

HOUSE OF ASSEMBLY

Tuesday 20 June 2006

The **SPEAKER (Hon. J.J. Snelling)** took the chair at 2 p.m. and read prayers.

ASSENTS TO BILLS

Her Excellency the Governor, by message, assented to the following bills:

Government Financing Authority (Insurance) Amendment,
Institute of Medical and Veterinary Science (Miscellaneous) Amendment,
Supply.

VISITORS TO PARLIAMENT

The **SPEAKER**: I draw to the attention of honourable members the presence of students from Bordertown High School, who are guests of the member for MacKillop, and students from Aberfoyle Park High School, who are guests of the member for Fisher.

BARLEY MARKETING ACT

A petition signed by 988 residents of South Australia, requesting the house to urge the government to amend the Barley Marketing Act to enable additional marketers access to existing grain storage and handling facilities and provide sufficient participation in the export barley markets so as to allow barley growers the of choice of where, when and to whom they sell their barley, was presented by the Hon. R.G. Kerin.

Petition received.

NORTHERN EXPRESSWAY

A petition signed by 241 residents of South Australia, requesting the house to urge the government to develop the Northern Expressway plans so that the expressway does not impinge on the Gawler Airfield in any way, was presented by the Hon. P.F. Conlon.

Petition received.

REPLIES TO QUESTIONS

The **SPEAKER**: I direct that the written answers to questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*.

RAIL, BELAIR STATION

1. **Mr HAMILTON-SMITH:**

1. What action has the government taken, since May 2003, to help the Friends of the Belair Railway Station repair the heritage listed signal cabin burnt by vandals?

2. How much has the government spent on the ATCO Hut located at the site to accommodate TransAdelaide employees including, the cost of service connections, fuel, light, power, fencing and other related costs?

3. What financial contribution or other assistance does the government intend to make towards the project given that the friends have raised over \$30 000?

The **Hon. P.F. CONLON**: I provide the following information:

1. The government has undertaken a number of actions to support the Friends of Belair Station since the 2003 fire. Two fund raising train journeys were arranged, with the government donating

the necessary infrastructure and labour for the journeys to occur. The Department of Premier and Cabinet also donated \$3000 to the friends' restoration fund. TransAdelaide also has sought the assistance of the Department for Administrative and Information Services (DAIS) Heritage Branch, to assist the Friends of Belair to progress the reconstruction. TransAdelaide facilitated an arrangement between the Friends of Belair and the Port Adelaide Training and Development Centre (PATDC) to construct a replica signal cabin which, when completed, is to be transported to Belair and installed. PATDC will use its experienced trainers and students to provide the necessary skills to reproduce the form and appearance of the structure. The commencement and complete of this work is dependent upon the availability of the PATDC students assisting with the project.

2. Site establishment costs for the temporary crib room were approximately \$20 000. Hire costs for the hut are approximately \$160 per week, approximately \$23 000 in total to date. This is significantly less than the fuel and overtime costs associated with transferring staff and rail vehicles from Adelaide Railway Station.

3. The government will continue its support of the Friends of Belair Station in their efforts to preserve the heritage at Belair Station. TransAdelaide will work with the Department of Environment and Heritage, the Mitcham Council and the Friends of Belair Station to develop a plan for the site and suitable interpretive materials at the site.

FLOODING, SOUTH VERDUN

In reply to **Mr GOLDSWORTHY** (2 May).

The **Hon. M.D. RANN**: The Minister for Urban Development has provided the following information:

There have been a number of flooding events in the Onkaparinga Valley over recent years. It has recently been announced that the Rann Government has committed \$1.5 million to purchase two pieces of flood prone land at South Verdun in a major step towards resolving concerns about pollution risks during floods.

For further information about this important funding commitment, I refer the member to a question without notice asked in the Legislative Council on 4 May 2006. The question can be found on page 79 of *Hansard* under the heading 'South Verdun'.

PAPERS TABLED

The following papers were laid on the table:

By the Deputy Premier (Hon. K.O. Foley)—

Regulations under the following Acts—
Firearms—Fees
Mining—Fees
Mines and Works Inspection—Fees
Opal Mining—Fees
Petroleum—Fees

By the Treasurer (Hon. K.O. Foley)—

Regulations under the following Acts—
Land Tax—Fees
Petroleum Products Regulation—Fees

By the Minister for Transport (Hon. P.F. Conlon)—

Regulations under the following Acts—
Development—Burnside Excavation
Harbors and Navigation—Fees
Motor Vehicles—
Drug Driving
Schedule 6 Fees
Fees
Passenger Transport—Fees
Road Traffic Act—
Drug Driving
Fees
Inspection Fees
Permits Fees

By the Attorney-General (Hon. M.J. Atkinson)—

Regulations under the following Acts—
Associations Incorporation—Fees
Bills of Sale—Fees
Births, Deaths and Marriages Registration—Fees
Business Names—Fees

- Community Titles—Fees
 Co-operatives—Fees
 Coroners—Fees
 Cremation—Fees
 Criminal Law (Sentencing)—Fees
 District Court—Fees
 Domestic Violence—Foreign Domestic Violence Restraining Orders
 Environment, Resources and Development Court—Fees
 Fees Regulation—Public Trustee Fees
 Magistrates Court—Fees
 Partnership—Fees
 Public Trustee—Fees
 Real Property—Fees
 Schedule 1 Fees
 Registration of Deeds—Fees
 Second-hand Vehicle Dealers—Fees
 Security and Investigation Agents—Fees
 Sexual Reassignment—Fees
 Sheriff's—Fees
 Strata Titles—Fees
 Summary Offences—Fees
 Summary Procedure—Foreign Restraining Orders
 Supreme Court—Fees
 Worker's Liens—Fees
 Youth Court—Fees
- Rules—
 Legal Practitioners Act 1981—Rules—Erratum
- By the Minister for Health (Hon. J.D. Hill)—
 Dental Board of South Australia—Report 2004-2005
 Regulations under the following Acts—
 Ambulance Services—Fees
 Botanic Gardens and State Herbarium—Fees
 Controlled Substances—Fees
 Schedule 1 Fees
 Crown Lands Act 1929—Fees
 Environment Protection—Fees
 Schedule 3 Fees
 Heritage Places—Fees
 Historic Shipwrecks—Fees
 National Parks and Wildlife—Fees
 Schedule 1 Fees
 Native Vegetation—Fees
 Natural Resources Management—Fees
 Financial Year
 Rateable Land Divided by NRM Boundary
 Schedule 4 Fees
 Pastoral Land Management and Conservation—Fees
 Public and Environmental Health—Fees
 Schedule 2 Fees
 Radiation Protection and Control—Fees
 South Australian Health Commission—Fees
 Medicare Fees
 Schedule 3 Fees
- By the Minister for Administrative Services and Government Enterprises (Hon. M.J. Wright)—
 Regulations under the following Acts—
 Fees Regulation—Fees
 Fire and Emergency Services—Fees
 Freedom of Information—Fees
 Roads (Opening and Closing)—Fees
 Sewerage—Fees
 State Records—Fees
 Valuation of Land—Fees
 Waterworks—Fees
- By the Minister for Industrial Relations (Hon. M.J. Wright)—
 Regulations under the following Acts—
 Dangerous Substances—Fees
 Employment Agents Registration—Fees
 Explosives—Fees
 Schedule 3 Fees
 Fair Work—Fees
 Fees Regulation—Schedule Fees
 Occupational Health, Safety and Welfare—Fees
 Schedule 8 Fees
- By the Minister for Families and Communities (Hon. J.W. Weatherill)—
 Regulations under the following Act—
 Adoption—Fees
- By the Minister for Housing (Hon. J.W. Weatherill)—
 Regulations under the following Act—
 Housing Improvement—Fees
- By the Minister for Agriculture, Food and Fisheries (Hon. R.J. McEwen)—
 Regulations under the following Acts—
 Aquaculture—Fees
 Chicken Meat Industry—Fees
 Fisheries Act—
 Definition of Net
 Fees
 Miscellaneous Fees
 Livestock—Fees
 Primary Produce (Food Safety Schemes)—Meat Industry
- By the Minister for State/Local Government Relations (Hon. J.M. Rankine)—
 Regulations under the following Acts—
 Local Government—Fees
 Private Parking Areas—Fees
- By the Minister for Consumer Affairs (Hon. J.M. Rankine)—
 Regulations under the following Acts—
 Building Work Contractors—Fees
 Conveyancers—Fees
 Land Agents—Fees
 Liquor Licensing—Fees
 Hallett Cove
 Plumbers, Gas Fitters and Electricians—Fees
 Trade Measurement Administration—Fees
 Travel Agents—Fees
- By the Minister for Gambling (Hon. P. Caica)—
 Regulations under the following Acts—
 Authorised Betting Operations—Fees
 Gaming Machines—Fees
 Lottery and Gaming—Fees.

STATE STRATEGIC PLAN

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

Leave granted.

The Hon. M.D. RANN: Today I am pleased to advise the house that South Australia has achieved another of the key targets in the South Australian Strategic Plan. The plan's target T1.4 is to 'maintain Adelaide's rating as the least costly place to set up and do business in Australia... and to continue to improve our positioning internationally.' KPMG's 2004 survey of 98 cities in 11 industrialised countries around the world found that Adelaide was the number one place to do business in Australia and in the Asia-Pacific area. That was in 2004, and, from memory, in early 2004. KPMG rated Adelaide as the 10th most competitive city in its worldwide survey two years ago.

A 2006 update survey conducted by Canadian consulting firm MMK, for the highly respected financial firm KPMG, shows Adelaide has jumped from the 10th to the third most cost competitive city in the world that it surveyed. We have gone from 10th in the world to third in the world in just over two years. The study reaffirms Adelaide's number one position as Australia's and one of the world's most cost competitive capital cities for business. Only Singapore and the Canadian city of Sherbrooke had marginally better results.

This year's survey included a benchmarking study of the business costs of four Australian cities, including Adelaide, with those international cities surveyed in KPMG's Competitive Alternatives 2006 report. They were included after the South Australian government commissioned MMK Consulting to undertake a benchmarking study to determine Adelaide's standing in the global economy, as well as against other Australian cities. MMK Consulting also prepares the data for the KPMG report. Key findings of the report are:

- Adelaide was found to have the lowest business costs in its population bracket of cities with half a million to one and a half million, and the equal third lowest costs overall.
- Adelaide had an 8.9 per cent after-tax business cost advantage over the United States benchmark, consolidating a similar finding in KPMG's 2004 report.
- Adelaide outperformed Brisbane, Melbourne and Sydney.
- Adelaide was found to be the most cost-competitive Australian city in 11 of 17 industries surveyed.
- Adelaide achieved top spot in aerospace, the manufacture of medical devices, pharmaceuticals, chemicals, electronics, precision manufacturing, telecommunications, biotechnology, clinical trials, product testing and web multimedia.

South Australia can take great confidence from the study's findings, which confirmed that Adelaide has maintained its very competitive global position for business cost competitiveness over a two-year period.

In order to maintain and improve South Australia's position, the government will introduce a series of practical initiatives aimed at making South Australia the most cost competitive jurisdiction in Australia and New Zealand. The Economic Development Board has been charged with the responsibility to provide advice on how to achieve this goal. The EDB will help government bring a sense of urgency to the implementation of initiatives designed to achieve the goal and play a key role in monitoring the implementation of initiatives. This will build on the work already undertaken and will help lock in the vital gains of the past four years. This survey is great news for our state and the business community. It should only encourage us to do more and to keep our foot on the accelerator.

QUESTION TIME

DRUG DRIVING

Mr HAMILTON-SMITH (Waite): My question is to the Premier. Why has the government not empowered police to prevent drivers who return positive results for MDMA or ecstasy from driving for 24 hours, as is the case for cannabis and methamphetamines under the new drug driving laws?

When the Premier announced the government's random drug testing plans in December 2005 he emphasised the government's commitment that 'South Australia will have zero tolerance for drug driving on our roads.' The Victorian

Labor transport minister has stated that the number of drivers killed in road crashes who tested positive to ecstasy tripled between 2002 and 2004.

The Hon. P.F. Conlon: What a bunch of frauds.

The SPEAKER: Order! The Deputy Premier has the call.

The Hon. K.O. FOLEY (Deputy Premier): I will refer that matter to the appropriate minister.

Members interjecting:

The Hon. K.O. FOLEY: No, hang on. Soft on drugs, soft on drugs. That is coming from a mob that had eight long years in government. Did they ever come up with a policy to DNA people? No. Did they ever come up with a policy for drug testing of drivers? No. Did they put more police on the beat, like we have? No; they cut police. Has any government increased penalties for drug offences like this government has? No; and certainly not members opposite. They did not have the time: they had eight years! The public of South Australia sees through the Liberal Party of South Australia, because they gave the Liberal Party eight years to bring in tough drug laws, eight years to give us tough law and order policies, and eight years to put more police on the beat. They did none of that. In four short years we did all of that, and got re-elected with a majority.

However, on this specific issue, I do not know if the beginning of the question was about whether or not the government will direct police. Was that the opening of the question?

Ms Chapman: Why haven't you done it?

The Hon. K.O. FOLEY: We implement policy, such as drug testing, based on advice. No legislation is beyond improvement, but I would like to bring the house's attention to an interesting point. The government did not pass this legislation; the Labor Party did not pass this legislation: the parliament did. I am advised by my colleague (the leader of the house) that nowhere in *Hansard* will one find a reference to the point that the member for Waite just made. The member for Waite never raised it when it was being debated in this house, and, to the best of my knowledge, Rob Lucas in another place—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: My advice—and I stand to be corrected if I am wrong; and, if I misrepresent people, I am happy for members to stand in this house—is that none of these matters was raised by the opposition during debate. I would like to hear the answer to this question: did the opposition request and receive a—

Ms CHAPMAN: I have a point of order, sir. Clearly, it is not up to the Treasurer to ask questions of the opposition.

The SPEAKER: There is no point of order.

The Hon. K.O. FOLEY: Good old Vickie: that was a real purler of a delivery! My guess is that—and I hope this occurred—in the proper passage of legislation that is complex and controversial, where we need to have precision (and I accept that), I would assume—and if I cannot get this answer I am sure the media will ask the same question of the opposition today—the opposition requested a briefing from the minister, the minister's advisers and police as to the nature of this bill.

Mr Venning: I did.

The Hon. K.O. FOLEY: Did you receive one?

Mr Venning: Yes, I did.

The Hon. K.O. FOLEY: Okay, the member for Schubert received a briefing.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: I am trying to answer this question. Perhaps the deputy leader could remember the instruction I give to my kids. Come on; we got it right the other week.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: The member for Schubert said that he asked for and received a briefing. Did the member for Schubert raise these questions about ecstasy and the application? Did the shadow minister for police (Hon. Rob Lucas in another place) or the shadow attorney-general ask for briefings on this legislation; and did they put these questions to the police?

An honourable member interjecting:

The Hon. K.O. FOLEY: How many staff have I got? Now we find that members opposite had a chance to ask officers and police and get any briefing they wanted—but they didn't! Members opposite had an opportunity to ask the advisers questions about this matter during a briefing—but they didn't. They had the opportunity in the parliament to ask questions about this matter—but they didn't. If I am wrong in any of that, I am happy to be corrected and I will apologise. Members opposite need to respond to that. If they will not do it in this parliament by way of explanation in a grievance debate, I would hope that the media—*The Advertiser* and others—would put this question to them.

Ms CHAPMAN: I have a point of order, sir. This is clearly debate.

The SPEAKER: I am not sure, but I invite the Treasurer to wind up his answer.

The Hon. K.O. FOLEY: I will wind up, sir. I am trying to keep measured and calm. Politics is an opportunistic business; I accept that. It is a bit rich—and one could say quite misleading—to suggest that the government has made an error when, indeed, the Liberal Party and the Liberal opposition have made an error, as well. If the legislation has gone through and if there is error—and I am not saying there is—and the legislation can be improved—and no doubt over time these things will wash out—then we should all take responsibility. I do not know whether there is a deficiency in the law. We will get that response from the minister involved. Honestly, you have to stop being a lazy opposition. You have to do your homework. You have to do a bit of hard work and you have to ask the questions.

Members interjecting:

The SPEAKER: Order! The Deputy Premier will take his seat.

HOUSING SA

Ms PORTOLESI (Hartley): Will the Minister for Housing update the house on the development of the new Housing SA?

The Hon. J.W. WEATHERILL (Minister for Housing): I am very pleased to inform the house that last week the state government made an important appointment of a new general manager for Housing SA. Ms Helen Fulcher will be taking up that position from 24 July. Ms Fulcher returns to South Australia with a significant number of years of experience in the housing sector both in Australia and New Zealand. She spent the past three years as chief of Housing New Zealand. Helen, of course, is no stranger to housing in South Australia. She has performed roles in both the Housing Trust and in the former department of human services. I am

very pleased that we add her to our very strong team that we are building in housing in South Australia.

The state government's new Housing SA will bring together the state's rental, indigenous and community housing services, which to date have been run as separate statutory authorities. We have set ourselves a very ambitious state housing plan, and these changes are about modernising our structures to ensure that we can deliver on that plan. It is about reasserting South Australia (which has always played a key leadership role in housing policy) in that leadership role again both nationally and internationally. As I said at the time, this is a once in a generation change, and the new arrangements will ensure that options for South Australian customers will be at their most diverse and most available. We have a very strong customer focus and a single point of access through our Housing SA centres. There will be an improved focus on services for people with disabilities, Aboriginal South Australians and people with high needs; and there will also be an ambitious and innovative program about providing new, affordable rental and home ownership opportunities.

South Australia is also playing a leadership role at a national level. Just last week at a national housing ministers' meeting, we took a further step to persuade the commonwealth to move down the path of a new national affordable housing agreement. I must say that it was heartening, for the first time, to hear a federal minister talk about the housing effort—not just about the billions per annum that go into the commonwealth-state housing agreement but also about being prepared to look beyond that into the commonwealth rent allowance and first home owners' grant. We have had a lot of difficulty in making the commonwealth regard itself as having some responsibility for a national housing policy, and we made some substantial steps forward last week. The new arrangements, including the establishment of a new affordable Housing Trust, are about tackling the needs of this century, not the needs of last century. It is crucial in all of this that we have strong leadership, and I am very pleased to welcome Helen Fulcher to our team.

DRUG DRIVING

Mr HAMILTON-SMITH (Waite): My question is again to the Premier. Why has his cabinet not followed the Victorian lead and included ecstasy as a prescribed drug in its new drug driving laws? The government has defended its position not to include ecstasy in its drug driving legislation, claiming it was modelled on the Victorian legislation. However, this year the Victorian Labor government amended its drug driving legislation to include ecstasy as a prescribed drug. The amendments will take effect on 1 July, the same date as South Australia's less comprehensive drug driving laws.

The Hon. P.F. CONLON (Minister for Transport): I will make a couple of points as the person who handled this bill, because of the disgraceful fraud that is being perpetrated out there at the moment by the opposition—holier than thou. My colleague talked about all the things they did not do, but I can tell members that, when this bill was brought to the chamber, not only was it explained that the tests would be for two drugs, namely, marijuana and amphetamines, and the reasoning for that, but also it was never challenged. If they did not notice, then I have to say that the fellow from Family First is doing a much better job than they are doing, with all of their resources. From memory, when he discussed it

upstairs, he said that he knew it was testing for two drugs and that it was a prudent decision by the government. A comment that of course went unchallenged by the opposition. So, there they were, absolutely complicit in it after failing to do anything themselves. They agreed absolutely with the government about testing. If they did not agree then they were extraordinarily silent. It was made absolutely clear.

