

## HOUSE OF ASSEMBLY

Thursday 15 September 2011

The **SPEAKER (Hon. L.R. Breuer)** took the chair at 10:31 and read prayers.

### **SUMMARY OFFENCES (PRESCRIBED MOTOR VEHICLES) AMENDMENT BILL**

**The Hon. M.F. O'BRIEN (Napier—Minister for Agriculture and Fisheries, Minister for Forests, Minister for Energy, Minister for the Northern Suburbs) (10:31):** I move:

That the sitting of the house be continued during the conference with the Legislative Council on the bill.

Motion carried.

### **SMALL BUSINESS COMMISSIONER BILL**

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Mineral Resources Development, Minister for Industry and Trade, Minister for Small Business, Minister for Correctional Services) (10:32):** I seek leave to make a personal explanation.

Leave granted.

**The Hon. A. KOUTSANTONIS:** In my closing remarks in the second reading debate for the Small Commissioner Bill 2011, I made a remark that it is unlawful for landlords to pass on land tax increases to their tenants. I wish to make it clear that it is unlawful, under section 30(1) of the Retail and Commercial Leases Act 1995, that a retail shop lease requires the lessee to pay land tax or to reimburse the lessor for the payment of land tax.

I wish to point out however that, under section 30(2), a lessor's liability for land tax in respect of the premises may be taken into account in the assessment of rent. In addition, there are several circumstances relating to the rent under section 4(2) of the Retail and Commercial Leases Act 1995 where the act will not apply.

In short, if section 4(2) does not apply, a landlord cannot just hand a land tax bill to a tenant and ask them to pay it directly. I simply make this clarification to clear up any ambiguity that might have been construed from my words.

### **CRIMINAL LAW (SENTENCING) (NO CONVICTION ON ELECTION TO BE PROSECUTED) AMENDMENT BILL**

**The Hon. R.B. SUCH (Fisher) (10:33):** Obtained leave and introduced a bill for an act to amend the Criminal Law (Sentencing) Act 1988. Read a first time.

**The Hon. R.B. SUCH (Fisher) (10:33):** I move:

That this bill be now read a second time.

This bill proposes to amend current legislation in South Australia to ensure that a contested expiation notice cannot result in a conviction. An individual who believes that he or she is innocent of an expiable offence and elects to be prosecuted may receive a conviction, whilst an individual who expiates the notice in full, whether they are guilty or innocent, escapes with a fine but without a conviction. This is inherently unfair.

If an individual who elects to be prosecuted for an offence is found guilty of that offence, a conviction will be recorded on the individual's police certificate and will remain there until such time as it is considered spent. This bill will ensure that a conviction is not recorded against what would otherwise be an expiable offence, which, by its very nature, is a minor offence.

As members know, I challenged an alleged speeding matter in court and I lost. As a result of that, you get not only the lawyers' fees (which in my case were over \$10,000), you get court costs, you get a fine and you also get a conviction. Under our law, a traffic offence is a criminal offence, so if you are alleged to have been speeding and are found guilty in no matter what zone, or if it is a boating or parking incident involving expiation, you will get a conviction, and our law does not distinguish between the conviction. It will go on your police record and the National Police Certificate will be there.

As I indicated, that is unfair because people who pay the fine, the expiation, in effect are admitting their guilt. We know that some of those people may be innocent but pay it because they do not want the hassle. They could well have been guilty, but they end up with nothing other than

the fine; if you challenge it, you end up with lawyers' costs, court costs, you get a fine anyway and a criminal conviction. I believe that is unjustified and unwarranted, and that is what this bill seeks to address.

You will still cop the lawyers' fees, the court costs and a fine if you are found guilty in contesting it but, under this proposal, you would not end up with a criminal conviction. I do not know whether members realise this, but that is the state of the law in South Australia. In a letter from the Attorney last week, or the week before, he said that it is a conviction; the law does not distinguish whether or not you got it for an expiable offence. I think what we have is unfair and unreasonable.

