategy must be published in the *Gazette*. The amendment will mean that such publication in the *Gazette* is not required, but that notice of the availability of the Implementation Strategy is to be published in the *Gazette*. Copies of the Implementation Strategy will continue to be available at a place or places determined by the Minister.

7—Amendment of section 23—General duty of care

These amendments are consequential on the revision of the definition of *activity*.

8—Amendment of section 29—Interim restraining orders

This amendment addresses an incorrect cross-reference.

9—Insertion of section 37A

This clause makes specific provision with respect to the period within which proceedings for a summary offence may be commenced.

Schedule 1—Related amendments

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Amendment of *Development Act 1993*

2—Amendment of section 24—Council or Minister may amend a Development Plan

Section 24(3) of the Act is to be revised so that the consultation requirement involving the Minister for the River Murray will only apply if the amendment to a Development Plan relates to a part of the Murray-Darling Basin (rather than the current provision under which any amendment to any Development Plan that relates to a part of the Murray-Darling Basin must be referred to the Minister for the River Murray). It has also been decided that provision should be made so that the regulations can

prescribe appropriate procedures and timelines in connection with the consultation requirements under subsections (2), (3) and (4) of section 24. However, it is to be made clear that these arrangements are not to derogate from the operation of section 22(5) of the *River Murray Act 2003* (which allows the Minister responsible for the *River Murray Act 2003*, or any other Minister, to refer an unresolved issue that has arisen between two Ministers to the Governor for determination).

Part 3—Renmark Irrigation Trust Act 1936

3—Amendment of section 97—Receipt and payment of money

This amendment revises the manner in which the Renmark Irrigation Trust may make payments. However, the trust will be required to ensure that there are proper systems in place to record the receipt, depositing and payment of money by or on behalf of the trust.

The Hon. I.F. EVANS secured the adjournment of the debate.

STATUTES AMENDMENT (INTERVENTION PROGRAMS AND SENTENCING PROCEDURES) BILL

Second reading.

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

That this bill be now read a second time.

The government introduced this bill to the other place for the second time in February this year. An almost identical bill—the Statutes Amendment (Intervention Programs and Sentencing Procedures) Bill 2003—was laid aside by the Legislative Council on 30 June 2004, after the houses deadlocked on the terms of a schedule to the bill. Aside from the disputed amendment to the schedule, the bill has been passed by both houses in the form in which it was introduced and amended by the government.

The bill, which was introduced to the other place and which is now before this house, is identical to the 2003 bill except for the schedule providing for the review of intervention program services. A different form of schedule is proposed in this bill—about which I will speak later. The new schedule is based on a suggestion by the Hon. Nick Xenophon, who worked tirelessly to broker a resolution of this disagreement.

This is a bill to provide a formal statutory backing for two practices that have developed in the courts. One is the practice of directing defendants to undertake programs of intervention that help them take responsibility for the underlying causes of their criminal behaviour. The other is the use of sentencing conferences in sentencing Aboriginal defendants.

The legislative framework for these practices is to be provided by amendments to the Bail Act 1985, the Criminal Law (Sentencing) Act 1988, the District Court Act 1991, the Magistrates Court Act 1991 and the Supreme Court 1935. The previous government consulted on legislative models for these practices in 2001. The people consulted included the Solicitor-General, the Chief Justice, the Chief Magistrate, the Director of Public Prosecutions, the Department for Correctional Services, the Department of Human Services, the Attorney-General's Department, the Courts Administration Authority and the magistrates who work in courts that use the practices. There was unanimous support for the practices and their need for a statutory basis.

I continued to consult with the Minister for Police, the Minister for Health, the Minister for Social Justice, the Minister for Aboriginal Affairs and Reconciliation, Regional Affairs and Correctional Services, the Director of Public Prosecutions, the State Courts Administrator, the Chief Magistrate and some individual magistrates, and with those responsible in the Attorney-General's Department for the establishment and the operation of the various programs. I will speak first about intervention programs.