This is the second fraud on this bill that they had perpetrated in just a couple of weeks. Last time, the Hon. Mr Lucas, in another place, was saying we snuck in laws in compliance and enforcement without telling them. In the second reading speech of the drug driving laws we said, of course, that these powers would be in compliance and enforcement. So, if it was 'snuck in' it must have been because someone in the opposition was completely asleep at the wheel. Two pieces of shallow fraud by an opposition with nothing to offer.

I heard the member for Waite on the radio saying that this legislation was a piece of idiocy for this reason. There was a piece of idiocy therefore that escaped him when he was debating it. You have got to give this guy credit. He just keeps on coming. He has got all the energy, all the straight ahead persistence of the Eveready bunny but none of the menace. You are not going to get back into government by making up stories. You are not going to get back into government by perpetrating an utter fraud on people. I look forward to some more questions from the member for Waite because it is in this place that his shallow opportunism is absolutely exposed.

EYRE PENINSULA BUSHFIRES

The Hon. L. STEVENS (Little Para): My question is to the Premier. What impact did the 2005 Eyre Peninsula bushfires have on the Tunarama Festival and what support is the government providing to the festival?

Mr Hamilton-Smith interjecting:

The Hon. M.D. RANN (Premier): That is very interesting. The future leader of the opposition, who has got two campaign medals, plastic ones, for two failed leadership assaults, has just said—

Members interjecting:

Ms CHAPMAN: Point of order, Mr Speaker.

Members interjecting:

The SPEAKER: Order! The Premier will take his seat.

Ms CHAPMAN: It is most offensive language towards one of our members of the parliament, and I ask the Premier to withdraw it.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Look, I'm so sorry, Martin, if you are upset. But, anyway, have another go and we'll be behind you once again. We keep encouraging you to run. You will get there eventually if you keep undermining your leader the way you do. But the key point is: he questioned our priorities when I rose to answer a question about the future of Tunarama. He said that was our priority. Well, I have actually heard from the honourable member sitting behind him who has asked me for assistance, because this is a priority for people on the West Coast of this state who were devastated by a bushfire just 18 months ago. It might not be the priority of the member for Waite but it is the priority of people on the Eyre Peninsula. That shows your total contempt for people in regional and rural areas. So, I would like to thank the member for Little Para for her question.

The Tunarama Festival has a 46-year history of promoting one of South Australia's strongest export industries as well as showcasing all that Eyre Peninsula tourism has to offer. The 2005 Eyre Peninsula bushfires, with their devastating impact on the region, occurred just 10 days before the start of the Tunarama Festival. It was decided, in an effort to lift the morale of the community at a very difficult time, to still go ahead with staging the festival. In doing so, the event incurred a significant financial loss. Whilst the organising committee and the local community have been working hard to turn this around, they have found it extremely difficult to recover from the loss of income from an entire festival.

I am pleased to inform the house that after receiving a request from the president of the local organising committee, and also from the member for Flinders—who is sitting behind the member for Waite, who does not regard this as important or a priority—that the government has agreed to provide one-off funding of \$60 000 to relieve the debt accumulated through unforeseen circumstances well beyond the control of the community. This funding will enable the Tunarama Festival to continue into the future. I am sure I am joined by the member for Flinders, at least, in wishing them all the very best success in doing so. I call upon the member for Waite to apologise to the people of Eyre Peninsula for the absolutely disgraceful comments he made across this house.

Members interjecting:

The SPEAKER: Order! The Premier has made his point.

Members interjecting:

The SPEAKER: Order!

DRUG DRIVING

Mr HAMILTON-SMITH (Waite): As the senior minister and the initial sponsor of the legislation, did the Minister for Transport receive advice from the Law Society, from the police or from any other adviser of a loophole to the effect that drivers found with a blood alcohol level of more than .08 would not be tested for drug driving under the new laws? Does he now feel that the law should be changed? On ABC Radio—

The SPEAKER: Order! I do not think the question requires an explanation: it is pretty clear.

Members interjecting:

The Hon. K.O. FOLEY (Deputy Premier): What?

The SPEAKER: Order! The Deputy Premier has the call.

The Hon. K.O. FOLEY: Dear, oh dear, oh dear: embarrassing day for the member for Waite.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: LMC's borrowings? You're talking to a government that has delivered four surplus budgets and a AAA credit rating.

Members interjecting:

The Hon. K.O. FOLEY: I'm a lazy Treasurer?

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! When the Speaker comes to his feet the house is to fall silent. I will automatically instantly name any member who continues talking when the Speaker has come to his feet. There is far too much interjection and banter across the table. The member for Waite has asked a fairly straightforward question. I ask the Deputy Premier to ignore interjections coming from my left and simply to proceed with an answer to the member for Waite's question.

The Hon. K.O. FOLEY: Can I point out to the house, with the accusation that the budget is taking four months, that every budget takes about four months. That is the normal time it takes to do a budget. I have chosen not to rush it.

Members interjecting:

The SPEAKER: Order! The Deputy Premier will simply answer the question.

The Hon. K.O. FOLEY: Sorry, sir. It's absurd. Anyway, back to the member for Waite.

Members interjecting:

The Hon. K.O. FOLEY: Everyone knows I'm lazy? Sorry?

Mr Pisoni: That's why you got someone from the outside to help you.

The SPEAKER: The Deputy Premier has the call.

The Hon. K.O. FOLEY: I do not think the member for Unley likes me. I do not know why: I have never really met the bloke. I have advice from the Police Commissioner that I would like to share with the house. I do not intend to shout. Can I just at this point say to the deputy leader that if we could have a whole answer without an interjection from the deputy leader I think we will get through this. The advice to the Minister for Police in another place from the Commissioner, Mal Hyde, entitled 'Advice re roadside drug testing', reads as follows:

Advice is provided regarding comments made on ABC Radio by the State Opposition in relation to the process of dealing with drivers who test positive to alcohol with a reading of 0.08 or more and the decision not to drug test these drivers.

Mr Venning interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Vic's being quiet, Ivan: so should you. The advice continues:

The South Australia Police (SAPOL) policy regarding this practice has been reviewed and as a result all drivers subject to testing procedures conducted by the Driver Drug Testing Group will be screened for cannabis and methamphetamine. This includes persons who test positive to alcohol with a reading of 0.08 or more. The normal investigation, adjudication and prosecution process will be applied in all cases where a positive result for alcohol, cannabis or methamphetamine is recorded.

So, again, a totally wrong accusation and allegation made on morning radio by the opposition.

Members interjecting:

The SPEAKER: Order! The Minister for Transport will come to order.

Mr Hamilton-Smith interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Well, now the member for Waite is blaming Assistant Commissioner Grant Stevens.

Members interjecting:

The Hon. K.O. FOLEY: The member for Waite is blaming an assistant commissioner. Well, come on. Get stuck into government, but I know Assistant Commissioner Grant Stevens.

Mr HAMILTON-SMITH: On a point of order, Mr Speaker—

Members interjecting:

The SPEAKER: Order! I can guess what the member for Waite's point of order is.

Mr HAMILTON-SMITH: On a point of order, sir: I was not blaming Commissioner Stevens. If my motion had been allowed—

The SPEAKER: Order! There is no point of order. The member for Waite will take his seat.

Mr Hamilton-Smith interjecting:

The SPEAKER: The member for Waite will take his seat. Has the Deputy Premier completed his answer?

The Hon. K.O. FOLEY: I have, sir.

TOURISM EXCHANGE

Mr BIGNELL (Mawson): My question is to the Minister for Tourism. What benefits will the Australian Tourism Exchange provide to South Australia's tourism industry?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I thank the member for Mawson for his question without notice. I know he is interested in tourism and the economic benefits it brings to South Australia. For those of you who do not know, we are currently in the middle of the Australian Tourism Exchange, which is Australia's premier trade show and the largest event of this sort in the southern hemisphere. It brings together South Australian tourism operators with those from around the country and showcases our products to overseas buyers and journalists. This large event attracts 700 buyers from more than 40 countries. They come in order to find products, destinations and tours that they can market in their own country.

This year, some 70 journalists from around the world are here, and they will be showcasing particularly new products in the publications in their home states. The delegates who are at the Convention Centre are also booked on tours around destinations in the state. The South Australian Tourism Commission has made some 600 bookings to places such as Kangaroo Island, the Barossa, the Flinders Ranges, the Outback, the Limestone Coast, the Murray River, the Adelaide Hills, Eyre Peninsula and Fleurieu Peninsula. The buyers and journalists participating in the tours will discover a brilliant blend. They have had a choice of 78 different itineraries that go to places showcasing the best products available.

Yesterday, 2 000 delegates enjoyed a sit down dinner with entertainment on the Adelaide Oval, having entered the venue via a red carpet across the grass. They enjoyed an experience that included entertainment, as will some 600 delegates on Thursday when we host a special cabaret performance, so that those delegates who come to South Australia will realise that South Australia is a home to cultural and arts activities and a great destination for cultural tourism, such as visiting the Fringe the Festival, WOMAD, the Festival of Ideas, Cabaret, and a whole range of special events.

One theme that has run through all the entertainment and activities is the high quality of the food and wine the delegates have enjoyed. Whilst the event itself will only have a spin-off of \$10 million in the short term—and reflecting that is 13 000 bed nights and a certain amount of expenditure locally—the real legacy of this event will be over the next decade, when the products that have been picked up and put into the brochures and campaigns around the world have an impact on the inbound international tourism market. This is a great opportunity, coming as it does with the opening of the new airport and a dramatic increase in international inbound flights. An air of really optimistic marketing coming out of this event will really galvanise the operators and buyers. Everything tells us that this event has been a great success and has been a great demonstration of what the SATC, event marketing and, of course, the Convention Centre, can do when they put their mind to a major event of this type.

SMITH, Dr G.

Dr McFETRIDGE (Morphett): Is the Minister for Tourism aware of Treasury consultant Dr Greg Smith's role in decimating the Australian Capital Territory's tourism funding in 2005 and the subsequent fall in visitation numbers in the ACT, and will the minister ensure that the South Australian Tourism Commission does not suffer the same fate? In 2005, Dr Greg Smith conducted the strategic and functional review of the ACT public sector and services. Dr Smith recommended the ACT government cut tourism marketing expenditure and abolish the separate Australian Capital Tourism Corporation. Senior ACT tourism officials at the Australian Tourism Exchange in Adelaide have advised me that the tourism budget was subsequently decimated and there has been a significant downturn in visitation numbers to the ACT during the past 12 months.

The Hon. K.O. FOLEY (Treasurer): I welcome a question about Greg Smith, but I find it odd. There might have been some the other week, but I am asked a question about what Greg Smith is doing in terms of recommending efficiencies within the tourism budget. Tourism represents perhaps 3 per cent to 5 per cent of spending—a very small amount of money. I would have thought that the member would ask a question about other parts of government. If tourism is the opposition's highest priority, fine, in terms of what Mr Smith may be advising, but—

Ms Chapman interjecting:

The Hon. K.O. FOLEY: The deputy leader, I must say, has no idea.

MINING, ABORIGINAL EMPLOYMENT

Ms BREUER (Giles): My question is to the Minister for Employment, Training and Further Education. What is the government doing to enhance opportunities for Aboriginal students in the Port Augusta region to gain employment in the mining industry?

The Hon. P. CAICA (Minister for Employment, Training and Further Education): I thank the honourable member for her question. I am pleased to report that TAFE South Australia (Port Augusta Campus), in conjunction with the Bungala Community Development Employment Program and Complete Personnel, has designed a program that targets unemployed Aboriginal people in the region. The program is specifically aimed at giving Aboriginal people job-ready skills to maximise long-term employment outcomes in the mining and minerals processing industry. Upon successful completion of the 20-week course, students will receive a Certificate 2 in Vocational Education—Mining Operations.

Students will be able to learn about occupational health and safety issues in the mining industry, learn about driving four-wheel-drive vehicles, and improve their numeracy, literacy and personal presentation skills. By the end of the course students will also have had the opportunity to complete training in front-end loader and forklift licences. The program has a heavy emphasis on practical training, which will be conducted at various mining sites, including BHP Billiton's Olympic Dam, Iluka, NRG Flinders, Dominion Gold Challenger Mining and Heathgate Resources.

The on-site training is a great opportunity for students to experience working in a mine first-hand and networking with key mining staff. Throughout the course, mining representatives will be encouraged to visit and talk with students so that a two-way communication process between prospective

employers and employees can be developed. We know that job vacancies will rise with the expansion of the mining industry in the region. This program will help improve the chances of Aboriginal people winning jobs in the mining industry. I am pleased to say that 15 Aboriginal students have already commenced the 20-week course, and it is anticipated that they will finish in late July.

This is a great example of TAFE SA working in partnership with local communities to address community and industry needs. The initiative is also instrumental in helping our state achieve Strategic Plan targets, particularly those related to improving outcomes in employment and wellbeing for Aboriginal people.

TOURISM COMMISSION

Dr McFETRIDGE (Morphett): Will the Minister for Tourism assure the house that the role and responsibilities of the South Australian Tourism Commission in marketing tourism in South Australia will not be downgraded and the tourism development budget will not be further cut in the September budget? The tourism development budget was cut from \$8.7 million in 2003-04 to \$4.3 million in 2005-06. South Australia is now one of the worst performing states in terms of visitor activity and expenditure. Total visitor expenditure decreased by 6.5 per cent over the past 12 months compared with an increase of 1.1 per cent nationally.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY (Treasurer): Yes, and I tell you what, as long as I am Treasurer of this state, we will spend only what we can afford and, if that means that we have to reduce expenditure in some areas of government, we will. Yes, the tourism portfolio received cuts in earlier budgets because that is what the financial situation of the times dictated. As a government, we inherited a budget seriously in deficit.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: The deputy leader just gives me a constant headache.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: Sit down, then? Okay.

MINING

Mr WILLIAMS (MacKillop): My question is to the Premier. What plans does his government have to ensure that sufficient infrastructure is developed in South Australia to support the minerals sector to move from an invigorated exploration phase to a viable and sustainable mining phase?

The Hon. M.D. RANN (Premier): I am absolutely delighted to receive this because I think that the honourable member—

The Hon. K.O. Foley: It's a dixer.

The Hon. M.D. RANN: It's like a dorothy dixer. The honourable member would be aware of the Fraser Institute in Canada. Is the honourable member aware of the Fraser Institute?

Mr Williams: I am absolutely aware of it.

The Hon. M.D. RANN: Where is it located?

Mr Williams: In Canada.

The Hon. M.D. RANN: But where in Canada?

Members interjecting:

The Hon. M.D. RANN: Where? It is in Toronto. Some years ago—in 2003, from memory—we were about 34th or 36th in the world in terms of mining prospectivity. Of course, we, as a government, in partnership with the Economic Development Board, set up the PACE initiative. I know that there is enormous interest in this, because it is breaking news, and the PACE initiative—

Mr WILLIAMS: On a point of order, Mr Speaker, the question was specifically about infrastructure for mining industry, not for exploration.

The SPEAKER: The Premier is answering the question. He is explaining what these things are.

The Hon. M.D. RANN: I am sure that the honourable member would be pleased to know that not only within the first year of that initiative did we reach a 20-year high in mining exploration, but my advice is that the following year we had an all-time high. In fact, it has just been recorded that we now have an even better result. We have again busted the target, which was regarded at the time as being far too ambitious, that we would meet some of the targets and fail to meet others, but the great thing is that one of the targets that everyone said we did not have a snowball's chance in hell of meeting was in fact the mining exploration target. We have actually busted the \$100 million mark. We now have an all-time high once again in mining exploration.

An honourable member interjecting:

The Hon. M.D. RANN: I am getting to infrastructure. The Fraser Institute has now re-evaluated and we have come out as sixth in the world out of 64 jurisdictions, from memory. So, we are now sixth in the world. God knows what we were under them because it was 30-something when we first got it in 2003 and the year before and the year before that, but it is now sixth in the world in terms of mining prospectivity because of an initiative of this government. We have said, 'Now that we have mining exploration going with various subsidies, how can we provide other support for the mining industry?' Of course, one of the things that we will do is set up a series of mining industry skills centres and they will be in—

Members interjecting:

The Hon. M.D. RANN: That isn't important? They don't like the people on the Eyre Peninsula and now they don't like the people in the Spencer Gulf. There will be a mining skills centre in Port Augusta, Whyalla, Port Pirie and Ceduna. Why is that, you ask? Because the Roxby Downs expansion—and we have high-level working groups looking at infrastructure, for example, I refer to the biggest desalination plant in the history of this nation. Rather than raid the Great Artesian Basin again and rather than use River Murray water, because I have been substantially educated by the Minister for the River Murray, we decided to say to BHP Billiton that our preferred option would be a desalination plant.

Mr Williams interjecting:

The Hon. M.D. RANN: Apparently Australia's biggest desalination plant is not important for the mining industry. That is not what BHP Billiton is saying to us. There have been scores of meetings—in fact, I am told about 100 meetings—on the water issue alone. We are working with them, and are looking forward to a project which will shift 1 million tonnes of earth a day, which will involve the world's biggest order of trucks (about \$1 billion worth) and which will see over 20 000 people employed across the state—

Mr WILLIAMS: I rise on a point of order. As I suggested earlier, the question was about infrastructure and the Premier still has not got to it.

The SPEAKER: Order! There is no point of order.

The Hon. M.D. RANN: We are also talking to BHP Billiton about—wait for it—other infrastructure, not just the desalination plant. Of course, we will also need to see a substantial redevelopment of the town of Roxby Downs in the electorate of the member for Giles, where she had one of the biggest swings in world history in the recent election, because, thank God, the uranium mining industry has confidence in me (if I can say so humbly) and not in members opposite. And why wouldn't they? They know of my long time interest in the area.

There are also other things. There is Iluka. Do members opposite know where that is? It is north of Ceduna. There is their find, in terms of zirconia, which is up towards the railway line, up towards the Maralinga lands. Of course, there has also been a finding of ilmenite even closer to Ceduna. So there is a crisis of choice in terms of world-ranking minerals. Then there is Prominent Hill, which is south of Coober Pedy in the member for Giles' electorate.

Ms Breuer: The biggest mining electorate in the world.

The Hon. M.D. RANN: It is the biggest mining electorate in the world; I am told it is an electorate that is about the size of Spain in area—and what a fantastic result the honourable member had in the election. I am hopeful that, come about September, we will see the go-ahead for a major copper and gold mine at Prominent Hill. The reason that people are investing is not just because of our exploration initiatives but also because of our shared commitment to partnership in trade training and infrastructure development.

Honourable members: Hear, hear!

HOSPITALS, PORT PIRIE AGED CARE

The Hon. R.G. KERIN (Frome): My question is to the Minister for Health. Will the minister advise the house of the latest completion date for the aged care facility upgrade at the Port Pirie Hospital and the reasons for the delay? Following a commitment from the former Liberal government, a \$2 million upgrade was re-announced in the 2002-03 budget papers, and the then minister announced that the government would complete the upgrade by December 2003. The 2003-04 budget then re-announced the project with a revised completion date of June 2004. The project went missing from the 2004-05 budget, only to be re-announced in the 2005-06 budget, still with the 5-year-old price tag of \$2 million but with a revised completion date of June 2006. That is this month, yet work on the upgrade has still not even started.

The Hon. J.D. HILL (Minister for Health): I thank the member for his question. I understand the importance of this issue in his electorate, and I also understand that the resolution of this matter has been going on for a very long time. I was made aware of these concerns just last week, and I think it would be sensible for me to have a meeting with the member to go through some of the issues to see if we can get a faster resolution. I understand that there are different views about how this matter should be progressed, and not all the issues are in the hands of the health department.