Someone within the Law Society argued that people may rush off to court to contest a matter. You would have to have rocks in your head if you challenged something in court without having a firm belief that you had not offended because, as I say, if you have a lawyer, you will end up with a minimum fee that could run into well over \$1,000 or into many thousands. Even if you represent yourself and lose, you still incur the court costs, which are likely to be anywhere up to \$1,000, and the fine as well. I do not believe that should continue.

I conclude by asking members to support this. They might think it is a minor issue; it is not. It is there and, even under our spent convictions legislation, which I helped put through the parliament, the police keep a record forever. What many people do not understand is that 'no conviction recorded' is recorded, and that surprises people who think, 'Gee, I got no conviction. There will be no record.' There is a record, and the police will tell you that, under the State Records Act, they are not allowed to remove anything from a record, so that stays with that person.

I think it is time that the law was changed. I do not think people are going to rush into court simply to contest something when they face the risk of very significant financial outlay. If you are in small business, the time alone involved in the court process (in my case, 11 half days) would cost you a fortune, so I ask members to support this in the interests of fairness and equity.

Debate adjourned on motion of Mrs Geraghty.

#### **CITY OF ADELAIDE (CAPITAL CITY COMMITTEE) AMENDMENT BILL**

**Ms SANDERSON (Adelaide) (10:40):** Obtained leave and introduced a bill for an act to amend the City of Adelaide Act. Read a first time.

**Ms SANDERSON (Adelaide) (10:40):** I move:

That this bill be now read a second time.

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

**Ms SANDERSON:** In 1998 the City of Adelaide Act was established—

**The SPEAKER:** Order! Member for Croydon, behave!

**Ms SANDERSON:** —one of its objectives being to recognise, promote and enhance the special social, cultural, commercial and civic role that the City of Adelaide plays as a capital city and heart of South Australia.

Divisions 1 and 2 of this act deal with the establishment and functioning of the Capital City Committee. The members of this committee consist of the following: the Premier, or minister nominated by the Premier; two other ministers nominated by the Premier; the Lord Mayor or representative; and two other Adelaide City Council members nominated by the council.

This format of three members of government and three members of the Adelaide City Council worked well until the 2010 election when, for the first time possibly ever but at least since the inception of this act, the seat of Adelaide was not held by government. Therefore, the elected representative of the people of Adelaide does not have any input or consideration into what predominantly affects the area in which they live. I think this was merely an oversight and just not considered at the time that the member for Adelaide would not be part of government. I therefore, propose in the spirit of bipartisanship—

**The Hon. M.J. Atkinson:** It's your bill.

**The SPEAKER:** The member for Croydon, could you unpack your groceries or whatever else you have brought in this morning and refrain from speaking out? Member for Adelaide.

**Ms SANDERSON:** As I was saying before I was rudely interrupted by the member for Croydon, I think this was merely an oversight and it was just not considered at the time that the member for Adelaide would not be part of government. I therefore propose, in the spirit of bipartisanship, that a position be included for the state member for Adelaide. If we all genuinely want to see the City of Adelaide taken to new heights surely the member for Adelaide should be included in discussions held between the government and the Adelaide City Council.

I have a great interest in the future of the city, enhancing small business opportunities, invigorating our city and making it more attractive for the thousands of people we lose to other states each year. I am always working on issues and ideas to improve the lives of my residents and visitors to the city, and I think it is important that we work together with these ideas.

Many of the topics covered by the Capital City Committee are of great interest to the people I represent, as they are to myself, and I think that if we truly want to work together that we will amend this bill. It really makes sense, if you ask me.

**The Hon. M.J. Atkinson:** Yes, if we ask you!

**Ms SANDERSON:** I will not be speaking for very long on this bill because I think it is quite logical and speaks for itself.