In appropriate cases, the Magistrates Court will arrange for a defendant to be assessed for and, if suitable, to undertake a program of intervention (sometimes called diversion). This is an intensive program of treatment or rehabilitation or behaviour management designed to help the defendant deal with the underlying causes of his or her criminal behaviour. There are presently three programs used by the court: the Drug Court Program, the Magistrates Court Diversion Program (dealing with mental impairment) and the Violence Intervention Program. In the words of Mr Justice Gray in the South Australian Court of Criminal Appeal decision of *R v McMillan* (2002) 81 SASR at page 540:

The coordination of [these] programs requires a range of expertise. The programs are undertaken in conjunction with government agencies and non-government professionals. Ideally all involved work together towards a common purpose—to address the specific needs of the individual and achieve a result which befits not only them but provides protection for the community from further offending.

The justice and human services systems have developed the programs collaboratively. The programs do not divert people away from the courts like the shop theft program and the police drug diversion program. They are court directed programs under which criminal proceedings already begun are held over while the person undertakes treatment or rehabilitation or is connected with appropriate support services. The programs are rigorous and demand considerable commitment from the participant. An order to undertake a program is usually made as part of a bail agreement before trial or sentence. Satisfactory progress in a program will be reflected in the sentence.

The kind of treatment and rehabilitation offered in a program will depend on the circumstances of the defendant and the scope of the program. For a drug-addicted defendant the program will usually include detoxification and urinalysis. For the defendant whose offending takes place in a situation of family violence, there is a range of behaviour management therapies. For some defendants, particularly those with a combination of behavioural problems, the program may include managed intervention other than treatment or rehabilitation in the strict sense—for example, help in obtaining supervised lodging or acquiring independent living skills.

The bill does not establish particular intervention programs or set guidelines for the approval or delivery of programs, this being the function of executive government. It is the government, not the courts, that should decide what, if any, programs it will provide and how these programs should be accredited and funded. The bill simply sets up a framework within which the government can provide existing programs, or, should it so decide, develop additional programs to address behavioural problems, including problem gambling, substance abuse or mental impairment. The bill provides a legal framework within which the courts may direct eligible defendants into whatever suitable programs exist at the time and take account of their progress. In doing

so it does not create a separate intervention jurisdiction in any court, nor confine the authority to make an intervention order to any one court. It is true that intervention is usually offered in Magistrates Courts, because it is here that the defendant first comes into contact with the court system. But the bill does not preclude a higher court ordering and supervising intervention (other than mental impairment intervention, and I will explain this later) if the infrastructure is in place and such orders are appropriate for a particular defendant.

At present, only a few selected Magistrates Courts offer intervention. This means it is not available to every eligible defendant. The bill makes intervention possible ultimately for all eligible defendants by allowing intervention to be arranged by any criminal court. But it does not create a legal entitlement to intervention, because it makes the court's ability to order intervention subject not only to the eligibility of the defendant but to program services being available at a suitable place and time. The government of the day, not the courts, will determine how many eligible defendants have access to intervention by deciding how and where programs will be offered.

The bill does not confine the intervention to one cause of the defendant's criminal behaviour, even though this is the practice now. At present, each program deals with a single cause of criminal behaviour, and only a specially designated court may direct a defendant to undertake that program. The court making the intervention order does not assess for, or direct defendants into, more than one kind of intervention, such as mental impairment, as well as family violence intervention, even though this may be suitable.

The bill will allow but not compel a court to approve a defendant's participation in a combination of separate programs or in a program that combines more than one kind of intervention. A court's ability to make such an order will, of course, depend on whether the necessary assessment and intervention services are available to it. Another important feature of the bill is that a person's legal rights and access to intervention options are determined by a judicial officer, while the programs themselves are administered and delivered by non-judicial officers under the direction of the court. The court determines a defendant's compliance with an order to be assessed for or undertake an intervention program.

The bill gives the court the ability to include as a condition of bail or of a bond a requirement that the defendant be assessed for or undertake an intervention program. It may defer sentence to enable a defendant to be assessed for or undertake a program, or pending the defendant's completion of a program. When determining sentence, the court may take a defendant's participation and achievements in an intervention program into account. Equally, it is important not to deter people from undertaking intervention by penalising them for failing in their attempt.