HOUSING SA, GENERAL MANAGER

Ms CHAPMAN (Deputy Leader of the Opposition): When was the Minister for Housing first aware that the new

Housing SA general manager, Helen Fulcher, was the subject of an inquiry by the Auditor-General in New Zealand relating to alleged financial mismanagement, and that the New Zealand opposition is calling her before a parliamentary committee to answer allegations over the operations of Housing NZ?

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL (Minister for Housing): I suppose it is fortunate that we have a thing called parliamentary privilege because, certainly, Ms Fulcher would be enjoying not only the salary she enjoys in her new role but also a substantial claim for damages as a consequence of that very unfortunate imputation about her character. But, nevertheless, we move on. I became aware that there was an opposition inspired witch-hunt in relation to a fine public servant in New Zealand, who is widely regarded as having presided over a fantastic set of reforms in relation to the New Zealand housing system—a New Zealand housing system she found in tatters and ruins after those of the same ilk as those opposite destroyed it during the period of whatever passes for a conservative government in New Zealand. She is a fine example of a public servant who achieved massive things in the New Zealand system.

I was aware of these allegations prior to our settling the appointment. Indeed, the basis on which I was aware of them is that she raised them with us—as any decent public servant would. We were hopeful of securing her services before this time, but she decided to stay in New Zealand to ensure she was available to fully answer these allegations. Of course, they proved to be baseless. That piece was left out of the explanation by the deputy leader. I would think it is a relatively crucial piece of information to put on the public record—and I certainly put it on the public record now. We are very pleased to have secured her services. At all times she has behaved openly and properly. Of course, it was prudent for us to await the outcome of the Auditor-General's investigation into these spurious claims (which we did) and, of course, they amounted to nothing.

KPMG REPORT

Ms CHAPMAN (Deputy Leader of the Opposition): Will the Premier provide a copy of the report from KPMG which shows that Adelaide jumped from 10th to third position; and will he explain why, when KPMG issued notice of the report and released it on 21 March this year, it did not mention Adelaide or Australia at all but put Singapore at the top?

The Hon. M.D. RANN (Premier): She is looking up desperately at reporters from *The Advertiser* as if to say, 'Aren't I clever? I wrote this one on my own.' And we can always tell when she writes one on her own! I am advised that the previous KPMG study included Australian cities, but this report didn't. What has happened is that the same consultants were asked by the Department of Trade and Industry—but you are not suggesting for one moment that the people who do the KPMG—

Ms Chapman interjecting:

The Hon. M.D. RANN: Do you honestly think that KPMG would employ these consultants if they could be bought off? You have just besmirched and smeared a public servant from another country, and now you want to talk down our state. That is the difference—and that is why you will never be leader of the opposition. That is why Marty will

jump over and make sure that he is the next bright hope for the Liberal Party in this state. We all look forward to that day.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: It will be like a scene from *Troy*. He is not the *Brideshead Revisited* that you think he is. My word he is tough, and we all look forward to *Who Dares Wins*. In Marty's case in two leadership challenges it has been: who dares loses and who dares couldn't get a vote.

NORTHERN EXPRESSWAY

Mr HAMILTON-SMITH (Waite): Has the Treasurer at any stage been advised that the total cost of the Northern Expressway could blow out to a total of \$900 million?

The Hon. K.O. FOLEY (Treasurer): I have no recollection at all of that, but, as I am a diligent Treasurer and not beyond making an error, I will be more than happy to check the files and come back to the house.

Mr HAMILTON-SMITH: I have a supplementary question. When was the Treasurer advised then of the \$900 million blow-out?

The Hon. K.O. FOLEY: Oh, what a goose. When did I first get told about a \$900 million blow-out and I said, 'Well, I do not think I have been, but I will go check.' The Minister for Transport tells me that—and to the best of my knowledge—there is no \$900 million blow-out. It has not been settled. Anyway, we will get advice on that. I am not the responsible minister. You cannot come into this parliament, make a fool of yourself in question time as you get questions wrong and start to write things on the back of an envelope to try to attack the government. It was a silly question asked by a silly member.

TRANSPORT PROJECTS

Mr HAMILTON-SMITH (Waite): My question is to the Minister for Transport. Why did the minister inform the house that the date for commencement of the Sturt Road/South Road underpass was 'after the completion of the other two underpasses'? *The Advertiser* report of 1 March of the announcement of the Sturt Road/South Road underpass claimed a starting date of 2009 for the project.

The Hon. P.F. CONLON (Minister for Transport): And on the original time frame that would have been after the other two. The whole program was based on doing the other two first and then Sturt Road next. I am not quite sure what the rest of the import of the question is.

SCHOOLS, ELIZABETH VALE PRIMARY

Dr McFETRIDGE (Morphett): My question is to the Minister for Education and Children's Services. Is it true that the Department of Education and Children's Services has threatened to stop all conciliation meetings with Mr Bill Cossey if members of the school governing council speak to the media about community concerns at Elizabeth Vale Primary School and, if so, why did the department make this threat?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I do not believe that is true.

SCHOOL LEARNING PROGRAMS

Dr McFETRIDGE (Morphett): My question is again to the Minister for Education and Children's Services. Why is it that individual school learning plans in primary schools are being promoted by the government and education department, yet Elizabeth Vale Primary School has been condemned by the department? An article published in *The Australian* on 15 June this year highlights Bridgewater Primary School as one of the state's flagship schools because it encourages students to develop their own personal learning plans, a view supported by Mr Terry Woolley, the Executive Director of Curriculum in South Australia. Yet the former principal of Elizabeth Vale Primary School has been widely criticised for initiating a similar program at the school which was used as a model for the Bridgewater Primary School program.

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I am glad that I was asked that question because it gives me an opportunity to congratulate Terry Woolley who received an Order of Australia this year and who is one of the leading educators in our state. He quite rightly points out that it is quite normal in schools to allow children to do projects. It is called student initiated learning. They decide something that they are interested in and, inevitably, they show more enthusiasm for it. This is not a particularly revolutionary idea, in fact I suspect that teachers have been doing this for millennia.

Members interjecting:

The SPEAKER: Order!

UNDERAGE DRINKING

Mr GRIFFITHS (Goyder): My question is to the Minister for Consumer Affairs. Has the minister had any discussions with the Liquor and Gambling Commissioner regarding a proposal to ban the unsupervised drinking of alcohol at homes and at parties; and, if so, what measures or controls is the government proposing?

Members interjecting:

The SPEAKER: Order!

Mr GRIFFITHS: The Liquor and Gambling Commissioner has recommended that minors no longer be allowed to drink alcohol unsupervised at homes and at parties.

The Hon. J.D. Lomax-Smith interjecting:

Mr GRIFFITHS: Good, so did I. As the shadow minister for youth, I am interested in the answer. As reported in *The Advertiser* today, Mr Pryor said that he had recommended that reform to the state government because 'there were little or no controls at birthday parties or end of school events at young people's homes'.

The Hon. J.M. RANKINE (Minister for Consumer Affairs): I can say that I have had no formal discussions with the commissioner about this issue and, indeed, last week my office arranged a meeting with him so that I could discuss this and a range of issues. At this point, it is my intention to listen to what the commissioner has to say and allow him the opportunity to detail his concerns and ideas—and they will be given due and proper consideration. However, in relation to young people, let me say from the outset that I consider myself a survivor. I have survived the trauma of raising two sons through to adulthood.

The teenage years are incredibly difficult: difficult for the young ones and difficult for the parents. You want them to grow and develop into responsible human beings and that does not just happen; it is a constant battle. It is a balancing

act between loosening the reins and allowing young people to take responsibility for themselves and not giving them enough freedom so that they actually cause themselves harm. It is challenging and constant hard work, but that is what being a parent is about, and I hold no truck with those parents who raise their hands in defeat and say, 'Nothing I can do about it.' It is every child's right to persist and push the boundaries. It is every parent's responsibility to resist.

There is a reasonable argument that prohibiting drinking within the home could have undesirable and unintended consequences. Clearly there are some cultural issues which would come into play and the question has to be asked: how do children learn responsible drinking if not at home? I simply pose that question. As I said, I am keen to receive the Commissioner's proposal. I also appreciate the comments of the member for Flinders today and I am happy to discuss her views with her and also give them due consideration.

SMITH, Dr G.

Dr McFETRIDGE (Morphett): My question is again to the Minister for Education and Children's Services. What instructions has the Treasury consultant Dr Greg Smith been given in relation to finding savings in education in South Australia, and how has Dr Smith been asked to prepare a report on savings in education similar to the report he prepared as his financial review of the Australian Capital Territory? In 2005 Dr Greg Smith conducted the strategic and functional review of the ACT public service sector. Dr Smith recommended that the ACT government close 39 schools as a way of saving costs in education. Despite promising not to close any more schools during the ACT election, the Stanhope government has now announced that it is proposing to close 40 schools.

The Hon. K.O. FOLEY (Treasurer): All will be revealed at budget time, if not a little earlier.

MEDICAL RESEARCH CENTRE

Ms CHAPMAN (Deputy Leader of the Opposition): My question is to the Premier.

Members interjecting:

The SPEAKER: Order!

Ms CHAPMAN: In fact I might actually direct the question to the minister for higher education, if the Premier does not want to answer this.

Members interjecting:

Ms CHAPMAN: Or the Premier—either one. My question relates to the progress of the establishment of the new medical research centre to be known as the Rann Institute, what its function will be, and how much will be allocated in the 2006-07 budget for this project?

Members interjecting:

The Hon. M.D. RANN (Premier): Can I just say—

Members interjecting:

The Hon. M.D. RANN: The Rann Institute—who's the man? I'm the man. Can I promise the honourable member that there are no plans for the Rann Medical Institute that I am aware of or that we will be funding it. However, if I can say again, not in a shy way, that I will try to continue to get results in higher education. I am really pleased with what is happening in higher education—our plans to create a university city. Maybe we could have a smallgoods institute, a Chapmans smallgoods institute. We could share this around in a bipartisan way. The simple fact of the matter is that I am

not aware of any plans to create the Rann Institute, unless, on 14 July, when I attend COAG, the Prime Minister has a special wedding present for me.

PENSIONERS, WAITING LISTS

Ms CHAPMAN (Deputy Leader of the Opposition): My question is to the Minister for Health. Why does an 81 year old pensioner have to wait up to two years for a pair of surgical shoes? An 81 year old pensioner wrote to the minister in April this year seeking surgical shoes, after an operation that left his right leg longer than the other. I am informed that those shoes cost \$600 and in the last 20 years he has had only three pairs. Domiciliary Care has no more funding, and he has been informed that he is 124th on the waiting list and Metropolitan Domiciliary Care is able to issue only one pair at a time. He was advised in a letter that it was 'unlikely that he will be allocated the shoes within a two-year period'.

The Hon. J.D. HILL (Minister for Health): If the honourable member is prepared to give me the details of this alleged 81 year old—

Ms Chapman interjecting:

The Hon. J.D. HILL: You can point to it there, but you haven't mentioned his name and I have not seen your letter. I am happy to look at it. The deputy leader noted that in 20 years he has had three pairs, which would suggest to me that the delays in getting these shoes have existed over both sides of politics. We have only so much money to put into the health system. Unfortunately, not everyone can get everything they want every time without delay.

EDUCATION DEPARTMENT CHIEF EXECUTIVE

Dr McFETRIDGE (Morphett): Has the Minister for Education and Children's Services made any progress about appointing a new chief of staff to the Department of Education and Children's Services?

Members interjecting:

Dr McFETRIDGE: Chief executive, thank you. A senior DECS official has told me when asked why we do not have a new chief executive, 'They don't want to come to South Australia.'

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I actually have a chief of staff.

Dr McFETRIDGE: As a supplementary question, is it the pay, the department or the minister that the new chief executive will not want to work for?

The Hon. J.D. LOMAX-SMITH: I am sorry: I think it was a rhetorical question.

GRIEVANCE DEBATE

SCHOOLS, FUNDING

The Hon. G.M. GUNN (Stuart): Again I wish to talk about school buses in the northern parts of South Australia. The minister would be aware of a controversy that is continuing at Hawker, where a decision has been made to deprive that small community of a basic educational neces-

sity, that is, to have a school bus. Last week I received a letter from the Orroroo Area School. It has had a visit from the Transport Services Unit of the Education Department, which wants to start cutting back services. I do not know whether Mr Smith, the Treasurer's guru, has been sending out these messages 'drag in the funds', but it would appear to me that this government is completely driven by removing services, not providing new services.

Why would anyone want to take services away from this small community? The fax that I received on 15 June entitled 'Re Black Rock bus' states:

I have included both the recommendations from DECS and our community's responses to each of them. The Black Rock bus is our biggest concern as the 2 families who live at Yatina are our most socially disadvantaged and both have sons in Year 12 next year. If the bus is withdrawn these students will not attend school and hence not finish their SACE. This is what the current minister is attempting to increase—the SACE completion rate, and yet DECS actions do not reflect this.

This has come from the school. I put to this house that if they are reasonable people why would they want to go out, why would they want to rigidly stick to a formula that does not take account of the needs of these communities, does not understand dealing with isolated communities? At the end of the day, it is terribly important that these young people get a decent education. To get a decent education, they have to go to school. So, I call on the minister and the head of her department to go through very carefully the submission the Orroroo Area School has made to Mr Byron Carr, who is the gentleman involved in this escapade. I sincerely hope the very reasonable response it has put forward is accepted because, if these children cannot get a decent education, they are going to be even more disadvantaged.

I guarantee they will not be taking school buses away from the member for Chaffey's electorate or the member for Mount Gambier's electorate—and I bet they are not overly annoying the member for Giles' electorate, around Cowell or Kimba. For some reason they have selected my electorate. I do not know whether it is because the government is unhappy with the election result and it is going to punish the people for supporting me, but it would appear to me that this is a very nasty and negative way to handle these people in isolated areas.

So, I call on the minister to immediately cease this obsession her bureaucrats seem to have with going around small communities and making life as difficult as they possibly can. There appears to be only one other thing that seems to annoy my constituents more in schools, and that is when they go around measuring the buildings and saying, 'You've got too much space.' I remember the time they went to Burra and said that they had to reduce the library by about a third. That is one of the classic escapades by these people. If they are short of money, close the office they established for Jarvis after the previous state election: that would save hundreds of thousands of dollars. What have you got there: three or four people, a couple of motor cars—how much is that going to cost? Perhaps it would be a good exercise to put some questions on notice. That is where you will get your savings—not by penalising the people in these small communities.

I have raised this issue initially today, but I intend to pursue these matters on an ongoing basis, until fairness is applied to these communities. I cannot understand it. They have had a go at Peterborough. Who is going to be next?

Time expired.

SCHOOLS, CHRISTIES BEACH HIGH

Ms THOMPSON (Reynell): I rise today to commend yet another initiative from our public schools. Christies Beach High School has recently been successful in presenting one of its projects to the Dusseldorp forum. This is important because the motto of Christies Beach High School is 'Education for All'. By this, the school does not mean an education that anyone who can manage it can come and grab. What the school is saying is that we need to recognise the needs of our school community and ensure that the education we provide, while equipping students well to take part in the wider community, is relevant to the student's life.

Christies Beach High School has a number of indigenous students and, to assist in their learning, Christies Beach High, in conjunction with Southern Futures, has established the Yunggullungalla medicinal garden, which was planted in 2002. I well remember the day of the first plantings; it must have been one of the highest rainfall events we have experienced in South Australia. The students had a lovely time out in the rain planting hundreds of indigenous plants. Perhaps that is the right time to plant them, because the garden has grown extremely well. The garden is now at the stage where it can be used as a learning resource, in conjunction with Tauondi College, to prepare students for a certificate in horticulture and to enable them to undertake tourism studies.

The principal of Christies Beach High School, Paul Wilson, recently reported to the school and the wider community about the school's success at the Dusseldorp forum. The Christies Beach High School newsletter states:

Two weeks ago I accompanied 3 of our Indigenous students Kelly Wilson [Year 12] Jannaya Wilson [Year 10] and Billy Braund [Year 9] and teacher Renae Masters to Queensland to present at a national learning forum about our Indigenous Garden—Yunggullungalla. Our students were able to talk proudly at the *Learning Choices Forum* about the Garden highlighting how our community partnerships have helped to develop the garden into a wonderful learning resource. Their presentation also demonstrated to the audience how much our students have learnt from the experience they have been involved in as a result of having our Yunggullungalla Garden. Kelly, Jannaya and Billie delighted the conference delegates with their stories about the different plants in the garden. They talked fluently about how the garden has enhanced their learning and about the opportunities it has provided to help many of our students stay connected with the school. Our partnerships around the garden have supported our students in . . .

Understanding more about conservation by propagating and planting native flora

Maintaining and further developing the garden's potential

Conducting tours for community and school groups

Researching and writing about the plants to develop its tourism potential

Using its produce to bake biscuits and make products to help personal health

The principal reported that the students very much impressed the delegates:

. . . with their knowledge and presentation, so much so that they were judged as the people's choice for the best student workshop at the forum.

Given that there were about 20 other student workshops, that is indeed an achievement. I take this opportunity to place on record my appreciation of the many people who had the idea right at the beginning to establish this indigenous medicinal garden, who persevered and who have made it into a learning and community resource. The main recognition must go to the business and school communities involved in Southern Futures, but particularly to Richard Hicks for his leadership and his ability to find funds (which is truly extraordinary),

Megan Clark, and Kesha Roesch, who started as a trainee and is now the coordinator of indigenous programs. Special thanks go to Stanley Gebung, the artist who inspired much of the garden's design, and also to Auntie Leonie Brodie, who has provided guidance to the indigenous students involved in the garden and who has participated in several important ceremonial occasions.

It is really quite remarkable to have this resource hidden at Christies Beach. There are many schools that would benefit from a tour of the gardens. I congratulate all involved in this and wish them further success.

STATE STRATEGIC PLAN

Ms CHAPMAN (Deputy Leader of the Opposition): Today we heard from the great pretender. Today the Premier announced the results of the KPMG Competitive Alternatives 2006 study. How desperate is the Premier to try to present to South Australia how well Adelaide, in particular, is progressing and how well his administration is undertaking its responsibility, with particular reference to South Australia's Strategic Plan target T1.4, which is to 'maintain Adelaide's rating as the least costly place to set up and do business in Australia. . . and to continue to improve our positioning internationally'.

How embarrassing it must have been for the Premier when KPMG, which had undertaken an extensive survey in 2004, came to do its 2006 update and left out Australia and Adelaide altogether. How embarrassing that must have been for the Premier to be unable to latch onto this report and present it as demonstrating that his target was being achieved, and that that position was being maintained. The Premier has not tabled the KPMG report (the updated survey) for good reason. According to KPMG, when it launched its survey, the 2006 update confirmed that Australia was not even included. In fact, it announced that Singapore leads in the KPMG study of business costs in nine industrialised countries. I briefly refer to its press release, as follows:

Singapore is the most cost-competitive place to do business among nine industrialised countries, according to the 2006 edition of KPMG LLP's biannual study *Competitive Alternatives*.

Canada ranked second overall, retaining its previous position as the lowest cost country among the G7 countries. It goes on to explain that the KPMG's biennial *Competitive Alternatives* study measures 27 key cost components, including labour, benefits, business facilities, and taxes and utilities, as applied to business operations in industrialised countries. The 2006 edition of the study includes a comprehensive analysis of 128 cities in nine countries, namely, Canada, France, Germany, Italy, Japan, the Netherlands, Singapore, the United Kingdom and the United States. The study's basis for comparison is the after-tax cost of start-up and operation of 17 different types of business over a 10-year planning horizon.