**The Hon. M.J. Atkinson:** Of course you do.

**Ms SANDERSON:** The bill to amend the City of Adelaide Act—

**The Hon. M.F. O'BRIEN:** Point of order.

**The SPEAKER:** Order! Point of order, minister.

**The Hon. M.F. O'BRIEN:** Point of order, 131: interruption not allowed. Could you bring the member for Croydon under some control?

**The SPEAKER:** I uphold that point of order. Member for Croydon, will you restrain yourself, or you will have to leave the chamber. Behave! Member for Adelaide, I am sorry about this.

**Ms SANDERSON:** That is all right. I will read out for you the reason that it was established. It was established to recognise, promote and enhance the special social, commercial, cultural and civic role that the City of Adelaide plays as a capital city and heart of South Australia. It performs many functions: it is to identify and promote key strategies, strategic requirements for the economic, social and physical environment, development and growth of the City of Adelaide as a primary focus for cultural, education, tourism, retail and commercial activities of South Australia.

The bill to amend the City of Adelaide Act gives the government the opportunity to show that it can transcend party politics and work together for the betterment of our greater City of Adelaide. That is all I would like to say.

Debate adjourned on motion of Mrs Geraghty.

#### **ROAD TRAFFIC (EMERGENCY VEHICLES) AMENDMENT BILL**

**Mr VAN HOLST PELLEKAAN (Stuart) (10:45):** Obtained leave and introduced a bill for an act to amend the Road Traffic Act 1961. Read a first time.

**Mr VAN HOLST PELLEKAAN (Stuart) (10:45):** I move:

That this bill be now read a second time.

I highlight that I move this bill in conjunction with the member for Kavel, the opposition shadow for volunteers, emergency services and road safety. It is something that we have worked on together. He passes on his apology; he is at an important volunteer meeting at the moment and cannot be here.

I would also like to disclose a personal interest. I am a CFS member, and this bill would, of course, affect CFS members. However, like many personal interests, this is not a conflict of interest; it actually gives me greater insight into this important issue.

This is a very simple bill to change the maximum legal speed when motorists pass emergency services vehicles using flashing lights from 40km/h down to 25km/h. To me, it really is common sense. This would apply to the CFS, SES, ambulance, police, MFS and some other emergency services organisations.

This is something that has been called for by emergency services groups for a very long time, and I would like to pay tribute to the Executive Officer of the CFS Volunteers Association, Wendy Shirley, who has been seeking this support from the government for in excess of five years. I really cannot understand why there have been government delays on this issue. It is a very straightforward, very common sense adjustment that gives both volunteer and professional emergency services workers exactly the same protection that roadside workers currently receive.

So, when on a road where flashing lights are being displayed by any emergency service, whether it is just on arrival, whether it is actively involved in an emergency at the time, or cleaning up afterwards, motorists would be asked to slow down to a maximum speed of 25km/h instead of 40km/h.

For the effective work at the emergency service scene and, very importantly, for the protection of all people (including volunteers) who are doing their work there, this is a very straightforward change. So, I seek the support of this house and I also seek the swift passage of this bill through this house by the government. I also suggest that, in line with the government's current road safety advertising campaign, if support and swift passage are not received, those who thwart it would define themselves as wankers, roosters and knobs.

Debate adjourned on motion of Mrs Geraghty.

### HOUSE OF ASSEMBLY ATTENDANT

**The SPEAKER:** It is a pleasure to see our new young attendant here today; it is her first day on the job.

**Honourable members:** Hear, hear!

### MAGISTRATES COURT (SMALL CLAIMS JURISDICTION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 July 2011.)

**Ms CHAPMAN (Bragg) (10:49):** It is with pleasure that I stand to support the Magistrates Court (Small Claims Jurisdiction) Amendment Bill 2011 introduced by the member for Norwood, a hardworking member. He is always conscious of the importance of supporting those in small business and those individuals, not just in his own community but throughout South Australia, who need the support from time to time of our court system to ensure the protection of their person and property—and it is in relation to the latter particularly that I refer today.