There is a strong public interest in maintaining an incentive for people who come before the courts to overcome the underlying causes of their criminal behaviour, because the programs themselves are rigorous and demanding. The bill allows a sentencing court to give credit for an offender's participation in the program, but also makes it clear that not participating in a program or not being given the opportunity to do so is not relevant to sentence. This will prevent sentence challenges by co-offenders or different offenders charged with like offences, when a lesser sentence is given to one of them in recognition of his or her participation in an intervention program. A provision like this is consistent with the principles in section 10 of the Criminal Law (Sentencing) Act

1988. I can see from the expression on the member for Kavel's face that he is familiar with that provision. It reinforces that the bill does not create an entitlement to intervention nor oblige courts to offer it and that the bill is not intended to change sentencing principles about the weight to be given to the rehabilitation of offenders.

Of course, if a person fails to meet the requirements of a program, this will be reported to the court. The court may treat it as a breach of bail or of a bond but has the discretion not to do so in appropriate circumstances, for example, when all that may be necessary to ensure a defendant's continuing participation is an adjustment to program conditions and a warning from the court. A court may make an order for intervention only if the defendant agrees to it. The court must also be satisfied that the defendant is eligible for the services offered by the program and that the services necessary to deliver the program to the defendant are available at a suitable time and place. This is important because, although the legislation will generally allow any court to order intervention, intervention programs are not now available through all courts. The person advising the court about a defendant's eligibility for a program and the availability of services, will be the intervention program manager, a person employed by the Courts Administration Authority to coordinate the orders of the court with the delivery of program services to defendants and to have oversight of all intervention programs. He or she will also let the court know when a person has not met the requirements of a program.

I turn now to some specific provisions within the general framework. The first is the proposed clause 19B of the Criminal Law (Sentencing) Act 1988. This clause allows a court to adjourn proceedings after finding a person guilty and release the defendant on bail before determining sentence. The purpose is to assess the defendant's prospects for rehabilitation, allow the defendant to demonstrate that rehabilitation has taken place or arrange for the defendant to be assessed for, or undertake, an intervention program. This kind of procedure is known as a Griffiths remand and is used routinely in the Drug Court. When proceedings resume on a specified date set, as a general rule, no later than 12 months after the finding of guilt, the court may take into account the defendant's rehabilitation during the adjournment when determining sentence. I am glad the member for Kavel approves. Because an intervention program may last longer than 12 months, the bill allows a court to defer sentence for longer than 12 months if satisfied that the defendant's participation or agreement to participate in an intervention program has shown a commitment to deal with the problems out of which his or her offending arose, and if satisfied also that, unless proceedings are further adjourned, the defendant cannot complete or participate in the program, and his or her rehabilitation will be prejudiced.

The bill contains some special provisions about mental impairment. For the purposes of intervention, a person's mental impairment is such as to explain and extenuate, at least to some extent, the conduct that forms the subject matter of the offence. It is a less serious level of mental impairment than that to which Part 8A of the Criminal Law Consolidation Act applies.

Mr Hamilton-Smith: How many more pages?

The Hon. M.J. ATKINSON: Five. Last night the opposition insisted on the reading of second reading speeches. Part 8A establishes procedures—

Members interjecting:

The Hon. M.J. ATKINSON: I am giving the opposition what they want and I am giving it to them good and hard. Part 8A establishes procedures for determining whether a mental impairment renders a person mentally unfit to stand trial or mentally incompetent to commit an offence. By contrast, intervention is not offered to people who are intending to contest the charge on any ground, including mental impairment. An admission of guilt is not a prerequisite for a court ordering mental impairment intervention (or any other form of intervention, for that matter). It could not be so in the case of mental impairment without a test of the defendant's mental capacity to admit or deny guilt (fitness to plead) under Part 8 of the Criminal Law Consolidation Act also having to be a prerequisite. This would make the process of intervention cumbersome and capable of manipulation and defeat its purpose—to help minor offenders (often those who have been deinstitutionalised and have no-one supervising their medication or activities) to keep out of trouble.

To emphasise this, the bill limits the court's powers of dismissal and release under the mental impairment provisions to summary offences or minor indictable offences and allows these powers to be exercised only by the Magistrates Court or the Youth Court, or a court prescribed by regulation. Such a court may, if it finds a mentally impaired defendant guilty of a summary or minor indictable offence, release him or her without conviction or penalty or dismiss the charge in certain circumstances.

This provision has been included at the instance of the magistrates who preside over mental impairment intervention. They say that, without such authority, they have no option but to make a formal finding of guilt where police have not withdrawn charges. In some cases that finding may carry with it criminal sanctions that will negate valuable progress made by the defendant in learning to live independently and responsibly and to have regular and reliable access to medical and other support services.