There we have it. Australia did not even get a mention, so what does the Premier do? He tells us today that he had someone contact them. I am not quite sure whether it was his department or someone in his office, but they needed to do an update and we needed to have some figures that would support his contention that T1.4 was on target as per his strategic plan. How embarrassing for the Premier to have to go along and crawl up to these people to have consultants actually extrapolate information and then try to place it against the KPMG report, then come to this parliament to pretend to us today, as follows:

I am pleased to advise the house that South Australia has achieved another of its key targets in its strategic plan.

The Premier continued:

A 2006 update survey conducted by Canadian consulting firm MMK, for the highly respected financial firm KPMG, shows Adelaide has jumped from the 10th to the third most cost-competitive city in the world.

Here it is exposed. Why should this be necessary? The Institute of Public Affairs has come out and resoundingly criticised this government in its, if I recall, 'sloppy management' of the state's financial affairs. It is highly critical of this government's failure to even produce a budget in this financial year for the 2006-07 year, and to make it perfectly clear—as it would be very embarrassing for the Premier—that his state government is not performing. His Treasury department has stagnated, and we are at serious risk of having very significant infrastructure programs in the state abandoned and aborted because of the failure of his government to deal with this matter competently.

Time expired.

BRIGHTON SURF LIFESAVING CLUB

Ms FOX (Bright): I rise to speak today about the reconstruction of the Brighton Surf Lifesaving Club which is due to begin later this year. Madam Deputy Speaker, you might ask why, during one of the coldest months on record, I am here talking about something which is effectively a summertime activity. It is actually because a number of constituents contacted me last week about the appearance of large white shipping containers outside the Brighton Surf Lifesaving Club. I am happy to say that they are to provide storage facilities pending the beginning of works later this year. This government proudly supports surf lifesaving. Since 2002, the government has allocated over \$2.84 million for Surf Lifesaving SA's major capital works program which will eventually see the rebuilding or refurbishment of more than a dozen surf lifesaving clubs across the state. As you may know, Madam Deputy Speaker, the electorate of Bright's entire western boundary is coastline, and the relationship between people and the sea is a close one.

The refurbishment of the Somerton Surf Lifesaving Club, while not in my electorate but the electorate of Morphett, is enjoyed by many constituents of Bright and it is testament to this government's—and, indeed, the minister's—commitment to providing the best possible facilities available to surf lifesaving volunteers. Surf lifesavers spend hours on end between November and March volunteering their time to help protect this community. On a hot summer's day many of us spend our time in front of the airconditioner or enjoying the beach with family and friends, but our surf lifesavers give up their own time to ensure that our beaches are patrolled and that the public is safe. I would like to acknowledge in this place the extraordinary work that those people do.

Many in the community, from Hove to Christies Beach, are deeply involved in the surf lifesaving community. Parents come to the clubs because their children get involved and, even when the children choose to leave, the parents stay on. At the invitation of the President of the Seacliff Surf Lifesaving Club, Mr Glen Patten, I recently had the pleasure of attending the surf lifesaving club's presentation night and was really moved to see three generations of one family receive awards. I would like to place on record my commendation of the Brighton Surf Lifesaving Club, its members and volunteers, and those also of the Seacliff Surf Lifesaving Club.

The tradition of surf lifesaving in Australia is a proud one, as is our cultural heritage of community beaches which are open to everyone. Beaches are fun places where we can all be ourselves in a relaxed and refreshing environment, but they would not be so much fun if they were not safe. We owe a real debt to the more than 3 000 volunteer surf lifesavers in our neighbourhoods.

An honourable member interjecting:

Ms FOX: I hear someone mentioning a race. This year the Brighton Surf Lifesaving Club launched its inaugural Brighton Jetty Classic Swim event in which, many here will be happy to know, I participated.

An honourable member: Did you win?

Ms FOX: I did not. In fact, I nearly came last but I did participate and I did finish. The event was a day long carnival and the Brighton Surf Lifesaving Club, through that event, raised \$35 000 for the club as well as attracting people from across the state to Brighton beach. Next year's event will be held on Sunday 4 February, and I encourage all members of this and the other place to register and participate in this excellent community activity.

Honourable members: Hear, hear!

DRUG DRIVING

Mr VENNING (Schubert): The hypocrisy of the government on the drug driving issue absolutely astounds me—and I have the credentials to talk about this subject, as members would know. It is on public record that I first raised the issue of people driving under the influence of drugs almost three years ago. It was a problem that I was aware of, and three years ago the technology available was seen to be reliable enough to at least trial it, which the Victorian government did almost two years ago. I raised this issue in this place. I had a briefing with two senior police officers, happy to hand the names to the minister who questioned that today. I have not named them here, because one is a very public person and I do not think he would appreciate me naming him here; however, they certainly encouraged me. That was way back 2½ years ago.

First, I asked that we give back to police the powers that they used to have: the power to apprehend people who they believed to be under the influence of a drug and to require a blood test, because it was and still is a proven science, 100 per cent reliable. We also have urine tests, which are also 100 per cent reliable but which are not quite as convenient, of course. My first effort failed when Labor blocked it, with the assistance of the Independents. I then tried to link it to the roadside breath testing program for alcohol and followed the Victorian model based on work by Swinburne University. Again, attempt No. 2 was blocked by the government. Late in 2004 I introduced my own drug amendment bill, which was almost identical to the one that the government passed late in 2005. Again, it blocked my bill with the support of all the Independents.

You can read all this in *Hansard*; do not take my word for it. Read it all in *Hansard*, read the phraseology, and hear what the Premier is saying in the house today. The comments and statistics are identical, but we have mucked around with this for three years. How many people have died on our roads in that time? We have just lost seven people last weekend, four of them in my electorate. This is an issue that is above politics. It really is an issue above politics, but the government kept on blocking it. Today we heard the Premier and the Deputy Premier say that the opposition was not doing

its work. I lobbied three ministers—ministers Wright, White and Conlon. I find it extraordinary that the government would not include ecstasy in this legislation, because the technology is now proven.

In my research on this matter, especially the work of Swinburne University, it was never quite clear which drugs could be reliably detected by the swab test. Cannabis and methylamphetamine (speed) were always on the list. Ecstasy was on the hopeful list. It could be detected but the problem was differentiating it from the pharmaceuticals, such as cough mixtures. There was also a problem with the level in the bloodstream; for example, the chemical reaction taking place when the drug breaks down after a drug introduced some days before. In other words, we were not going to pick you up if you had taken a drug a week ago because it breaks down. This was the technology that was holding out the introduction of the ecstasy test. It is now solved. In three years technology has advanced to a stage where ecstasy can reliably, and finally, be detected, and the level of the product in the bloodstream can be calculated, differentiating from the metabolised by-products—which was always the problem. So to accuse the opposition today of not pushing for it last year is a nonsense, political grandstanding and a blatant misuse of the truth. It does not pay justice to my efforts over many years.

We are happy to stand on our record on this matter. We could have led Australia on drug apprehension. It makes me sick to hear the Premier mouthing off the horrific statistics of fatalities that were detected with a high level of drugs. I agree with the statistics that the Premier is putting out today. They are identical to the statistics I quoted two years ago. Members should check the *Hansard*. Members should not take my word for it but, rather, read the *Hansard*. In relation to the issue of police being able to stop a drug driver driving a car, that request was made of us. I was under the impression that this matter was addressed in the explanation in my bill. I presumed it was in the government's bill last year. Apparently, it was not. I presume it is again in the latest transport bill. I cannot believe that, after all this, someone is not doing their work—either the politicians or the parliamentary drafts-person. I assumed it was there; we all did. We have to get our act together to cover these problems. After all, we are supposed to be professional politicians. The government has people on its payroll to check these things: do not have a go at us! We have been battling this issue for three years.

Mrs Geraghty interjecting:

Mr VENNING: What have government members, particularly the member for Torrens, done? You have sat me down for three years. All I can say is that I am proud of my record. What about yours? You have been going on following a weekend when seven people lost their lives. One should not make a mockery of these matters. I feel so sorry for those who have lost loved ones—four of them in my electorate. One wonders what would be if we had introduced this legislation two years ago. One wonders how many of those lives could have been saved, whether or not they were drug related. We do not know, and I will not put that twist to it; that is an unfortunate thing to do. I am very concerned about the road toll. Many problems are involved with our road toll.

Members interjecting:

Mr VENNING: I am not casting aspersions at all on those who died. We do not know. The police know, but we do not get access to those statistics. I believe the fatalities on the weekend could be caused by drugs, road conditions or speed;

more than ever on this occasion fatigue was certainly a big issue. The loss of lives is a disgrace.

SEA AND VINES FESTIVAL

Mr BIGNELL (Mawson): Today I commend the organisers and all those involved in this year's Sea and Vines Festival. Earlier during question time I asked the Minister for Tourism about the Australian Tourism Exchange. I think this is a fantastic event which we are hosting in South Australia. As the minister said, it will put \$10 million into the coffers immediately, but the real value will come over the next decade when areas such as McLaren Vale and Willunga (which lie in the seat of Mawson) reap the benefits of good publicity around the world, written up by the journalists who have come from all parts of the world.

Ms Ciccarello interjecting:

Mr BIGNELL: Yes, it is all imported, though, Vini. The member for Norwood said that—

Ms Ciccarello interjecting:

Mr BIGNELL: Imported from places like McLaren Vale. The member for Norwood is boasting about the wonderful Norwood Food and Wine Festival. During the recent June long weekend, more than 35 000 people visited the McLaren Vale, McLaren Flat and Willunga region to enjoy the best wine and seafood on offer in South Australia. Twenty-six wineries were involved in this year's two-day McLaren Vale Sea and Vines Festival, a wonderful event that matches some of South Australia's finest restaurants with our great wineries. McLaren Vale is known as the place where the vines meet the sea, and so there is no better place to marry up seafood and wine and, for good measure, throw in fine music and activities for children such as pony rides, merry-go-rounds and art workshops.

It takes a lot of time and effort to stage an event of the magnitude of the Sea and Vines Festival, and, once again, the McLaren Vale and Fleurieu Visitors Centre has done a fantastic job. All the 26 wineries involved need to be congratulated for the way in which they hosted thousands of visitors over the weekend. There is much more to this event than just putting on the wine and food. You have to have people to organise the cars and buses getting in and out of the winery. You also need to uphold the fairly strict liquor licensing laws of this state. I am happy to tell the house that the wineries did take great responsibility in that area and few warnings were handed out.

Ms Ciccarello: What about the designated drivers?

Mr BIGNELL: I was going to get to the designated driver, if you like to wait, Vini, but thank you very much for all your help. It was a case of all hands on deck as owners, staff, family, friends and other volunteers chipped in to help serve wine and food to the throngs of wine and food lovers. Like winemakers and winegrowers in other parts of the Australia, the people of McLaren Vale are facing difficult times this season because of the grape glut brought about by failed tax incentive schemes of the Howard government. Yet even in these difficult times, the McLaren Vale winemakers are prepared to take a gamble and put on an event aimed at attracting more and more people to one of the best spots in South Australia to enjoy fine food and wine.

These people include Coriole's Mark Lloyd, d'Arenberg's Chester Osborne, Tony Parkinson at Penny's Hill and families such as the Paxtons and Scarpontonis. My favourite place during the Sea and Vines Festival each year—and it is probably because that is where you find the locals hanging

out—is the McLaren Vale Bocce Club, where five smaller winemakers without cellar doors show off their wines. This year Joe and John Petrucci who are good friends of the member for Norwood and who are very good Italian migrants whose father came out to Melbourne and then they raised the money to get over to McLaren Vale a generation ago. Once again, John and Joe Petrucci were wonderful company as they served up sensational reds from their Sabella vineyards.

Sixth generation member of the Oliver family, winemaker Corrina Rayment, her cousin Brioni and uncle and aunt, Don and Margaret, were also at the bocce club again this year. Next year, though, they may be in their own cellar door. They have just begun some painstaking work doing up an old cottage on the property their family settled about 1840.

Those who attended the Sea and Vines Festival also need to be congratulated because only three of the hundreds of people who were breath tested were found to be driving under the influence. On the whole, the behaviour of people was outstanding. Organisers had a brilliant designated drivers program where designated drivers were given free coffee, soft drink, food and water so that they could also have an enjoyable day out and there was something in it for them, as well as just keeping their mates or members of their family safe.

It was great to see so many members from both sides of this chamber in McLaren Vale over the June long weekend. We would like you to keep drinking the fine wines of McLaren Vale and to keep eating the great foods, but do not wait until next June to get down there to taste what we have to offer again. Get down there again in a few weekends' time and then a few weekends after that. It is only a 35-minute drive south of Adelaide. We look forward to seeing you all there as soon as possible.

OBESITY AND FAST FOODS

Adjourned debate on motion of Hon. J.D. Hill:

That this house requests that the Social Development Committee inquire into and report upon the link between obesity and fast foods, and in particular—

- (a) the recent trends in fast food and beverage consumption in South Australia;
- (b) the impact of fast foods on obesity and the health of South Australians;
- (c) the marketing of fast foods and its impact on particular groups, especially children; and
- (d) the measures, including regulatory, which can be taken to reduce any negative impact from fast foods at the government, community, corporate and family levels.

(Continued from 1 June. Page 374.)

Ms CHAPMAN (Deputy Leader of the Opposition): I indicate to the house that I am the lead speaker for the opposition on this matter. The headlines in *The Weekend Australian* of 10 June tell us in very stark terms what we are dealing with in relation to childhood obesity. They describe our next generation of children as the generation XXL, the extra large size. That ought to be a very clear warning to all of us as to how serious the situation is in relation to obesity throughout our population but particularly for children. Perhaps childhood obesity will become the 21st century ground for child neglect.

In the last three decades we have seen the development of the detection, assessment and prevention of physical, emotional, psychological and sexual abuse of children, that is, acts of abuse towards children as a very significant extension of child neglect, not just the failure to provide shelter and nourishment. Indeed, through the 1990s, we highlighted the failure on behalf of parents to exercise responsibility and ensure that children go to school. The abandonment of responsibility towards their education has been highlighted in the past decade.

Now we have a new and very serious aspect that requires our attention, both as parents and as parliamentarians. Our generation's children are likely to become the parents of children who will die before them. That is a very alarming situation. Interestingly, if we go back to the state perspective, childhood obesity is blowing out under the state Labor government in spite of its Strategic Plan aim to 'reduce the percentage of South Australians who are overweight or obese by 10 per cent within 10 years'. The health minister announced figures in the past few months which show a growing rate of obesity in this state, and that is an indictment on the government's failure to act on a well-documented program.

I suggest to the house that the government is now clearly embarrassed that its current policies are allowing children in this state simply to get fatter. It is not an isolated problem but the problem here in South Australia is the government's failure to actually get on and do something about it. There is research from around the western world, including at the national and state level, and I have read this month's report from the University of South Australia in relation to the physical activity of children. The data is there. The research has been done. It is across the western world and it is clear that we have a very significant health problem. We have a problem with our children developing type 2 diabetes and heart conditions at a chronically young age and at a very serious level which will clearly impede their life expectancy.

Incredibly, the Minister for Health has put the last report on childhood obesity on the backburner while the new report is being prepared. I find this quite incredible. Madam Deputy Speaker, as you are personally aware, in 2004 the Social Development Committee reported to this parliament. It undertook a very comprehensive, two-year investigation into the problems of obesity, and it made a number of recommendations. I will briefly summarise what they were. One was to continue research towards stronger evidence base for interventions. That is common and we accept that. The second was the public awareness of health promotion. These are both expensive things to continue. The third was to provide point of sale information regarding the labelling of fast food. I note the member for Fisher has a motion before this house that we get on with dealing with that, particularly the consumption of high fat/low nutrient junk foods.

The fourth was to remove the barriers in relation to physical activity, such as lack of sporting equipment, and so forth; and the fifth was to improve transport and physical environments. My recollection was that the report even covered things such as urban planning and development to ensure that, if children are being driven to school and not riding their bikes or walking, we have to look at urban planning in relation to that. The other recommendations included focusing on emotional and psychological issues as to why children are overweight and obese; and food marketing. The report was very specific in that. They should be

monitored for compliance with codes and standards in relation to the advertising of children.

For two years we have had on the table these reports that list these recommendations. They go on to include evaluation by the education sector of physical activity strategies, that childcare and after-school care programs will look at these issues; the evaluation of maternity and infant health and primary care services by GPs, and I want to come back to them, because they have already prepared a document in relation to obesity as a guide for general practitioners. Other recommendations are workplace implementation of fitness and healthy eating work place policies; and overweight and obesity amongst indigenous people in rural areas. Finally, we have their recommendation for the future development of home-based supports, respite services and supported accommodation services to deal with the special needs of people with disabilities.

There are 14 recommendations of the report in 2004. Whilst the minister claims that his government has acted upon these—he says ‘provided valuable recommendations for government and the community, which are now being acted upon’—I suggest that is actually a nonsense. Some of these initiatives are covered under current programs and, to the credit of the government, it has kept up activity programs, including the Two Plus Five Vegetables program in relation to healthy eating. I am not sure whether the Premier’s Be Active program has actually started yet, but the government has indicated that it will happen. It has indicated that, for example, it will ban unhealthy foods in canteens.

That latter idea, of course, came from the Prime Minister who earlier this year, in February, announced that that would be a requirement in relation to the eligibility for further funding, and the state government has indicated that it agrees to that. However, all these things are piecemeal. All these things simply fail to deal with the issues in relation to the over-consumption of food and the lack of or reduced activity on the part of children and being occupied with sedentary activity. Some reports say that our children are actually more active now but a report came out last month that says that is not the case: they were the fittest in a developing gradient up until 1970 and at 5 per cent per decade they have reduced after that. That report came out some 10 days ago.

We do know that if you overeat and you eat the wrong food and you do not exercise and continue to maintain a sedentary lifestyle, then you will have a problem. We have a very serious problem. As an opposition we are concerned that, rather than spend another two years talking about this, we already have the references and recommendations to get on with dealing with fast food consumption, its impact on obesity, the marketing of that, and measures regulatory and otherwise in relation to the advertising and the like at all levels. I suggest that we have that information. It is absolutely clear.

It will require some hard decisions and will require some indication of whether this is a parliamentary responsibility, a government responsibility, the parents’ responsibility, and all the departmental involvement, where we have health and education and the like, sport and recreation. These are all areas that arguably can join in the duty of care to our children to not create a generation that will die before its parents. I want to highlight today that there is an opportunity for the government to act now. During the last state election I announced, for the benefit of dealing with obesity, a program that a Liberal government would introduce and allocated

some \$6 million in a proposed budget to do. It was a program called the Fit2Play program.

When this program was announced, I recall receiving some ridicule from the government. What is extraordinary is that there have already been successful trials of this program in Queensland and South Australia at both government and non-government schools, and that is great. Although I am grateful that it has happened, what is amazing to me is that, notwithstanding the ridicule and criticism it attracted from the government during the election campaign, the government has now announced that this program is going to be introduced into 20 South Australian schools.

So, I give a big tick to the government for finally realising that this is a program that works, and I want to briefly tell the house why it has worked and the importance of dealing with programs that work across the board—not just helping children to learn to switch off the television; not just giving children ideas of what to do to keep themselves physically active; not just indicating to children what is bad to eat or the dangers of eating too much and what they should eat—to ensure that the whole family works with children to teach them a new way, extending even to what food children buy and consume and the activities they undertake.