Of course, a mentally impaired person who undertakes an intervention program will not automatically be released without conviction or penalty or have charges against him or her dismissed. For a start, not all mentally impaired defendants are eligible for intervention (there being criteria for entry to the mental impairment intervention program that bar violent or repeat offenders), and of those who are eligible not all will qualify for consideration for release or dismissal of the charge.

Before releasing the defendant or dismissing charges against him or her, the court must be satisfied that the defendant understands that he or she has a mental impairment, understands that it affects his or her behaviour and has made a conscientious effort to address this by completing or participating to a satisfactory extent in an intervention program. The court must also be satisfied that the release or dismissal of the charge will not endanger the safety of a particular person or the public.

It may not dismiss charges if this would have the effect of denying a victim compensation by the defendant under the Criminal Law (Sentencing) Act 1988, a most important point. A victim who is injured as a result of conduct the subject of a charge that is dismissed under this part of the bill is in the same legal position, in making a criminal injuries compensation claim against the Crown, as a victim of the actions of a non-impaired person against whom charges are not proceeded with or are dismissed. The bill need make no special provision for this.

There is another option available to the court before it decides whether to dismiss charges against a mentally-impaired defendant. If the defendant has begun but not yet completed an intervention program, the court may release him or her on an undertaking to complete the program. The defendant must come back to court if he or she completes the program or if he or she fails to complete it, so that the court can decide whether to dismiss the charge in the way I have described or to make a finding of guilt and proceed on that basis. If there is a finding of guilt, the court has choices. It may release the defendant without conviction or penalty under clause 19C(1) of the bill; it may proceed under other provisions of the Criminal Law (Sentencing) Act 1988 that come into operation after a finding of guilt (like placing the defendant on a bond); or it may defer sentence under clause 19B of the bill, to assess the defendant's prospects of rehabilitation.

I turn now to accessibility of evidence.

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: I hear groans from the member for Bragg, but it was the member for Bragg last night who insisted on the proprieties on this matter, and I am reading the second reading speech in deference to her sensitivities and her demands.

Ms CHAPMAN: On a point of order, there is no such reference or inference on which the Attorney can make such a statement and reflect on another member or assert something that is patently inaccurate.

The DEPUTY SPEAKER: There is no point of order.

The Hon. M.J. ATKINSON: The bill also amends the Magistrates Court Act 1991, the District Court Act 1991 and the Supreme Court Act 1935 so that reports prepared to help the court determine a person's eligibility for, or progress in, an intervention program may only be inspected by the public with the permission of the court. These reports are part of the court record, and are taken and received in open court. But they should not be available freely to the public, because they are relevant neither to guilt nor, necessarily, to sentence. I turn now to the conjectural aspect of the bill, and that is the review of intervention program services.

Schedule 1 to the bill allows either house of parliament, 12 months or more after the commencement of the act, to ask the Ombudsman to investigate the value and effectiveness of the services that are included on intervention programs. The investigation is to cover the period of 12 months from the commencement of the act or any other period specified by the house that requests the investigation. The investigation is to be conducted as if it were initiated under the Ombudsman Act 1972. The schedule contains a clause, inserted by opposition amendment in the Legislative Council, that the Attorney is to ensure that the Ombudsman has the funds reasonably required to carry out the investigation.

The government takes the view that this clause sets an undesirable precedent in that it requires the Attorney-General to use his budget in a particular way. As the Hon. Ian Gilfillan said in opposing this clause in the other place:

If we are to have clauses that become sections in our legislation, which will individually fund every task that is allocated to the Ombudsman, how will we get a priority of what is the top priority for an Ombudsman to do. . . to specify in this amendment that this particular task is the one which will have the guaranteed or supposed guaranteed funding—and how much is that funding to be guaranteed?—I really see as quite pointless.

However, in the interests of passing this much-needed legislation, the government is prepared to accept the schedule amended in this way. I note, however, that the delay in

passing this bill may be attributed entirely to the opposition's illogical obsession with the need for a legislative requirement that program services be reviewed.

Ms CHAPMAN: On a point of order, sir, I suggest that is a reflection by the Attorney-General on members of the opposition. This is a matter which he has already indicated is the resolution of a deadlock conference.

The DEPUTY SPEAKER: There is no point of order—it is certainly not a reflection.

The Hon. M.J. ATKINSON: This house will have come to a pretty pass when one side of the house cannot accuse the other of an illogical obsession.

The DEPUTY SPEAKER: I have already ruled on that and I do not need the Attorney-General's assistance. Could he return to his speech.

The Hon. M.J. ATKINSON: There is no need for such a legislative requirement. Why would any government pretend that intervention program services are valuable and effective when they are not? No government, especially one with a law and order agenda, is interested in supporting programs of intervention that do not work. They cost money and time. I assure the house that this government looks carefully at the effectiveness of these programs. I would hope the opposition, if it ever wins government, would do the same. Parliament need not worry that there is any possibility of these programs not being evaluated thoroughly and regularly. The government has been evaluating intervention programs continuously since they began. Details of past and current evaluations are publicly available through the Attorney-General's office or online, through the web site of the Office of Crime Statistics and Research, that is, www.ocsar.sa.gov.au.

Ms Chapman interjecting:

The DEPUTY SPEAKER: Order!

The Hon. M.J. ATKINSON: It may well be that the review provision in the schedule will never be invoked because there is simply no need for an investigation by the Ombudsman. It has been included in the bill in case some special need arises.

I turn now to Aboriginal sentencing procedures. The Magistrate's Court has for some time used culturally appropriate conferencing techniques when sentencing Aboriginal offenders. These techniques are designed to promote understanding of the consequences of criminal behaviour in the accused and an understanding of cultural and societal influences in the court and thereby make the punishment more effective. The bill formalises this process. It allows any criminal court, not just the Magistrates Court, with the defendant's consent, to convene a sentencing conference and to take into consideration the views expressed at the conference. The conference must comprise the accused (or, if the accused is a child, the accused's parent or guardian), the accused's lawyer (if any), the prosecutor and, if the victim chooses to attend, the victim (or, if the victim is a child, the victim's parent or guardian) and the victim's chosen support person.

The court may also invite to the conference, if it thinks they may contribute usefully to the sentencing process, one or more of these people: a person regarded by the defendant and accepted within the defendant's Aboriginal community as an Aboriginal elder; or, a person accepted by the defendant's Aboriginal community as a person qualified to provide cultural advice relevant to the sentencing of the defendant; or, a member of the defendant's family; or, a person who has provided support or counselling to the defendant; or, any other person.

An Aboriginal justice officer, employed by the Courts

Administration Authority, helps the court convene the conference and advises it about Aboriginal society and culture. The Aboriginal justice officer also helps Aboriginal people understand court procedures and sentencing options and helps them comply with court orders. An Aboriginal offender's sentence, whether given in conference or using standard sentencing procedures, may include a requirement to participate or continue in an intervention program. Using a sentencing conference procedure does not change the matters to which a court must have regard when determining sentence under section 10 of the Criminal Law (Sentencing) Act 1998 or any other aspect of sentencing. It is just a way of informing the court and the defendant, and his or her community, about matters relevant to sentence in a more comprehensive and understandable way than is possible using standard procedures.

I turn now to administration. Because the bill formalises practices that already exist in the Magistrates Court, that court already has administrative procedures in place for both intervention programs and sentencing conferences. The Courts Administration Authority has appointed an officer to manage and coordinate mental impairment intervention, drug, and family violence programs. This position is described in the bill as that of intervention program manager. The position includes a delegate of that person. For each defendant who undertakes a program there is a case manager whose role is also mentioned in the bill.

Additional administrative arrangements by the Courts Administration Authority include authorising registrars of metropolitan and country magistrates courts that use these programs to arrange services for these courts, drawing on existing retrained registry staff and the transfer of Aboriginal justice officers attached to the Fines Payment Unit of the Aboriginal Court reporting to the registrar of that court.

Because these are joint agency programs involving teams of professionals operating under different regimes, each program has its own steering committee comprising senior officers from the agencies involved. As well, an interdepartmental senior executive group has been established to coordinate and oversee the service delivery and funding of the various programs, to make formal partnering agreements between the justice and human services portfolios, and to monitor unmet need to inform future government funding of court diversion programs.