It is a fitness program targeting childhood obesity that has been funded in this state by the Queen Elizabeth Research Foundation and the Gift for Dreams Foundation. The program aims to improve children’s attitudes towards physical activity, healthy food choices and creating a more active lifestyle. A recent publication of this announcement of the program being extended in South Australian schools published some quotes from the Fit2Play founder, Michael Georgalli. The article states:

... the program had similarities to the Jamie Oliver-driven better food initiative in the UK.

The article goes on:

‘If you take junk food from school tuckshop menus the children will find it somewhere else.’ ... ‘We are not banning foods, we are changing their buying habits.’

This program has been demonstrably successful in the trials conducted in South Australia, in addition to what has been reported to us in Queensland, and it is important to note that the pilot program at Trinity College in South Australia has shown a 14 per cent rise in the level of physical activity in children’s free time and a 40 per cent reduction in the average weekly hours of sedentary behaviour, such as watching television. It is a very comprehensive program, which has had very important results. That tells the government that not only is it a good idea that it has taken up some of this initiative but also that we need to get on and make sure that we apply this and that the money is allocated in this year’s budget (when-ever it is handed down) to ensure that we get on with this, rather than having another talkfest.

Significant work has been done in the area of food advertising and the exposure of children to it, and I think the member for Unley will be making some comment in relation to the importance of dealing with that issue and facing it head on. I want to place on the record the results from the South Australian pilot program, as follows:

- The average weekly hours of sedentary behaviour in students reduced by over 5 hours per week, from 15.6 hours reduced to 9.3 hours per week, representing a 40% reduction in TV and Video viewing plus Computer & Video Game Usage. The percentage of children at risk of overweight and obesity (from watching more than 2 hours of TV or videos per day) dropped from 26% to 8% over the intervention period.

- Number of children with televisions in their bedrooms . . . dropped from 46% to 38% . . .
- Average daily fruit & vegetable consumption increased by 38% representing an extra 2 servings of fruit and one extra serving of vegetables per day. The percentage of children that consumed the recommended 2 servings of fruit per day . . . increased from 57% to 72%, while the percentage of children consuming the recommended 5 servings of vegetables per day . . . increased from 30% to 44% . . .

The statistics tell us that overweight and obesity in South Australian children is increasing by a minimum of 1 per cent a year. Calculated in numbers, that represents an annual increase of approximately 1 580 new cases within the primary school sector alone. It has been suggested that, unless something is done to deal with it, this epidemic of a generation of overweight children will have chronic and rather obscene outcomes, which is something we all know. However, the interesting thing is that, based on a minimum annual reduction of 1 per cent in the prevalence in rates, in line with objective 2 (that is, improving wellbeing), target 6 of the South Australian Strategic Plan, that is, 'to reduce the percentage of South Australians who are overweight or obese by 10 per cent in 10 years for the government of South Australia', these results tell us that, if this program is applied across the board, the government has some hope of achieving its objective—and, after all, the purpose of this objective is the improvement of and to save our children. I want the government to act on programs that work and to make sure that we have a totally holistic approach to dealing with this obesity issue.

It ought to be understood that there is so much data out there; a lot of people are doing work in specialty areas. The AMA, for example, has published its research, and it recommends, as follows:

- Babies should be solely breastfed, where possible, for at least the first six months of life.
- School canteens should not profit from selling junk food to children—

the Prime Minister and now the state government have agreed to follow that recommendation—

- Vending machines which stock anything but water should be banned in schools—

let's have some action on it, rather than just talk—

- Selling chocolates and lollies as fundraisers should be banned.
- All junk food advertising to children should be banned.
- Food labels need to be more user friendly—

the member for Fisher has raised this issue but, again, nothing has been done by the government—

- A comprehensive national nutrition survey needed to map patterns of food consumption. . .

That data is ageing. So I think the member for Unley will be dealing with that matter. The AMA has looked at this issue. We have all the experts looking at it.

In the meantime, I want to pay some tribute to those who are out in the field doing some work—not in government, but others. For example, some kindergartens—not on the direction of the government but on their own initiative—are taking on the challenge of reducing childhood obesity, and the parents are paying an extra cost—something like \$15 a term—to enable their children to eat healthy food. That tells us that the parents are prepared to get on and try to deal with this issue in some of these areas. Again, if it works, why do we not make sure that that is translated elsewhere?

We have the food labelling issue. It seems to be a very commonsense issue. The federal Minister for Health, Mr Abbott, has called for the state governments to get on and

deal with this issue. It is something that needs to be done. We even have the issue of identifying fast food outlets themselves. Let us face it: we are living in an age where parents want convenience food—and I distinguish that from fast food. The terms of reference of the proposal to the standing committee raise some concern, because what is fast food? Does it include all convenience food? Does it include what we might understand to be McDonald's and KFC, Wendy's, and whatever else they have these days, or does it include the prepared food that is made up as a convenience meal, with all sorts of additives, at the local butcher, which, of course, can equally have very high fat content? Does it include convenience meals in the supermarket which are prepared and prepacked for the convenience of households and which can also have high levels of salt, sugar and fat? There are takeaways, of course, and the local Asian restaurant, fish and chip shops, chicken shops, and so on.

My concern with this inquiry is that all we will get at the end of it is a whole lot of highly professional international takeaway food outlets, including providers of soft drinks—I do not need to name them; we all can imagine who they are—who will line up to this inquiry and tell you not only how good they are at providing low fat, low-salt, light this and that food for their customers and providing that choice and also that they are doing a good job. And the person who will get belted around the head after this inquiry is the local fish and chip shop owner who is working away for a small margin and just cooking away with, maybe, low fat oil but who may not be providing a huge diversity of low fat, low salt and low sugar food. Ultimately, the small business proprietors who are operating the local delis and fish and chip shops and hamburger stores will be the ones who will not be professionally represented and have all the data prepared by huge marketing arms of their operations. They are the ones who will not be armed with the research and data to combat the argument that a McDonald's hamburger is bad for you. So, we are going to have another wasted talkfest.

We have also had others out there who are prepared to deal with bad food in tuck shops, which food is not conducive to keeping weight down. I want to briefly mention that, while some kindergartens and schools have been quite ingenious in their advice and assistance to parents in regard to healthy eating, and some parents have taken up this initiative, nevertheless, they are at school for only about a quarter of the day during the week. That means that they are eating breakfast, their evening meal, supper, snacks, and all day Saturday and Sunday exposed to and with access to all of the foods that do not help them. We have had labelling and advertising, and we have had really dedicated parents who are helping to make sure that their children are active and eat the right foods. The GPs have come on board, and they have prepared booklets for their own people, and we have professional programs which have proven successful, so we are ready to act and not have another talkfest.

We even have Crown Princess Mary of Denmark, as I read on 1 June, who supports and, I think, sponsors (although they describe her as the protector) a special Kildemose institution, which is like a kindergarten, for overweight children in Ulsted in Western Zealand, Denmark. This is a state-run institution of four homes where children can stay between nine and 12 weeks in order to lose weight. It seems as though we have this sort of health farm equivalent for children that is operating in Denmark as something to look at. All around the world people are doing something about it. In our own state, our local people are doing something about it. We want

to make sure our children are saved and protected and, therefore, we need to make sure that these programs are implemented and that we do not face what is clearly an alarming statistic for our children.

Ms SIMMONS (Morialta): I rise as a member of the Social Development Committee to support this motion. As I stated in my maiden speech to this parliament, childhood obesity is a scourge and a very real problem facing this community in 2006. I welcome this government's commitment to banning junk food in school canteens, but I remain disappointed that the government has to take this measure and that schools are not self-regulating the sale of junk food of their own volition. Local schools that I have visited in the past few months tell me that they make good profits from their junk food, and it has become evident that this is obviously more important to them than taking the lead and providing a good example to the young people in their care. If junk food is available at the school canteen, students will believe that the school endorses this choice of food. Children who are given money to spend at the tuckshop to supplement their diet on a daily basis could rightly assume that the adults who purchase the food for sale in the tuckshop would not sell any foods that could be harmful to them.

It is estimated that the prevalence of childhood overweight and obesity in Australia is 27 to 30 per cent; that is, more than one in four children are overweight or obese. A recent study in South Australia found that 20 per cent of children under five years of age were obese or overweight. This figure was shown to have doubled during the period 1995 to 2004. This is a shocking statistic and one that should make us truly ashamed as a caring community. Apart from the obvious health issues and the well-documented long-term disease risks of diabetes and cardiovascular disease, children who are overweight can suffer a whole range of mental and physical health issues not considered by parents, carers and schools when influencing their child's diet. The psychosocial consequences of being a fat child have been highlighted in playground bully stories from time immemorial. The difference is that many more obese children are in our schools today.

Children who are overweight or obese can suffer from social isolation, poor self-esteem and depression. They often have related medical problems such as back pain, flat feet and sleep apnoea and, in South Australia, issues with heat intolerance and asthma, all of which prohibit children from maximising their opportunities for enjoyment in their childhood years and may lay down the habits of a lifetime which may affect or shorten their lifespan. A child who is overweight or obese has about an 80 per cent chance of being an overweight or obese adult.

As parents, we like to indulge our children, and I am no different from other parents in this respect. However, junk food has become the daily diet for many children instead of the fare for birthdays or special occasions. Junk food is often easy food, at hand, pre-prepared and, in the busy life of the parent who juggles too many other things in the 21st century, it is often seen as a way to keep the children happy, feed them and buy time for other important matters that make up the day. The long-term consequences of the short-term action are not considered by many parents. I disagree with the member for Bragg that it is a form of neglect by parents. I do not think that any harm is meant by the parent; in fact, in many cases, the action is to make the child happy, to meet the approval of the child and to give them what they ask for and sometimes

demand and, in some way, buy their love in these busy times. The parent's capacity for disposable income is much greater than it was 10 to 15 years ago, and we often want to give our children what our own parents did not have the means to give us. We feel that we are better parents for being able to meet our child's requests for luxury eating on a regular, if not daily, basis.

How have we got ourselves into this situation where our children are able to make so many demands on the family purse and the family lifestyle? At such a young age, considering those children under five years, how have they influenced the running of the family home in such a major way? Children aged five to 12 years watch on average 2½ hours of television daily, which means that they also watch approximately 30 ads every hour. This soon adds up to about 75 ads a day or, conservatively, 22 000 ads a year. I suggest to this house that this is where the influence stems from.

Young Media Australia reports that the Australian Divisions of General Practice conducted a survey during the school holiday period in January 2003. They found that during the programs aimed at children between the ages of five to 15 years, an average of one junk food ad per ad break was aired and, sometimes, up to three ads. Over 99 per cent of food ads were for junk foods. Ads are also very cleverly targeted using jingles and cartoons, give-aways and prizes. All the actions of the characters are happy, having fun and excited to be eating these products. The children watching are meant to feel special or superior if they, too, consume this product. Personally, I look forward to hearing the submissions relating to this reference and the findings that we are able to present to this parliament through the Minister for Health.

Mr PISONI (Unley): First, I thank the members for Bragg and Morialta for their worthy contributions to this debate. I think that both of them have argued strongly that another inquiry is unnecessary, because all the evidence is out there. We have—

The Hon. J.D. Hill: Are you supporting this or opposing it?

Mr PISONI: I am opposing this motion that it go to the Social Development Committee. I am saying that the information is there; copious amounts of information and research are out there. Copious amounts of research have been done and it is now time to act. The member for Morialta spoke of the government ban on junk food in school tuckshops which I think is a great idea but, in itself, that is not enough. It is the Jenny Craig example of how to deal with this situation. You tell people that they cannot have this but you do not tell them why they cannot have it. The fact that school councils are concerned about the fundraising implications of not having their vending machines is an indictment on the lack of action by the government since the last study, which culminated in the 19th report of the Social Development Committee, where it was recommended that the minister come up with alternative fundraising ideas to put forward to school councils in order to replace that revenue that they rely on from their vending machines.

The 2004 report also told us that child obesity had tripled in 10 years from 1985 to 1995. Half of South Australians do not take enough exercise. Portion sizes are bigger and calorie intake is higher. Plenty of information exists for the government to move forward rather than delay action on this important social issue by establishing another inquiry. I agree with one thing that I have heard from speeches so far, which

is the influence of television advertising on children and their consumption of junk food and on obesity in society. Of the 13 OECD countries, Australia has the highest number of television advertisements for junk food per hour during children's television viewing hours with 12 advertisements per hour, while in the UK it is 11 advertisements per hour, and in the United States it is 10.

The Hon. J.D. Hill: What's your position on the regulation of that?

Mr PISONI: I have the floor, Mr Speaker.

The Hon. J.D. Hill: You have a fatal flaw.

The SPEAKER: Order!

Mr PISONI: A South Australian study found that 76 per cent of advertisements in the 4 p.m. to 5 p.m. time slot were for food. Other studies report levels of food advertising—

The Hon. M.J. Atkinson: Bring back Brindal; bring back someone interesting with a bit of scholarship.

The SPEAKER: Order!

Mr PISONI: If the Attorney-General does not see childhood obesity as being an important issue perhaps he could keep his comments to himself.

The Hon. J.D. Hill: You're opposing what we're trying to do. Doing nothing is a way of doing something.

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

Mr PISONI: The proportion of advertisements for food is consistently higher in time slots where children are likely to be viewing. There are alternatives out there if the government is keen to move forward on this quickly. It could work with the federal government, which is putting together a national children's nutrition and physical activity survey.

The Rann government has indicated that it supports addressing levels of childhood obesity and the opposition agrees with the need to develop an ongoing system to monitor food, nutrition and physical activity at a national level; however, developing a national system will take time, and in that battle to have some impact on the overall problem of childhood obesity there is no time to lose. We have enough information to move on this at a state level now rather than move on to another inquiry. The federal government, along with the Australian Food and Grocery Council, has contributed \$3 million to develop and implement a children's nutritional and physical activity survey.

The last national nutritional survey was conducted in 1995, and since then there have been many changes to the Australian food supply and dramatic changes to the nutrition and activity levels of our children. Data from the survey will be used to assess what these changes are in terms of food, nutrition, energy intake and expenditure. The survey will collect detailed information about food and nutrient intake, physical activity levels and the weight loss status of a nationally representative sample of children and young people in Australia in 2006-07. This data can be used by governments to assess progress against recommendations and guidelines on diet and physical activity and to develop policies on food and health promotion as well as intervention programs to address rising levels of overweight and obesity.

The data used can help establish an ongoing national monitoring system which the Rann government supports. Additionally, this new nutritional survey welcomes the contribution of the food industry, which has a key role to play in promoting good nutrition and tackling overweight and obesity. Information from the survey will assist the food industry to develop products which meet the nutritional health needs of specific population groups and the population as a

whole. The survey will begin later this year and be concluded by 2007. I call on the Rann government to take some real action on childhood obesity and to make a contribution to the development of the national nutritional survey and be the first, and only, state government to do so thus far.

The Hon. R.B. SUCH (Fisher): I would like to make a very short contribution. I commend the Minister for Health for this initiative and, having had the fortunate pleasure of being on the Social Development Committee in the past, I am sure that it will do a great job.

I do not believe that there is anything that should be labelled 'bad food'. I take my advice from my young brother, who is the chief dietitian at St Vincent's Hospital. He said that there is no such thing as bad food, that people just consume foods in the wrong quantities. In fact, he says that you should not have watered down cream on your apple pie; have the real stuff but don't have it often and don't put too much on. Having said that, one still cannot move away from the reality that (as a nation) we are getting heavier and heavier and something needs to be done about it.

This motion is good as far as it goes, but the other side of the coin is, of course, physical activity. If you consume more than you expend in energy you are obviously going to increase your body weight or mass, so whilst this motion is great we should not overlook the other very important aspect of general health: physical activity. That would also help, as well as eating more appropriately. Part of the exercise issue is the fact that very few people, particularly children, seem to walk anywhere. That is something in which we have followed the American pattern, and when I have visited Americans and suggested that I am going for a walk they look at me as if I am somewhat unbalanced. We do not allow our children to walk to school, yet the risk to a child of being molested is very small indeed. The risk to a child from an accident in a car is a lot greater, and the most dangerous time in one's education is when the mums and dads are around the schools picking up their kids and transporting them home. Not all of those children could walk to and from school, but many of them could and that would help with physical activity.

In my earlier life before I became an academic I was a primary school teacher and we used to have physical activity with the children throughout the day. In fact, teachers were quite happy to change into a track suit (although we probably did not call them that then) and activity was part of the day. Gradually we got to a situation where activity was not pursued and we had Saturday sport for some children but not all. I am pleased to note that the Minister for Education and Children's Services recently promoted physical activity in schools, but it should not just be in primary, junior primary and middle schools, it should be throughout high school years as well. There should be integrated physical activity. It should not be seen as an add-on or an extra-curricular activity. It should be part of the day. If it was, there would be fewer problems especially with boys', but not just boys', behaviour if they were able use up some energy in physical activity. One of the issues that does concern me is the fact that a reference cannot look at every aspect, and I hope members are looking at not just consumption but also expenditure of energy.

In his speech the minister mentioned a fact which is significant and which relates to transfat. Transfat is a hydrogenated vegetable oil; hydrogen is pumped into it. The American Food and Drug Administration (FDA) has now ruled that in its view, based on evidence from the Surgeon

General and others in the United States, it is as dangerous as saturated fat; in fact, it may be more dangerous. As from 1 January this year in the United States all products which are sold in supermarkets and which contain transfat must indicate that to the consumer. We do not do that in Australia. I believe the Australia New Zealand Food Authority is looking to do that, but, thus far, it has not been done.

When people go to so-called fast-food outlets, they are getting transfat in the product, and the minister alluded to a study which showed that it varies from country to country. Often the product is cooked in it. For example, fish and chips are almost certainly cooked in liquefied transfat. The oils which are used are the cheapest and nastiest. Palm oil and coconut oil, which are the two worst oils it is possible to consume, are used because they are so cheap. We get it in not only what we eat and the components but also the spin-offs from what it is cooked in. The irony is that, if you go to a supermarket to buy a manufactured product in a package, the package will say, inadequately but to some extent, what is in the product, but at a takeaway food outlet you do not have to be told anything about what is in it. If you buy a pie at a bakery, you do not have to be told what is in it. If you buy the same pie wrapped up in a supermarket, it will tell you it contains a minimum of 25 per cent meat. It does not say where the meat came from; it could be camel or any other sort of meat. We slaughter camels at Strathalbyn. I guess there is nothing wrong with that. I will not make any jokes about the meat being lumpy or humpy!

The fact is that you are not told, even in the supermarket, what is in the pie in terms of its origins. When you buy a pie outside the supermarket, you do not know what is in it and you do not know how much transfat is in it. You do not know what is in a hamburger. If you ask at McDonald's they will produce a nutritional information sheet, but less than 0.001 per cent of customers ask what is in the products they or their children are consuming. There is no legal requirement to tell you, and people do not realise they are consuming not only a lot of transfat but also other things. I think in a democracy people have a fundamental right to know what is in the food they eat. I acknowledge that McDonald's and Hungry Jack's have tried, and are trying, to implement some so-called healthier alternatives, but it should apply to all takeaway food areas. There should be clear labelled instructions and information on the walls saying in general terms what is in the products people consume. Any biscuit or cake has plenty of transfat in it. Manufacturers use transfat at present because it is cheap. The fact that it happens to be nasty is something people will discover towards the end of their life rather than earlier on.