In conclusion, giving legislative backing to these programs and procedures recognises their value to criminal justice and to the public. Intervention programs help people to learn to take responsibility for the underlying causes of their behaviour and to live in a law-abiding way. Sentence conferencing helps to reduce the alienation of Aboriginal offenders that so often impedes their rehabilitation and compliance with court orders. The bill gives a clear statutory backing to a valuable component of the work of our courts. I commend the bill to members, and I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause provides that the Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Bail Act 1985*

4—Amendment of section 3—Interpretation

This clause inserts into the interpretation section of the *Bail*

Act 1985 ("the Act") a number of new definitions necessary for the purposes of the measure. A *case manager* is a person responsible for supervision of a person's participation in an intervention program. An *intervention program* is a program designed to address a person's behavioural problems (such as problem gambling), substance abuse or mental impairment and may consist of treatment, rehabilitation, behaviour management, access to support services or a combination of these components, all of which are supervised. An *intervention program manager* is a person who has oversight of intervention programs and coordinates the implementation of relevant court orders.

5—Insertion of sections 21B and 21C

This clause inserts two new sections into the Act. Under proposed section 21B, a court may make participation in an intervention program a condition of a bail agreement. Before imposing such a condition, the court must be satisfied that the person entering into the agreement is eligible for the services to be included on the program and that those services are available at a suitable time and place. A court cannot impose a condition that a person undertake an intervention program if the person does not agree to the condition. A court may, in order to determine an appropriate form of intervention program, and a person's eligibility for the services on the program, make appropriate orders for assessment of the person. The person may be released on bail on condition that he or she undertake the assessment.

A person released on a bail agreement that contains a condition requiring the person to undertake an intervention program (or an assessment for the purpose of determining his or her eligibility) must comply with the conditions regulating his or her participation in the program. A failure to do so may be regarded as a breach of the bail agreement. A person released on bail on condition that he or she undertake an intervention program may apply to the court for an order revoking or varying the condition.

If an intervention program manager considers that a person has failed to comply with a condition regulating the person's participation in an assessment or program, and that the failure suggests the person is unwilling to participate in the assessment or program as directed, the manager is required to refer the matter to the court, which is then required to determine whether the failure to comply amounts to a breach of the bail agreement.

A certificate signed by an intervention program manager as to the availability of particular services and the eligibility of a person for services to be included on a program, is admissible as evidence of the matter certified. A certificate signed by a case manager as to whether a particular person has complied with conditions regulating his or her participation in an assessment or program is also admissible as evidence of the matter certified.

Proposed section 21C provides that an intervention program manager may delegate a power or function under the Act to a particular person or to the person for the time being occupying a particular position. A delegation may be by instrument in writing, may be absolute or conditional, does not derogate from the power of the delegator to act in a matter and is revocable at will. A power or function delegated may, if the instrument so provides, be further delegated.

Part 3—Amendment of *Criminal Law (Sentencing) Act 1988*

6—Amendment of section 3—Interpretation

This clause inserts into the interpretation section of the *Criminal Law (Sentencing) Act 1985* ("the Act") a number of new definitions necessary for the purposes of the measure. A *case manager* is a person responsible for supervision of a person's participation in an intervention program. An *intervention program* is a program designed to address a person's behavioural problems (such as problem gambling), substance abuse or mental impairment and may consist of treatment, rehabilitation, behaviour management, access to support services or a combination of these components, all of which are supervised. An *intervention program manager* is a person who has oversight of intervention programs and coordinates the implementation of relevant court orders.

7—Insertion of section 9C

Proposed section 9C provides that a sentencing court may, before sentencing an Aboriginal defendant, convene a

sentencing conference and take into consideration views expressed at the conference. A sentencing conference can only be convened under this section with the defendant's consent. An Aboriginal Justice Officer will assist the court in convening the conference. An *Aboriginal Justice Officer*, as defined in subsection (5), is a person employed to assist the court in sentencing of Aboriginal persons and convening of sentencing conferences. An Aboriginal Justice Officer also assists Aboriginal persons to understand court procedures and sentencing options and to comply with court orders.

Subsection (2) lists the persons who must be present at a sentencing conference and subsection (3) persons who may be present. A person included in the list under subsection (3) may be present if the sentencing court thinks the person may contribute usefully to the sentencing process.