Without being too dramatic, if parents do not know what is in the food they are feeding to their children, it represents a form of child abuse. If people choose to consume a hamburger a day—and I do not think hamburgers per se are bad for you—that is fine, but not knowing or not having the information is not good enough in a society which claims to be democratic. I hope that the Social Development Committee would look at something simple, not too onerous, to be displayed in a takeaway outlet to the effect, 'Our typical pies and pasties contain 25 per cent transfat or 25 per cent meat (the legal minimum) which is derived from sheep or cattle or whatever; and our fish and chips are cooked in a healthier alternative.' I do not believe, even if the cost increases, that it would have a significant effect on businesses. In fact, The Hub Chicken Shop, which is near my office, has just switched to free range chickens. They do not sell any cooked

chickens other than free-range chickens. Guess what? Their business has increased. Their turnover has increased. They put up the price of every cooked chicken by a dollar and business is booming. Members might say that my electorate is not affluent but classic middle Australia and they could afford an extra dollar for takeaway chicken. The reality is that if people are given a healthy alternative, even if it may cost a little more, most people will choose it. Once again it comes back to this question of information.

I guess that paragraph (d) deals with the aspects I have raised because the reference does not specifically mention labelling, but I would imagine that the committee in its wisdom would take that on board. I think that, in some way, focusing on fast foods is a bit of a misnomer. The issues should be in terms of healthy eating generally, accompanied by appropriate exercise as well. It is similar to the old focus on stranger danger, when, in reality, there is more danger to children from relatives in the home than there is from the stranger. In a way, picking on fast-food outlets can still shift the blame to those outlets, when the parents might be providing unhealthy options for their children at home, when very good quality foods—and I am not trying to contradict what I said earlier—are not necessarily expensive.

You can buy the old baked beans. You can make a whole lot of fantastic things out of good quality mince. You do not have to be eating rump steak every night. As I say, I am not critical of this motion. However, I do not think that it goes far enough in focusing on the exercise aspect. It could end up as a bit of a witch-hunt against the fast-food outlets and allow the home cooking, which is inappropriate, to go unrecognised and not commented upon. Also there is the importance of ensuring—and this is the subject of another motion, so I do not want to transgress—in the so-called fast-food outlets that there is adequate labelling or display of information so that someone can see what is in the hamburger or the fish and chips they are consuming and what sort of cooking oils are used. That sort of information is not hard to put up on a board. In fact, progressive places already do it.

I support the motion and trust that the reference gives the committee enough scope to deal with the issues which I have raised. Traditionally, we have also added 'and any other relevant matter', but if paragraph (d) is seen as a catch-all, then I am relaxed about it. However, if it is not, I would be keen to see it amended to include the phrase 'and any other relevant matter'.

The Hon. J.D. HILL (Minister for Health): I thank all the members who have contributed to the debate. I will not speak at great length because I have put before the house my arguments for supporting this motion. I am disappointed that the opposition has decided to oppose it, but not at all surprised. I have to say that the argument put by the Deputy Leader of the Opposition was fatuous to say the least. It is based on the premise that proceeding with this particular motion means that we do nothing else. That is far from the truth. This is one of many things that the government is doing in relation to obesity and overweight people, particularly children. We have announced a number of initiatives, for example, the two plus five fruit and vegetable advertising campaign. There are the programs in schools related to physical activity. There is the announcement and the plan to remove fast foods from school canteens and a whole range of other things—and I will not go into the detail.

This motion is primarily about the fast-food industry and the advertising of fast food. It is not about individual retail

outlets. It is about the advertising of fast food and the number of ads that children see every week when they are watching television and the impact that that has on family choices in terms of food consumption. That is what it is really about. What I am attempting to do—and it is unfortunate that the opposition has declared their opposition to that proposition *ab initio*—is to get a consensus in South Australia about it, so that we can put some pressure on the federal government which has made it clear that it does not support any regulation of the fast-food industry in terms of television advertising. It says that it is solely and completely a parental responsibility.

I think that is wrong. I think it is a shared responsibility that we have to the children of this state. I am hoping that this inquiry will be able to get sufficient evidence and build up a consensus which will be persuasive in having the federal government change its mind. At the very least, it will allow a certain number of members of the parliament to hear firsthand from a whole range of experts about this issue. I look forward to reading its report in due course. I commend the motion to the house. I understand, having talked to the chair of the committee, that it is anticipated the committee would take about 12 months to deal with this matter, not the two years that was indicated by the Deputy Leader of the Opposition.

Motion carried.

STATUTES AMENDMENT (DISPOSAL OF HUMAN REMAINS) BILL

Adjourned debate on second reading.
(Continued from 31 May. Page 336.)

Mrs REDMOND (Heysen): I indicate to the house that I am the lead speaker on this particular piece of legislation and I hope that, subject to the Attorney-General, I will not keep the house long in dealing with it. It is a particularly uncontentious matter and we certainly support the government's intention with this bill. As members may recall, it comes about because some people who were about to redevelop a property on Portrush Road happened to turn up some human remains as they cleared the property, and that is the problem with which we now have to deal. We are not actually dealing with the remains. The remains were of people who died in the 1860s of natural causes. Apparently death certificates were issued at the time but there is no record in tact of those death certificates.

Although it is believed that everything was aboveboard—there is nothing suspicious about it—these remains had to be dealt with and we are not—

The Hon. M.J. Atkinson: Grandparents of my ministerial assistant's uncle.

Mrs REDMOND: The grandparents of the Attorney-General's ministerial assistant's uncle were the very people involved.

Ms Bedford: Is that a conflict of interest?

Mrs REDMOND: Absolutely a conflict of interest for the Attorney. So, we are trying to deal not with the actual disposal of the remains but with the technical difficulty which arises because the Acts Interpretation Act—I think it is section 15, from memory—provides that, if an existing act is replaced by a new piece of legislation, any section in that act which has a corresponding section in the new legislation will be deemed to be covered by that new piece of legislation and still take effect, be valid, and so on.

The difficulty arises with a birth or a death registered under the Births, Deaths and Marriages Act 1966, which was replaced by the Births, Deaths and Marriages Act 1996. So, anything done under the previous act remains valid under the new act, but you cannot necessarily keep chasing that back through several acts. I gather that there have been several, maybe four, permutations of the legislation covering the registration of births, deaths and marriages in this state over the 150-odd years since these events occurred and the death certificates were originally issued. So, the question mark came about because, even if it could be established clearly that the death certificate had issued, would it be recognised, valid, and so on?

The effect of the proposed legislation is simply to overcome that difficulty. Clause 4 amends the Births, Deaths and Marriages Act to expand the circumstances where an authorisation for the disposal of human remains may be issued. At the moment, section 50A of the act provides:

A person must not dispose of human remains unless that person has received a doctor's certificate or an authorisation under the Coroners Act.

What will happen under the new legislation is that an authorisation could be issued by the Registrar if he is satisfied that the state Coroner has no interest in the remains, or by the minister, subject to any conditions that the minister may impose.

The bill also has the effect of broadening the Coroners Act. Understandably, the Coroners Act has strict requirements for authorising the lawful disposal of human remains. The new provision enables the Registrar to issue a cremation permit without the usually required documents because, obviously, in this particular case, we do not have the usually required documents. I think all the possibilities have been covered so that the measure cannot be used to enable the disposal of remains which are not within a very tight set of parameters.

I will take members through the five items that have to be satisfied without the usually required documents: if the deceased person's death has been registered under the Births, Deaths and Marriages Registration Act or a corresponding previous enactment; if the particulars in the register record death from natural causes; if there is good reason why the documents cannot be produced—and I would suggest that the elapsing of 150 years might be sufficient reason in that regard; if the state Coroner has no interest in the remains, and the state Coroner has so indicated, I understand, in this particular case; and if there is no other reason why the permit should not be issued. Subject to those requirements being met, there will be the ability to authorise the lawful disposal of the remains.

As I said, we are not trying to deal with the question of the lawful disposal. I understand there may even be some level of dispute between various family members as to what is the appropriate mechanism for disposal, and that is a dispute that arises fairly commonly when one deals with probate, and so on. There is a lot of case law on who is authorised, whether the executors or the family members can make the decision as to whether someone is to be buried or cremated. When I was drawing up wills for my clients, I always advised them not just to put it in their will but to tell their family members and their executor what their wishes were because the will—unless you are very hungry to read it—might not even be looked at until after the body has been disposed of.

Whilst theoretically you could exhume and then cremate a body if you got it round the wrong way and someone

wanted to be cremated, if someone wanted to be buried and the body has already been cremated, there is a significant problem. As I said, I always recommended strongly that people make those arrangements, but the point I am making is that, in this case, as a parliament we are not seeking to decide the outcome of any dispute which may arise as to how these remains are to be disposed of. All we are trying to do is enable the lawful disposal of the remains, given the small problem in the Acts Interpretation Act, and putting in place a minor amendment in the Coroners Act, within very tight parameters, to enable the legal requirements for authorising a lawful disposal to occur.

The Hon. R.B. SUCH (Fisher): I will just make a short contribution. The Attorney loves my letters and my speeches.

The Hon. M.J. Atkinson: Will your speech be as open-ended as your letters?

The Hon. R.B. SUCH: You were saying my letters were too short. I will have to extend them now. This relates to a matter which I understand occurred in Burnside, but it does raise some relevant points. The first is that not long ago I had the privilege of chairing a select committee that looked at cemeteries, and we are still waiting for the government to respond to that. I was asked at a public meeting last night what was happening with that report and I said I was sure that the government would respond in good time. But it is a contentious issue whenever you talk about or involve yourself in burials or cremated remains. It is an emotive issue because of the fact that relatives have to pay a lease or a licence if they want to keep their loved ones buried or protected in the metropolitan area.

The other aspect, which flows from the first, is that we are getting towards a point of crisis in terms of cemetery provision, especially in the southern area, and that was raised last night. There is not enough cemetery space for those who want that option. In fact, many of the cemeteries down south are now technically full. The Hon. John Hill (former minister for the environment) was very supportive in regard to looking at the option of natural burial grounds. That is very popular in the United Kingdom and New Zealand and enables land that would not be used for any other purpose, old quarries and so on, to be vegetated with a tree above the remains, and that would help solve that other issue.

In terms of cremated remains, there has been a requirement in South Australia for as long as there has been legislation that before someone is cremated there is a physical check to ensure that the person being cremated is the one who is meant to be. There is no such checking when it comes to burial, and it is open to abuse and needs to be looked at and dealt with asap. Members may not realise that anyone in South Australia can become an undertaker. All you need is a panel van and away you go. There is no requirement other than that you need some mechanism to transport remains around. There is no ongoing register of burial sites, and this relates to the issue at Burnside. One of the recommendations of the select committee was that burial sites should be registered with the Registrar of Births, Marriages and Deaths.

Members may be aware—but not pleased—that we have actually built on many former grave sites in South Australia, and it is still legal to do so. Some people trot out the red herring that Aboriginal remains are protected but not those of Europeans. That is not true. If Aboriginal people are buried in a conventional cemetery, they have no more protection than anyone else in that cemetery. It is only traditional Aboriginal remains that are protected, and so they should be.

We do not protect old grave sites outside of and not even within registered or recognised cemeteries. Coromandel Valley houses have been built in recent years on grave sites, and relatives of those people are still in South Australia. Some are down the South-East.

The point I make is that, whilst this is about a specific issue, it is an opportunity to encourage the Attorney—I know he likes a good workload—to tackle some of these issues with his colleagues, because some of them are starting to become very significant in regard to the provision of burial sites and the fact that we have so many loopholes in the disposal of human remains in South Australia. It requires urgent attention by the government and an urgent response to the recommendations of the select committee that this parliament produced not that long ago.

Ms CHAPMAN (Deputy Leader of the Opposition): At last Joseph and Sophia Dauncey will be able to be laid to rest, after spending a year now in Blackwell's funeral parlour at Mile End. They have had to await the determination by this parliament to enable that to happen. As has been evidenced, the bodies of Mr and Mrs Dauncey were exposed as a result of their crypt being dug into when a developer was dismantling dwellings on property at St Georges. My understanding is that development had been stopped until the local council was able to make a decision as to what was to be done with the human remains.

Submissions were put to the Attorney-General to look into and remedy this matter, and a year later, finally, this matter is coming to an end. I do not doubt for one moment that it is very important that we get the law right in relation to our cremation laws, our registration of death procedures, and to protect at all times the important work done by the Coroner. It is important that we get the right body identified and, when it comes to the disposal of body post death, that avenues in relation to circumstances other than natural causes have no opportunity to be interfered with or evidence tampered with. I support the importance of that.

A recent reminder of this was the case just a month ago in Los Angeles where two young teenagers were the victims of a very serious car accident, both the girls were seriously injured, and one died. One was in a coma for some weeks and was severely disfigured, and the parents of the girl who was buried found out some weeks later that their daughter was not actually in the ground: she was the girl who was lying in a coma in the hospital. The tragedy for the parents who had been carrying on a vigil at the hospital was that this was not even their daughter and that their daughter had been buried some weeks before. That is the tragedy of what can occur. Proper investigation, recording and protective legislation are there to ensure that we get it right and, similarly, that we ensure that bodies are not disposed of, in particular cremated, when there is any scintilla of doubt as to whether they have died by fair or foul means.

It is always important to protect that evidence, to ensure that perhaps a loss of life has not been in vain and that proper investigations are made. I do support that. I simply want to say that, whilst I am very pleased at last for Mr and Mrs Dauncey and particularly for their relatives that their bodies will now be laid to rest, this matter has been going on for a year. As the local member covering the site at which the bodies were exhumed, I wrote to the Attorney-General in September last year when there appeared to be no progress in the resolution of this matter, and I made repeated telephone calls to his office. I wrote to him again in December,

imploring him to have this matter resolved before the end of the sitting year, in the full knowledge that the government had indicated that parliament would not be sitting again before the election. I indicated that this was not only holding up the resolution of this matter by the family but, indeed, the development of the site and creating a cost to everyone involved, and I also indicated that the local community was being held in abeyance until the Attorney had dealt with this matter.

My understanding from the Attorney's office is that consultation needed to occur with various parties and that, obviously, crown law opinion needed to be obtained. I respect that, and I acknowledge that that is important. However, I do not doubt for one minute that that was an issue, especially as only two of the three funeral directors were ultimately consulted after crown law opinion had been obtained. There is absolutely no reason why this matter has taken a year to be resolved, when the opposition has placed on the record its willingness to be supportive and cooperative to ensure the prompt processing of the necessary law reform (which the opposition agreed was necessary) to amend the Cremation Act and the Births, Deaths and Marriages Act. I am concerned about the government's tardiness in relation to this issue, but on the other hand, I am pleased that at least this matter is now resolved.

There are two things I should place on the record, one being that an approach was made to me early in the course of this inquiry as to whether I might be personally related to the bodies in question, that is, Mr and Mrs Dauncey, and also a third body that is believed to have been at the site at that time, that is, Mr Drew. It is true that the Drews, Daunceys and Chapmans are all related—in fact, in Kangaroo Island we even have streets, avenues and esplanades named after us, all of which come together—but I want to assure the house that I do not have any personal interest as a relative of these human remains. That has been investigated. We have checked the family tree, and these people are not descendants of the Edward Chapman line, of which my children are seventh generation South Australians. I just want it on the record that we are not related—especially if they end up finding a few bones belonging to Mr Drew—and I will not be making any claim on the body, nor will I take any active part in any way in relation to the disposal. I hope the matter can be resolved promptly and that the relatives of this family are able to have closure on this as soon as possible. I thank the government for at least concluding the matter.

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

CRIMINAL LAW CONSOLIDATION (THROWING OBJECTS AT MOVING VEHICLES) AMENDMENT BILL

Consideration in committee of the Legislative Council's amendments.

The Hon. M.J. ATKINSON: I move:

That the Legislative Council's amendments be agreed to.

Owing to the sweet reasonableness of the government in its parlaying with members in another place, we have reached a compromise about the terms of this bill. Concern was expressed that the bill as it was originally introduced would not cover the situation where a vehicle is not moving but is stationary because it is stopped at traffic lights or signals, or there is a traffic jam, and so on. As a result of debate in the

other place, amendments were moved by the Hon. Nick Xenophon to clarify this. The first two amendments have the effect of taking the word 'moving' out of the short title and the division heading. Amendments Nos 3 and 4 result from a rethinking of the targeting of the offence. Amendment No. 3 does two things. It extends the offence to vehicles that are stationary and moving vehicles that are being driven and, secondly, those that are being driven on a road-related area, busway, railway or tramway. Therefore, it will not cover a stationary vehicle in a paddock or a driveway, such as a vehicle that has had wheel clamps applied to it by the government, in accordance with our election policy, owing to the iniquity of the motorist.

Amendment No. 4 defines the terms used. I know the member for Heysen always likes definitions. The principal change here is to confine the meaning of the word 'vehicle'. The previous version simply relied on the natural meaning of the word. The government has decided that too much should not be left to litigation. It has decided to be more precise. The definition is similar to but not quite identical to the definition contained in Section 19A of the act. There are two reasons for the differences: the first is to clarify the status of a bus way, and the second is to ensure that a ridden horse is covered.

Mrs REDMOND: I rise to indicate that the opposition also supports the amendments. The Attorney and I reached the same conclusion, although by slightly different mechanisms. My understanding is that, in fact, in the other place the Hon. Nick Xenophon raised an issue which was a potential flaw in the existing legislation. That is that it possibly could be interpreted as catching the throwing of hard objects at moving vehicles but, if someone was, for example, stopped at traffic lights, so that the vehicle was not technically moving but stationary, although they were engaged in the act of driving that vehicle at the time, the activity of throwing a hard object at that vehicle might not be caught.

I think goodwill and commonsense on the part of all parties recognised that that was a valid potential problem. It may or may not have ever arisen in practice but, rather than risk that happening, Nick Xenophon originally moved that amendment. It was considered that his amendment, as he moved it, had the potential of adding to the problem rather than clarifying it in as much as his original proposed amendment could have been interpreted to take on cases where a person throws a hard object at, for example, a vehicle that is parked in the street or someone's driveway and does not have any occupant at all. That event, of course, is adequately covered by our existing legal processes, and we did not need to make any change to it.

Having recognised that a valid potential problem had been identified but that the solution originally proposed was not necessarily going to solve that problem, the government very wisely and judiciously negotiated in the other place to the point of the amendments which now come before us. I will not go through the details other than to say that I think they are a good move. I do not know that the problem would ever have arisen, but it certainly pays for us to think about these issues when they are brought up. It seems that the amendments now put forward should cover any potential situation which we are envisaging trying to capture via the legislation, so the opposition supports the proposed amendment.

Motion carried.

**ANANGU PITJANTJATJARA
YANKUNYTJATJARA LAND RIGHTS
(REGULATED SUBSTANCES) AMENDMENT BILL**

In committee.

(Continued from 8 June. Page 517.)

The Hon. G.M. GUNN: I move:

That standing orders be so far suspended as to enable me to move an instruction to the committee of the whole house on the bill that it have power to consider amendments related to the expansion of road reserves.

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

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

Motion carried.

Clause 2 passed.

Clauses 3 and 4 passed.

New clause 4A.

Mr WILLIAMS: I move:

Page 2, after line 18—Insert:

4A—Amendment of section 19—Unauthorised entry on the lands

(1) Section 19(8)—After paragraph (ca) insert:

(cb) a representative of the news media who enters the lands for the purpose of investigating or reporting on a matter of public interest occurring on, or having a connection with, the lands and who only enters—

(a) those parts of the lands that constitute roads or other access routes through the lands; or

(b) other parts of the lands that the representative has been given permission to enter by Anangu Pitjantjatjara Yankunytjatjara;

(cc) a person providing an assessment and treatment service established by the minister in accordance with section 42CA;

(2) Section 19(9)—delete ‘or (d)’ and substitute ‘, (cb), (cc) or (d)’.