A person will be taken to be an Aboriginal person for the purposes of section 9C if the person is descended from an Aboriginal or Torres Strait Islander, regards himself or herself as an Aboriginal or Torres Strait Islander (or, if a young child, at least one of the parents regards the child as an Aboriginal or Torres Strait Islander), and is accepted as an Aboriginal or Torres Strait Islander by an Aboriginal or Torres Strait Islander community.

8—Amendment of section 10—Matters to which sentencing court should have regard

This clause inserts two new subsections into section 10 of the *Criminal Law (Sentencing) Act 1988*. Proposed new subsection (4) provides that a court may treat a defendant's participation in an intervention program, and his or her achievements in the program, as relevant to sentence. Under proposed new subsection (5), the fact that a defendant has not participated in, or has not had the opportunity to participate in, an intervention program, is not relevant to sentence. The fact that a defendant has performed badly in, or failed to make satisfactory progress in, an intervention program is also irrelevant to sentence.

9—Insertion of sections 19B and 19C

Proposed section 19B provides that a court may, on finding a person guilty of an offence, adjourn proceedings to a specified date and grant bail to the defendant in accordance with the *Bail Act 1985*. The purposes for which a court may adjourn proceedings under this section include assessment of the defendant's capacity and prospects for rehabilitation, allowing the defendant to demonstrate that rehabilitation has taken place, and allowing the defendant to participate in an intervention program. As a general rule, proceedings may not be adjourned under section 19B for more than 12 months from the date of the finding of guilt. However, proceedings may be adjourned for more than 12 months if the defendant is, or will be, participating in an intervention program. Before adjourning the proceedings for more than 12 months, the court must be satisfied that the defendant has, by participating (or agreeing to participate) in the program, demonstrated a commitment to addressing the problems out of which his or her offending arose. The court must also be satisfied that if the proceedings were not adjourned for such a period, the defendant would be prevented from completing, or participating in, the intervention program and his or her rehabilitation would be prejudiced.

In considering whether to adjourn proceedings for more than 12 months, a court is not bound by the rules of evidence and may inform itself on the basis of a written or oral report from a person who may be in a position to provide relevant information. That person may be cross-examined on matters contained in his or her report.

Proposed section 19B does not limit any power a court has to adjourn proceedings or to grant bail in relation to a period of adjournment.

Section 19C(1) provides that a court (as defined for the purposes of this section) may, on finding a defendant guilty of a summary or minor indictable offence, release the defendant without conviction or penalty if satisfied that the defendant suffers from a mental impairment that explains and extenuates, at least to some extent, the conduct that forms the subject matter of the offence. The defendant must have completed, or be participating to a satisfactory extent in, an intervention program, recognise that he or she suffers from the impairment, and be making a conscientious attempt to overcome behavioural problems associated with it. The court

must also be satisfied that the release of the defendant would not involve an unacceptable risk to the safety of a particular person or the community.

Under subsection (2) of proposed section 19C, a court (as defined) may, at any time before a charge of a summary or minor indictable offence has been finally determined, dismiss the charge if satisfied as to the same matters about which a court must be satisfied in order to release a person without conviction or penalty under subsection (1). Additionally, the court must be satisfied that it would not, if a finding of guilt were made, make an order requiring the defendant to pay compensation for injury, loss or damage resulting from the offence. If the defendant is participating in, but has not completed, an intervention program, the court may, instead of dismissing the charge under subsection (2), release the defendant on an undertaking to complete the intervention program and to appear before the court for determination of the charge either following completion of the program or in the event that the defendant fails to complete the program.

In deciding whether to exercise its powers under section 19C, the court may act on the basis of information it considers reliable without regard to the rules of evidence. The court should, if proposing to dismiss a charge under subsection (2) or release a defendant on an undertaking under subsection (3), consider any information about the interests of possible victims that is before it.

Court is defined for the purposes of this section to mean the Magistrates Court, the Youth Court or any other court authorised by regulation to exercise the powers conferred by the section.

Mental impairment is defined to mean an impaired intellectual or mental function resulting from a mental illness, an intellectual disability, a personality disorder, or a brain injury or neurological disorder (including dementia).

10—Amendment of section 42—Conditions of bond

This clause amends section 42 of the Act. Section 42(1) lists the conditions a sentencing court may include in a bond under the Act. This amendment has the effect of allowing a court to include a condition requiring a defendant to undertake an intervention program. This clause also makes a number of consequential amendments to section 42. The court must, before imposing a condition requiring a defendant to undertake an intervention program, satisfy itself that the defendant is eligible and that the services are suitable. The court may make orders for assessment of a defendant for the purpose of determining an appropriate form of intervention program and the defendant's eligibility for the services included on the program. The defendant may be released on bail on condition that he or she undertake an assessment as ordered.

Under subsection (8), a certificate apparently signed by an intervention program manager as to the availability of particular services and the eligibility of a person for services to be included on a program, is admissible as evidence of the matter certified. A certificate signed by a case manager as to whether a particular person has complied with conditions regulating his or her participation in an assessment or program is also admissible as evidence of the matter certified.

11—Insertion of section 72C

Proposed section 72C provides that an intervention program manager may delegate a power or function under the Act to a particular person or to the person for the time being holding a particular position. A delegation may be by instrument in writing, may be absolute or conditional, does not derogate from the power of the delegator to act in a matter and is revocable at will. A power or function delegated may, if the instrument so provides, be further delegated.

Part 4—Amendment of *District Court Act 1991*

12—Amendment of section 54—Accessibility of evidence etc

Section 54(2) of the *District Court Act 1991* provides that a member of the public may inspect or obtain a copy of certain material only with the permission of the Court. This clause amends that section by adding to the list of such material any report prepared to assist the Court in determining a person's eligibility for, or progress in, an intervention program.

Part 5—Amendment of *Magistrates Court Act 1991*

13—Amendment of section 51—Accessibility of evidence etc

Section 51 of the *Magistrate Court Act 1991* provides that a member of the public may inspect or obtain a copy of certain material only with the permission of the Court. This clause amends that section by adding to the list of such material any report prepared to assist the Court in determining a person's eligibility for, or progress in, an intervention program.

Part 6—Amendment of *Supreme Court Act 1935*

14—Amendment of section 131—Accessibility of evidence etc

Section 131 of the *Supreme Court Act 1935* provides that a member of the public may inspect or obtain a copy of certain material only with the permission of the court. This clause amends that section by adding to the list of such material any report prepared to assist the court in determining a person's eligibility for, or progress in, an intervention program.

Schedule 1—Review of intervention program services

1—Review of services included on intervention programs

Clause 1 of the Schedule provides a mechanism for either House of Parliament to require the Ombudsman to carry out an investigation into the value and effectiveness of services included on intervention programs in the 12 month period following commencement of the Act or another period specified by the House. A House of Parliament cannot require the Ombudsman to undertake the investigation before the 12 month anniversary of the commencement of the Act.

In carrying out the investigation, the Ombudsman may exercise the same investigative powers as are conferred on the Ombudsman in relation to investigations duly initiated under the *Ombudsman Act 1972*.

After completing the investigation, the Ombudsman is required to submit a report on the investigation to the Presiding Officer of the House that requested the investigation.

If the Ombudsman is required to carry out an investigation, the Attorney-General must ensure the Ombudsman is provided with the resources reasonably required for the purpose of carrying out the investigation.

The Hon. I.F. EVANS secured the adjournment of the debate.

SITTINGS AND BUSINESS

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

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

Motion carried.

PARLIAMENTARY COMMITTEES (PUBLIC WORKS) AMENDMENT BILL

Further consideration of the amendments of the Legislative Council.

(Continued from 6 July. Page 3162.)

Motion carried.

SITTINGS AND BUSINESS

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

That the sitting of the house be suspended until the ringing of the bells.

Motion carried.

The Hon. I.P. LEWIS: Mr Deputy Speaker, I have been on my feet. Is it not competent for me to take a 10 minute grievance?

The DEPUTY SPEAKER: No, because the house is not being adjourned; it is being suspended until the ringing of the bells.

[Sitting suspended from 4.45 to 5.44 p.m.]

**BROKEN HILL PROPRIETARY COMPANY'S
STEEL WORKS INDENTURE (ENVIRONMENTAL
AUTHORISATION) AMENDMENT BILL**

Received from the Legislative Council and read a first time.

ADJOURNMENT

At 5.45 p.m. the house adjourned until Monday 17 October at 2 p.m.