I want to correct some of the statements made and misconceptions demonstrated by some members of the government who spoke during the second reading debate. The amendment that I propose is slightly different from the one moved and carried in the upper house two years ago by the Hon. Nick Xenophon. Instead of opening up the whole of the lands to representatives of the news media (who would qualify under this amendment), I propose that we give access only to those parts of the lands which constitute roads or other access routes through the lands and also give access to other parts of the lands via permission of the APY.

A number of members during the second reading debate suggested that I was intent on trampling over what is virtually freehold title to allow a level of access which we, as a parliament, would deny to the general public in other parts of the state where people own land in fee simple. That is not what I propose at all. I understand that one of the problems in the lands—I am unsure of this—is that there is probably no designated road reserve. I suspect that it is just one parcel of land, and the minister might—

The Hon. G.M. Gunn interjecting:

Mr WILLIAMS: That may well be the case, but I haven't done the research to see whether there are designated road reserves in the lands. I propose that access be given to existing roadways, which are very easily identified. If they are not declared road reserves, that may be something that we should address in the future. All I am suggesting is that we give access in the first instance, because I have said in this

place before that we should open up to the general public access to the roadways.

However, as a halfway measure, I suggest that we give access to representatives of the news media. I do not suggest this because I want to tell the Aboriginal people on the lands how to go about their business or what they should or should not do; that is not my intent at all. Some members of the government suggested that I was trying to be patronising, but nothing could be further from the truth. All I want to do is have the pressure put back on us—this parliament, the bureaucracies and agencies that operate down here—to make sure that we start to do what we say we will do and to make sure that the work we are attempting to do in those lands is done more effectively. That is what we need to do; I don't think there is any argument about that. Every member who spoke during the second reading debate acknowledged that there are significant problems in those lands—and I think that is an understatement; everybody acknowledges that.

In my opinion, one of the problems we have had is that the decision-makers here, who are hundreds of miles away, have an out-of-sight, out-of-mind mentality. This is our problem; it is not the problem of those who live on the lands. I am trying to solve the problem that we have in regard to the lands and the way that we do things on the lands. I do not want to be involved in any way in having any patronising effect on the people on the lands. I would like to see us make some changes to help those people. I believe one of the ways we can do that is by having their plight broadcast more widely. A number of members on the government side have also suggested that access is freely available. The information I have is that access to media representatives is not necessarily freely available in Aboriginal lands. I have been given two versions of this story, but I understand that a journalist from *The Australian* newspaper was denied access there a couple of years ago—

Ms Breuer interjecting:

Mr WILLIAMS: You'll have your opportunity in a moment. I understand that a claim has been made that a journalist from *The Australian* newspaper was denied access because *The Australian* had run a story which, I guess, was contrary to what the people on the lands wanted to see in the media, yet they let in a journalist from another paper. One version of the story I have heard is that the permit was never granted; the other version is that the permit was granted but was granted so late that the journalist in question was unable to make travel arrangements to get there in time for the event that was happening. Either way, the claim has been made that access has been denied. I have also been told—and this one is in the Northern Territory—that some time ago *The Australian* journalist Paul Toohey wrote a story about the Wadeye Community. The story, in fact, won a Walkley Award; however, it upset the local community and some two years after it was published a completely different journalist (albeit, from *The Australian*) was denied access to that community when, again, other journalists were allowed in to report on a particular happening.

Those are two examples that have been given to me, and in both instances (I do not know whether this is coincidence or not) the newspaper concerned was *The Australian*. So I think there is evidence that journalists are being denied access; I do not think there is any issue with that, I do not think that anyone is claiming that they have always been given access. We all agree that there are significant problems there and I believe that this amendment will highlight these problems in the mind of the general community here in the

highly populated parts of South Australia, principally here in Adelaide. I believe that will have a significant effect on speeding up the process of getting on top of these problems.

The other thing on which we all agreed during the second reading debate was that these problems have been going on for over 30 years. So I urge the minister to accept this amendment. It is only a very small step and it basically allows a few people, a handful of journalists (I can't imagine there are going to be TV crews and other journalists up there every day of the week), to drive through the lands on the existing roads. It does not allow them to go tramping through the bush or to burst into people's homes or anything like that; it will simply allow them to drive into the communities and townships, just as they can drive into any other community in the state. I suspect that will have a significant impact because, as I pointed out in the second reading, we have already seen that when newspapers have highlighted problems there governments have taken action as a result of what has been written. I commend the amendment.

The Hon. J.W. WEATHERILL: I acknowledge the stated motives for the amendment. I need to say at the outset that the question of openness in relation to the lands has always had the support of this government. I suppose the difficulty we have is that we are just not persuaded of the need for such a change. There is a permit system that operates, and we are told that thousands of these permits are granted. The opposition comes into this place and promotes a mischief that needs to be remedied: one example in the APY lands where one journalist may have been denied access. We cannot even be certain that he was, in fact, denied access; he may simply have been delayed. That is not a sufficient basis for changing law. One needs to promulgate a basis for changing a law, not just a supposition. I think people have got a bit excited about the fact that this contention has been raised, but one really needs to have regard to the facts, and the facts do not really disclose a mischief that needs to be remedied.

We have always approached this issue with some degree of openness. I raised this question on the Aboriginal Lands Standing Committee and, I think, at the invitation of the Hon. John Gazzola all members of the committee, including the member for Giles, felt that it was proper to inquire into how the permit system operates in order to get a factual basis that could assist the committee to make some recommendations about changes, should they be appropriate. We have always found the APY executive (especially in more recent times) to be very cooperative about suggestions for appropriate changes, and if there are appropriate changes that ought to be put in place then I am sure they will take that on board. However, at the moment there is no factual material before the house or before the committee that suggests a need for change.

I come back to the point that I made on the last occasion. We have a simple amendment here which is about raising penalties for people who do appalling things in trafficking illicit substances on the lands. We want to send a very clear message to those people; we want this legislation passed without delay. This is a controversial amendment. I acknowledge that the federal government has a point of view about this and may seek to agitate it at a national level, but I do not think that should hold up the bill with which we are dealing at present.

The Hon. G.M. GUNN: I support the amendment. Having been involved in discussions and debate on the AP lands since their inception, I point out to the minister that

this is a ridiculous situation where a member of parliament can drive onto the lands but cannot take their spouse without getting a special permit. Ian McLachlan, a former defence minister and former federal member of parliament, applied to drive through the lands, bearing in mind his family cooperated and agreed to hand over Granite Downs. They handed over Kenmore Park and they did not go on with the purchase of Mimili. He was knocked back. He had been the defence minister of this country. His family had been up there. That was a disgraceful act of stupidity. It was hopeless talking to the Premier's office. The only reason he managed to get through was because I rang up one of the senior Aboriginal people I personally know—a friend of mine—and he fixed it because he, too, was concerned. When he eventually got through, Ian McLachlan took up a heap of photographs of the original station and gave them to the community.

What sort of nonsense is this? What have they got to hide? At one stage he had to apply to Alice Springs to get a permit. It is a lot of absolute nonsense. When Granite Downs and those other places were pastoral leases people could drive on the roads. Why can we not drive through the area, like we can in any other part of South Australia? If you want to drive between Wirraminna and Kingoonya, you can drive through on the road without a problem. Why is it that it has worked on the Maralinga lands? I had a bit to do with ensuring that we did not have the same restrictions when that legislation went through. You can drive through on those designated roads. What is different?

I strongly support dealing with the villains who are taking drugs and supplying petrol to the lands. These people are scoundrels who should be brought to justice and locked up. We do not want them on the lands. I agree with that entirely. I have seen them. I know where they come from. There have been some from Mintabie. They have come through Curtin Springs. They are terrible people. If you keep this as a closed society, you hilt these people. A few years ago certain communities used to deal with these issues by burning the vehicles on the spot. It was a very effective, practical solution which fixed the problem. It may have been draconian and illegal, but they used to burn them. Of course, then the lawyers said, 'That's naughty you can't do that, so we will come back to this other solution.'

The member for MacKillop's amendment and my amendment are about bringing normality to this situation. There is no justification for stopping a South Australian taxpayer, a law-abiding citizen, from driving on the road reserves so you can turn off the Stuart Highway at Indulkana and go out through to Western Australia. There is no reason whatsoever, unless you have something to hide and you do not want the public of South Australia to know that there is chaos out there. The Aboriginal communities are suffering. The Aboriginal people are suffering. I spoke at length this week with the Mayor of Coober Pedy, someone I have known for many years, and he is having problems. His words were, 'You have tightened up on the Pitjantjatjara lands, the people don't want to stay there, they're coming out.' So we must bring normality to the situation. We have to ensure there is something for the young people to do. We must make sure they are getting an education and going to school. I will give a couple of examples.

One morning some years ago, I got up and went to a school. When I got there, there were no children at the school. I never said a thing, but I made it my business to go back. I went back the next morning and still no children were at the

school. There was a bit of fun then for an hour or two, let me tell you. Those sorts of things cannot take place if there is normal access to ordinary people. They will not be driving all around; they will not be going to people's homes; they will not be trespassing. They will be sticking to a designated road—the same as if you went out onto North Terrace and drove to Port Adelaide; you would drive on the road reserve. If you were going to drive to Oodnadatta, you would drive on the road reserve; so we should be able to do it on the lands. Why can we do it on the designated roads in the Maralinga lands? Because the community out there agreed. Why is it different in the AP lands? It is only because those people who have motives to control and maintain their power base do not want it to happen. It is not in the interests of the Aborigines and it is certainly not in the interests of the people of this state; and the problems will not be resolved until we come to our senses.

Ms BREUER: The member for MacKillop mentioned that he wanted their plight to be broadcast more widely. Surely, it cannot get more exposure than that which the lands are getting at present in all the written media and television. It is a big shame job for those people up there. As the honourable member said, everyone knows about the problems on the lands. He said that everyone acknowledged in their contributions the problems with the lands. We are very aware of those lands, and we do not need to be told any more. We have to get on with solving the issues. I cannot see how opening up those roads and letting people—potential drug, petrol and alcohol sellers—go through will solve their problems or sort out things. It is up to us as a government and parliament, not people travelling through the area, to sort it out.

The honourable member totally missed the point. Would the member for MacKillop or the very vocal member for Stuart allow me to drive through his property? What would you do if I brought along a bunch of my friends and we drove through your farm over near Streaky Bay? It is private property. It is their property. We cannot drive on the roads through their property. It belongs to them. It is rubbish talking about this. People would go in there and gawk at what is going on and take photos. Would the honourable member like me to take photos of his outback dunny and broadcast them all over the state? It is ridiculous saying that this will sort out their problems.

I think that there has been a permit system to get into those areas since 1921, approximately. It has worked very well for many years. Any comparable community in Australia has a permit system for people to go in there. We will not resolve any problems by letting people go in there at any time and do what they like. It is absolute nonsense. The standing committee wants to look at the permit system to ensure that it is working and to look at how it operates. Leave it up to that committee to come up with some recommendations. I believe that that committee was proposed by the member for Stuart many years ago, or he certainly took a great part in the establishment of that committee. Let us do our job. Stop trying to solve it on this floor.

The Hon. G.M. GUNN: The member for Giles is only half right. It is correct that the old north-west reserve was a restricted area. Granite Downs, Kenmore Park and Mimili were pastoral leases and they were not restricted areas. You had the same rights as you had for any other pastoral lease in South Australia until this act was passed and those leases were surrendered. You are not—

Ms Breuer interjecting:

The Hon. G.M. GUNN: The honourable member is not correct, and therefore her argument is flawed. I referred the committee to a case about a law-abiding South Australian citizen who had no devious motives but who wanted quietly to drive through the AP lands when travelling north-west to Western Australia. His family had been involved and did the right thing, but he was denied entrance. He took very strong umbrage. He was good enough to be the defence minister of Australia but he was not good enough to drive through the AP lands. It was a pretty smart sort of an effort. Just think of the consequences and who his friends are. Just think of the consequences of the funding arrangements. Why is it all right to do it in the Maralinga lands? It has not caused any trouble there, none whatsoever.

Ms Breuer: You are required to have permission.

The Hon. G.M. GUNN: No, you don't.

The Hon. J.W. Weatherill: Yes, you do.

The Hon. G.M. GUNN: No, you do not. I was the architect of the bloody amendment. You are not right. You only have to notify them and they cannot decline you. Therefore, the minister is not right again. I know all the debate that took place in relation to the Maralinga lands. I was involved in the select committee on both of them. I do speak with some knowledge on those particular matters. As I say to the member for Giles and others, you can block this off today, but, as sure as we all sit here, this will come about. This will come about whether or not you like it because the system has failed. It has failed the Aboriginal people and it has failed the people of this state. If you want to solve it, come to your senses.

The Hon. J.W. WEATHERILL: I do not want to take issue with the member for Stuart, given that he is a long-standing and experienced member, but I am advised at least that there is a permit system in operation at the Maralinga Tjarutja lands and it remains a penalty to enter the MT lands without a permit. You can be fined up to \$2 000 and \$500 for each day spent unlawfully on the lands. Rather than the member for Stuart and I indulging in a dogfight about this issue, an effective truce might lie in accepting that perhaps more investigation needs to be undertaken into these issues—and that is precisely what the Aboriginal Lands Standing Committee is seeking to do.

The proposition I put to the shadow minister is that I acknowledge he has a right to agitate this question—and I am not prepared to double guess his motives for doing that—but not on this bill. He can bring his own bill to the parliament and not cause us delay in relation to this bill. Let us be absolutely clear: the APY executive—the people charged with the responsibility of governing these lands—have asked us to pass the bill without amendment. On what basis do we sit here and pass judgment on that question in contradiction of their wishes? What other evidence is being weighed in the balance? Is there some other viewpoint from people within the APY community or are we attempting to divine a point of view from the media? If we are attempting to do that, how do we do it without the basis of evidence? All we have is the contention that somebody may have been denied access at some point.

Mr WILLIAMS: The point the minister just makes that the APY executive have asked for this bill to be passed unamended is not surprising. There are a whole heap of groups in our community who would have us pass all sorts of measures to fix up what they see as anomalies or to help them achieve some ends. That does not surprise me at all. It is no reason for us to not debate other issues.

The Hon. J.W. Weatherill: What weight do you give their opinion?

Mr WILLIAMS: The minister asked a few minutes ago what is the problem and why would we want to do this. I want to go back over some ground, because certainly the member for Giles has misinterpreted the intent of my amendment, as I think has the minister. In concluding the second reading debate the minister suggested that I was making a claim that the government had something to hide. I am not making that claim at all—that has nothing to do with it.

The member for Giles tried to compare driving across the middle of the farm of the member for Stuart with driving through the APY lands. There is nothing to stop the member for Giles driving down the designated roadways past the front door of the member for Stuart or my front door, unless we live on the APY lands. The member for Giles misinterprets the amendment. Also, the access would be very restricted. I did not read out the full amendment, because I thought members would have availed themselves of the printed copy and read it, but it states that:

- (cb) a representative of the news media who enters the lands for the purpose of investigating or reporting on a matter of public interest occurring on, or having a connection with, the lands and who only enters—
 - (a) those parts of the lands that constitute roads or other access routes through the lands; or
 - (b) other parts of the lands that the representative has been given permission to enter by [the APY].

There is another clause about a further amendment with regard to assessment and treatment services and I do not think anybody would want to deny people providing services access to the land—I think the debate is about the first part of it. I point out to the minister that the reality is that for in excess of 30 years we have had a situation develop on the lands where the people are leading a pretty ordinary lifestyle. I think it is a bit rich for anybody to come into this place and say, ‘Everything’s okay; let’s not make any changes.’

In my second reading contribution I said that I did not think there were any simple solutions. If there were they would have been instituted a long time ago. There are no simple solutions. I think there are a number of things that we should do to try to help those people. The member for Giles said it is a shame job for those people up there. I do not agree with her. I think the shame is on us for allowing that situation to occur up there.

The Hon. G.M. Gunn: And to continue to occur.

Mr WILLIAMS: And to continue to occur, as my colleague says. That is where I think the shame is. I do not think the shame should be worn by those people on the lands, because they have been put in a pretty ordinary situation where their choices are very limited. We have the opportunity to expand their choices, as the member for Stuart said, by ensuring that they have something to look forward to each day, such as some sort of employment or some sort of opportunity, and by providing decent services and decent housing. The reality is, I would say to the member for Giles, if they do not want that, fine. I am not patronising them by saying that they have to use these services or that they have to take these houses, but let us give them some opportunities.

What I am saying is that for too many years we have had the situation where I do not think we have done enough to help. The member for Giles said on ABC Radio on 17 May that everybody in Australia is outraged by this, but we are a bit numb to it because we have heard these reports before. It

is like saying, ‘So, what’s new? They do come through very regularly but we just don’t seem to be able to do anything about it’. I agree. That is why I am putting this amendment before the committee, because I think it is time we did do something about it.

It is going to put pressure on you, me, the minister and the agencies, because they are going to be under a continual spotlight and will be continually asked why they are not doing anything and why they are allowing this situation to continue—a situation that has already continued for 30 years too long.

The Hon. G.M. Gunn: I point out to the member for Giles and others that, in the Maralinga Tjarutja Land Rights Act 1984, section 20 provides:

Use of roads to transverse the lands

(1) Notwithstanding the other provisions of this division, a person (other than a traditional owner) shall be entitled to use a prescribed road subject to the following conditions—

The Hon. J.W. Weatherill: It is the same act. It is the same as ours.

The Hon. G.M. Gunn: No, it is not.

The Hon. J.W. Weatherill: Yes, it is.

The Hon. G.M. Gunn: It is not the same. It continues:

- (a) that the use of the road is limited to that involved in, or reasonably associated with, traversing the land; and
- (b) that the person gives Maralinga Tjarutja reasonable prior notice. . .

There is also the definition of ‘prescribed road’ and a schedule. It is those roads which were there—the road that goes from Cook up to Volks Hill, the one that goes through the Unnamed Conservation Park, and the one that goes through the section where the Maralinga site was. There are special provisions for the township of Cook. There is a schedule. I was responsible for getting it put in the act, so I actually have some limited knowledge. You might not think I know very much, but I was deeply involved at that time because I knew what was taking place in the lands.

I will provide another example. There was a contractor in Indulkana whose wife was a schoolteacher. He had a bit of a confrontation with the adviser. He and his wife were both barred from the lands, but she was employed as a schoolteacher. What a lot of nonsense! It was an outrage. They were very lucky that they did not end up without any teachers on the land. That is the sort of nonsense that goes on. A closed society has the potential to be a bad society. Can I say in conclusion that, no matter what we think here, I have no doubt that in the not too distant future there is going to be action from Canberra. They will not continue to put huge amounts of money into projects that are failing, with people playing their own little games and using them for their own purposes. I really cannot see the current federal minister putting up with too much more of this. If blind Freddy cannot see what is coming, he must have blinkers on.

New clause negated.

The Hon. J.W. WEATHERILL (Minister for Aboriginal Affairs and Reconciliation): I move:

That the sitting of the house be extended beyond 6 p.m.

Motion carried.

New clause 4A.

The Hon. G.M. Gunn: I move:

Page 2, after line 18—Insert:

4A—Amendment of section 33—Road reserves

(1) Section 33(1)—delete subsection (1) and substitute:

- (1) The area comprised within 100 metres to each side of the centre line (being ascertained by reference to the road as constructed) of—
- (a) a road referred to in Schedule 2; or
 - (b) any other road on the lands—
 - (i) constructed by the Commissioner of Highways (whether under the Act or otherwise); or
 - (ii) paid for wholly or in part by public money,
 constitutes a road reserve.
- (2) Section 33(3)—delete ‘Schedule 2’ and substitute: paragraphs (a) and (b) of subsection (1)

I do not need to say any more. We have our positions on this matter. These amendments will be moved again elsewhere. Notwithstanding that, I come back to my other point and suggest to this parliament that it ought to think about this issue, because if we do not take some sensible steps to ensure that we are acting in the long-term best interests of these people, I believe that the federal government is in a mood for change. Action will be taken because they have the cheque-book. It will be taken out of our hands. All I say is: you have had your chance. The minister has been there recently, but not enough people have been up there. I intend to go again in the near future. I want to say to the house: understand what is coming.

New clause negatived.

Clause 5 passed.

Clause 6.

Mr WILLIAMS: I move:

Page 3, after line 2—Insert:

42CA—Regulated substance misuse offences—mandatory referral to assessment service

- (1) If an Anangu who is of or over the age of 14 is alleged to have committed an offence on the lands constituted of—
 - (a) the inhalation or consumption of a regulated substance; or
 - (b) possession of a regulated substance for the purpose of inhalation or consumption by him or her,
 (a regulated substance misuse offence), a police officer must refer the Anangu to an assessment and treatment service in accordance with Schedule 4.
- (2) A referral under this section operates as a stay of proceedings (if any) for the alleged offence.
- (3) A prosecution for a regulated substance misuse offence cannot proceed unless the alleged offender has been referred to an assessment and treatment service under this section in relation to the offence and the referral has been terminated by the service in accordance with Schedule 4.
- (4) The fact that a person alleged to have committed a regulated substance misuse offence participates in an assessment or enters into an undertaking under Schedule 4 does not constitute an admission of guilt, and will not be regarded as evidence tending to establish guilt, in relation to the alleged offence.
- (5) If the referral of a person in relation to an alleged offence is terminated under Schedule 4, evidence—
 - (a) of anything said or done by the person in the course of being assessed or carrying out an undertaking; or
 - (b) of the reasons for the termination,
 is not admissible in any proceedings against the person for the alleged offence.
- (6) On the expiry of an undertaking under Schedule 4, the person who entered into it is immune from prosecution for the alleged offence to which the undertaking related.
- (7) The minister must establish such assessment and treatment services as are necessary for the purposes of this section to provide assessment and treatment programs on the lands.
- (8) The minister may, by notice in writing—
 - (a) impose conditions on an assessment or treatment service established under subsection (7); and
 - (b) vary or revoke any of the conditions imposed on such a service, or impose further conditions; and

(c) abolish an assessment or treatment service established under subsection (7) for any reason the minister thinks fit.

(9) However, the minister must consult with Anangu Pitjantjatjara Yankunytjatjara before—

- (a) establishing a regulated substance misuse assessment and treatment service under subsection (7); or
- (b) abolishing a regulated substance misuse assessment and treatment service under subsection (8)(c).

As I pointed out in the second reading debate, this is about establishing a mandatory referral system for petrol sniffers. Again, I hesitate to use the term ‘abusers’ because, as I was saying a few moments ago to the member for Giles, I think that the opportunities for these people are very limited. Unlike a number of young people particularly in our society in and around Adelaide and more closely settled areas who abuse substances and themselves to their detriment, I think that the opportunities these people have had on the lands give them a great excuse to look for something to pass the time. It is as simple as that.

I quoted from the Coroner’s report in the second reading debate and talked about some of the strategies that the Coroner suggested we should be undertaking. I said a few minutes ago that there is a range of strategies, as the Coroner pointed out; that one or two things in isolation are not going to help. I also acknowledged during the second reading debate that the government has already done some things. It has increased the police presence, and I acknowledge that and congratulate the government for that.

The Hon. G.M. Gunn interjecting:

Mr WILLIAMS: The member for Stuart does point out the attendant problem of doing that. Notwithstanding that, I congratulate the government for that initiative. There is a wide range, and I think we should be instituting as many solutions that we can think of as possible. As the shadow minister for mineral resources, I look forward to the time when we have many jobs in the APY lands in the mineral sector. I believe that that area is very prospective, and the sooner we get extensive exploration and, hopefully, some mining activity in that area the better for these people, because there will be good, well-paying and meaningful jobs for them.

Notwithstanding that, one of the things we should be doing is setting up these mandatory referral systems. I have a series of amendments on file that all go to this issue. I think I said in the second reading debate that it is a pity this was not taken up by the government some two years ago, because we would be well down the track with two years of experience. I think we have wasted two years’ worth of opportunity. That is why I implored the house a few minutes ago on the earlier amendment, because we keep wasting these opportunities and losing time and I know that many of these people do not have the time. I commend this amendment to the committee.

The Hon. J.W. WEATHERILL: I thank the honourable member for his contribution and for proposing an amendment that purports to grapple with this question of rehabilitation. As I understand the thinking behind the model, it is a diversionary process that involves treating these offences as a health issue rather than as a criminal justice issue. Those broad sentiments have our support, but for a range of reasons we do not support the amendment in its current form. We support the notion of diversion, but we do not support the diversionary proposition as a mandatory proposition in every case, and I will explain why in a minute.

The honourable member posed a number of questions in his second reading contribution that I think I should answer

on the record for his information. He posed a question as to how many people in the last 12 months in the APY lands were charged under the existing sale or supply legislation. SAPOL advises that, in the period from June 2005 to May 2006, 152 persons were apprehended by police in relation to liquor: 50 were liquor and petrol was 102. This compares to the 12 months previously when there were 415 offences, 103 for liquor and 312 for petrol. Of the 312 apprehended with petrol, SAPOL has stated that further analysis will be required to differentiate those charged with possession for the purpose of inhalation as opposed to those charged with possession for the purpose of supply.

It will be a very difficult exercise to actually do that manually, because they are all grouped under the one offence code. So, I am sorry: I cannot supply the honourable member with the information that he seeks. In relation to the next question, as to how many people in the lands were charged with sniffing offences in the last 12 months, that suffers from the same problem with the aggregation of the data. The honourable member asked: of those charged with sniffing, what penalty was received? SAPOL advises that the current practice of the courts is to record no conviction in almost all cases where a person is being charged with petrol sniffing on the lands.

On rare occasions, the court will impose a small fine, typically in the range of \$30 to \$50. This low tariff reflects the courts regarding petrol sniffing as a health issue rather than as a criminal offence but, with the recent establishment of the Mobile Substance Misuse Outreach Service, it will now be possible for police to refer individuals apprehended for petrol sniffing for assessment pursuant to the police drug diversion initiative. It will be based on the proposition set out in the Controlled Substances Act.

We are presently having discussions with SAPOL about how the policy that exists under the Controlled Substances Act can be appropriately tailored to the circumstances that exist on the lands. It is our intention to use that. This is an Australia-wide initiative, but we are going to tailor it to the lands and, obviously, to the special circumstances that exist on the lands.

In relation to the actual facilities that are going to exist, one needs to remember that the latest survey indicated there are something like 178 people who sniff on the lands. We cannot estimate the time that would be needed for an assessment with relatively traditional people, the time taken to travel between communities, the extent to which people will not turn up for appointments, how long it will take to find them if they do not, and so on. There are some real issues with the logistics of making an assessment and treatment service work on the lands, and of course resources are scarce so it is crucial that they be appropriately applied.

Our concern with the proposition that is being put is that it would be sensible, first, to observe the outreach service and the new facility in practice before embarking on an obligation to mandatorily refer somebody to such a service. At the moment, of course, the service is not there. The mobile service is there, but not the actual facility. That also puts constraints on our options at the present time, although the facility is expected to be built, I think, this year—certainly, it started this year. So, there are real issues about the practicality of this suggestion at the moment.

The real effect of the amendment (if one looks at it closely) is to stop a matter going straight to court. That is the effect of it. There may be good reasons why the police may prefer the court in a particular case. I think it is important that

we do not take out of the hands of the local authorities (local magistrates, police and health care providers) their knowledge of who they are dealing with here. A particular offender may be a young person, it may be their first experiment with petrol sniffing, it may be that it is regarded as an important thing to confront them with the seriousness of what they are doing by sending them straight to a court; or it may not be an appropriate case.

I think it is hard for us to sit here and decide what is an appropriate choice in every case. What we are talking about here is that, once a decision is made to charge, it is mandatory to refer to assessment. You might argue: what is the harm if they do not participate in the assessment, or if the assessment fails, or if the treatment fails and they do not cooperate with it, or if it is a waste of time for somebody who is probably not even fully engaged in petrol sniffing? You see, it may be the case that somebody might have been charged but that since that time a community youth worker has successfully engaged them in a youth program. They might be participating in that youth program and there might be no further incidents of petrol sniffing. So to refer them mandatorily to a service of this sort may be counterproductive. There is the whole question (that I do not want to dwell on) of a mandatory referral of somebody to a process when the efficacy of those treatments is based on their voluntary submission to the process—but that is another question.

We have considerable concern about the diversion of scarce resources. A mandatory referral process could mean that we are sending a lot of people for assessment and treatment when, for one reason or another, sensible people might judge that as inappropriate. That might be because they are resisting the process, because they might have had assessments and treatment before and they might not be at a stage in their life where this is going to be a successful process.

The problem is that if you require everyone to go through this process you are basically going to put resource constraints upon it. Choices always have to be made about the allocation of resources. For the people who can and may benefit from this, it will be very important and crucial that when that judgment is made—whether it be before a court or whether it be by a police officer who is seeking to divert before a matter goes to court—that individual might be at a point in their life when that might be an appropriate thing to do, that the services are there at that time.

One of the real risks here is that we could clog up a service with mandatory referrals of people who we know are simply not going to benefit from either the assessment or the treatment. I think the real risk is that that would then mean that the service is not as accessible for those who might benefit from such a service. So, they are lively concerns. Once again, it is a complicated issue. We generally agree with the thrust of the diversionary program, but it is a complex issue that deserves some further reflection.

I think we first need to see how this service is going to work on the ground before we make any judgments about mandatorily referring to such a service in a very complex environment. I repeat once again, as I did in my earlier remarks in relation to the permits: do not insist on this amendment to this bill and allow this bill to pass. If this becomes an issue in the future, it can be agitated at that time.

Mr WILLIAMS: I want to make just a couple of points. It disappoints me that the minister talks about a lack of resources, because that is the issue I was talking about earlier when I mentioned putting a spotlight on the situation. It

would encourage us to ensure that adequate resources are there. To be quite honest, there are probably not too many issues in this state that are more important than this one. I understand that resources are scarce in every agency, but that is the nub of the issue here: we are either squandering the resources we have, or, probably more likely, we are not applying enough resources, and that is what my earlier amendment was about.

The other point the minister made about it being more appropriate in certain instances for the offender—and, again, I use that term advisedly—to appear before the magistrate, my information is that the magistrate, on his circuit, is pretty frustrated by what alternatives are not available and the flexibility the magistrate lacks. I am told that, generally, these cases are treated very lightly and are generally dismissed without conviction. So, I am not sure whether there is much benefit in that.

I would have thought the minister would have been aware of my fourth amendment, but the other thing I point out to the committee is that my fourth amendment is a test amendment; that is, if this amendment fails, I will not be proceeding with the other amendments. My fourth amendment certainly addresses those issues the minister raised in his final point, that is, a person being obliged to go to the assessment and treatment service when he is unwilling to participate. I draw the minister's attention to my amendment No. 4, 'Insertion of Schedule 4', particularly section 2(3), which provides:

The assessment and treatment must, by notice in writing, terminate the person's referral to the service. . .

The amendment goes on to list (a), (b), (c), (d) and (e), which contain the sort of circumstances the minister was talking about. The series of amendments I am proposing already contemplates what the minister was talking about then. Certainly, the particular person involved in that situation would go straight back through the courts system.

The only other thing I will add is that I concur with the statement my colleague the member for Stuart made more than once earlier in the debate. I certainly think the minister will see these measures, or measures very similar to these, inserted into his bill in the other place. I also believe that, when he goes to Canberra, I think on 26th, to meet with the federal minister and his colleagues from the other states and territories, he will see a number of these measures being roundly debated and probably successfully put to that meeting.

The Hon. J.W. WEATHERILL: I will comment on that last point. The proposition that somehow the process can be terminated is no answer to the dilemma I raise. The first thing is that it requires a bureaucratic process and, basically, someone to make a judgment about that when someone refuses to cooperate. It then requires a notice in writing which has to be given to the Commissioner of Police, so there is quite a complex process that is involved—all very time extensive and resource intensive—and it does not grapple with the case when the person says, 'Yes, I will cooperate' but then takes up all the time and resources associated with that and continues to go on with the process; because they are formally complying to avoid the pain of the court process but, in a sense, they are not benefiting from the particular process. I think we need to have some greater regard for people who are on the ground, who actually understand who and what they are dealing with when they make these judgments.

I think it is bad legislative policy for us to constrain local service providers. We should be empowering people to make

choices. Certainly they should have the capacity to refer and oblige someone to go to these services if they think it is appropriate. The police will be given that authority and, indeed, magistrates can, on pain of dealing with the matter in a particular way, require people to do certain things. But, to allow them to do it in all cases is what we resist, as well as the potential for the diversion of resources. I think the honourable member misrepresents us to an extent when he suggests that somehow this measure is simply a question of resources. It is not simply a question of resources: it is about the most appropriate service response for a given individual, and that discretion should not be taken out of the hands of those who understand the matter and are dealing with these issues at a local level.

As to the allocation of resources, there has never been a greater injection of resources into the APY lands, and indeed in the history of the lands, than has happened in the last few years under this government. That is absolutely and utterly incapable of being rebutted. I am prepared to acknowledge the shadow minister as a new minister, and I do not visit any of the sins of the past on him, but he must acknowledge that this government is doing more than any government has ever done in relation to the provision of services to people on the lands, and it is extensive. It is not just the substance misuse facility: it reaches into every area of endeavour. I do not begin to say that will be sufficient or that it will not be a long, hard process to achieve what any of us would regard as a satisfactory set of outcomes on the lands, but I think it would be inappropriate if I did not place that on the record.

Mr WILLIAMS: I am moved to respond to that comment. I have never at any stage, and I do not know that any of my colleagues have, suggested that the resources going into the lands have been dwindling. I do not refute what the minister has just said. That may well be the case, and probably is the case. I think it is disingenuous of the minister to make that as a point when he knows full well that, when we came to government at the start of our eight years in government back in 1993, we were left with a state that was virtually bankrupt. He has had the good fortune to come into government four years ago when the state had been rebuilt, having been got off its knees. We have seen that the annual receipts into Treasury today are 30-odd per cent greater than what we enjoyed in our last year in government, which was considerably more than we enjoyed in our first year of government, and the costs of running the government have been reduced significantly.

There is no argument, minister. I am not suggesting that you have not increased the resources. What I will suggest is that the resources that are being expended in the lands today will not solve the problem. I believe that we must go a heck of a lot further. If we are going to get into the business of saying who has done more or who has spent more, I do not think we will progress the matter at all. I think we need to acknowledge that we have to do better.

Amendment negated; clause passed.

Clause 7.

Mr WILLIAMS: The rest of my amendments are consequential. I had a question for the minister about clause 6, if you, Madam Chair, and the minister will indulge me. Section 42D(3) provides:

The motor vehicle is to be held by the Crown pending proceedings against a person for an offence against this section, unless the minister, on application, authorises its release to the person from whom it was seized or any person who had legal title to it at the time of its seizure, subject to such conditions as the minister thinks fit;

Will the minister explain under what circumstances he thinks that it would be appropriate to release the vehicle?

The Hon. J.W. WEATHERILL: What we are dealing with here is a regime that seizes a car and then, on conviction, the car is forfeited. During the period of seizure up until the matter is dealt with and the car is forfeited, there may be some unusual circumstances where it might be regarded as appropriate for the car to be returned to the person. One could imagine some emergency—perhaps a family member—or some other particular circumstances that make it unusual to allow the exercise of discretion by a minister.

Mr WILLIAMS: Is the minister telling the committee that the vehicle would be returned only temporarily in some extenuating circumstance? The clause says 'subject to such conditions as the minister thinks fit'. From what the minister has just said, is he suggesting that there might be some circumstance such as an illness and it was deemed appropriate that the vehicle be returned? Is the minister telling the committee that, after that emergency (or whatever), the vehicle would then go back and be held by the Crown and then go through the process?

The Hon. J.W. WEATHERILL: As I understand it, the seizure process works up until the time of conviction. It would be an exercise of discretion to allow that to be relieved, but then on conviction it may be that the car is forfeited, in which case the car would be forfeited.

Mr Williams: May be or would be?

The Hon. J.W. WEATHERILL: That is a matter for the court. It may be that they are not convicted.

Mr Williams: No, if they are convicted.

The Hon. J.W. WEATHERILL: It is mandatory forfeiture on conviction.

Mr WILLIAMS: Why would that discretion to return the vehicle subject to such conditions etc. be taken by the minister and not the magistrate? Why is the application made to the minister and not to the court?

The Hon. J.W. WEATHERILL: The magistrate would not have dealt with the matter. It is the practicalities of the issue. Getting access to a magistrate on circuit does not happen commonly, and so this process has been put in place; that is, the minister can be approached in between times essentially. As I understand it, it is the exercise of an administrative discretion: it is not a judicial decision.

Mr Williams: There is no delegated authority; it has to go to the minister?

The Hon. J.W. WEATHERILL: It is probably likely to be delegated.

Clause passed.

Title passed.

Bill reported without amendment.

The Hon. J.W. WEATHERILL (Minister for Aboriginal Affairs and Reconciliation): I move:

That this bill be now read a third time.

I thank members for their contribution in relation to the bill. I acknowledge that all members have been attempting to improve the bill with the stated objective of improving the wellbeing of Anangu in relation to their land. I urge the parliament to progress this legislation as quickly as possible so that we might communicate the appropriate deterrent effect to those people who seek to prey on especially young people on these lands.

Bill read a third time and passed.

NATURAL RESOURCES MANAGEMENT (TRANSFER OF WATER LICENCES) AMENDMENT BILL

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

No.1. Clause 4, page 2, lines 14 to 24—Delete subsection (9) and substitute:

(9) Despite the provisions of the Stamp Duties Act 1923, the transfer of a licence, or of the whole or part of the water allocation of a licence, is not chargeable with duty under that act.

No.2. New Schedule, page 2, after line 24—Insert:

Schedule 1—Transitional provision

1—Transitional provision

The amendment made to the Natural Resources Management Act 2004 by this act applies with respect to the transfer of a water licence, or of the whole or part of the water allocation of a water licence, effected by an instrument executed after the commencement of this act.

TOBACCO PRODUCTS REGULATION (PROHIBITED TOBACCO PRODUCTS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

WATER EFFICIENCY LABELLING AND STANDARDS BILL

Received from the Legislative Council and read a first time. The Legislative Council draws the attention of the House of Assembly to clause 65 printed in erased type, which clause being a money clause cannot originate in the Legislative Council but which is deemed necessary to the bill.

CITY OF ADELAIDE (REPRESENTATION REVIEW) AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

At 6.28 p.m. the house adjourned until Wednesday 21 June at 2 p.m.