This bill essentially is to introduce the limit of small claims that may be prosecuted in the Magistrates Court under our small claims jurisdiction from a financial cap currently at \$6,000 up to \$25,000. They proceed under our minor civil jurisdiction division of the Magistrates Court, and this has been an important aspect that is part of the whole machinery to protect our community.

Essentially in South Australia we have a three-tier system of courts. We have the Supreme Court, the District Court (introduced in the 1970s) and the Magistrates Court. The Magistrates Court has continued to absorb the lower end of criminal cases and a large portion of our civil jurisdiction. With the advent of the federal courts, it is fair to say that a number of the higher level cases in our civil jurisdictions are transferred for litigation and dispute resolution in the federal courts.

The Supreme Court still hears our most serious crimes, usually murder and treason. There are not too many treason cases these days, but I remind members—and I am sure the member for Croydon will be well aware—that an addendum to the Criminal Law Consolidation Act includes the treason acts of England—

**The Hon. M.J. Atkinson:** What about breaches of the Electoral Act—failure to disclose donations by the president of the party?

**The SPEAKER:** Order, the member for Croydon!

**Ms CHAPMAN:** —back from 1351 to The Treason Act of 1795 to The Treason Act of 1817. I think the member for Croydon is very interested in this. I will mention one aspect of that part of the 1795 act, which is still part of our jurisdiction here as an addendum to the Criminal Law Consolidation Act, which defines and assists us in dealing with the act of treason as follows:

Attempts of wicked and evil-disposed Persons to disturb the Tranquillity of this your Majesty's Kingdom, particularly by the Multitude of seditious Pamphlets and Speeches daily printed, published, and dispersed, with

unremitted Industry, and with a transcendent boldness, in Contempt of your Majesty's Royal Person and Dignity, and tending to the Overthrow of the Laws, Government, and happy Constitution of these Realms, have judged that it is become necessary to provide a further Remedy against all such treasonable and seditious Practices and Attempts.

It goes on, but I will be sure to remind the Premier of that addendum to the Criminal Law Consolidation Act.

So, let me get back to the Magistrates Court, which is unquestionably one of the busiest courts in South Australia. It has over time absorbed greater and greater workloads to provide not only for the trials, hearings and prosecutions of criminal matters but also, of course, the civil litigation. In many cases, South Australians need to have their disputes about civil matters resolved promptly. They very often involve motor vehicle accidents. Not often are they less than \$6,000 these days because I think just a little dent on your bumper bar means you are probably up into another jurisdiction. But there are a number of instances where we need to be able to quickly and as cheaply as possible give people a forum for respite and resolution of their dispute.

**The Hon. M.J. Atkinson:** 'Respite' actually. You got the pronunciation wrong.

**Ms CHAPMAN:** Be quiet. The provision in the Magistrates Court at present also provides for a number of other important aspects that go with the Magistrates Court's powers, not just to hear and try and deal with civil claims. This is why it is so important that we remember that there are a number of other powers of relief available to South Australians that would not be available if the government progressed with their small business claims commissioner idea—ridiculous as that is—by introducing some other quasi administrative person who is going to provide a call centre referral to other mediation services.

Already in the Magistrates Court Act we have powers for referral of matters to mediation and conciliation and for trials of the issues to be dealt with by an arbitrator, both of which are seen as alternative dispute resolution processes.

Sections 27 and 28 of the Magistrates Court Act cover that and also, very importantly, under sections 25 and 26, the court has power in its civil jurisdiction to provide interim injunctions and restraining orders. This is very important for litigants or potential litigants to be able to go to the court and apply for early and sometimes urgent relief to protect the asset on which they are about to take the proceedings, either for its remedy, repair, the recovery of funds, that piece of property, or the like. It is very important that we remember the significance of the small claims jurisdiction within the powers that magistrates have under the Magistrates Court Act.

One of the principal reasons the small claims jurisdiction is so successful is that it provides for a quick resolution. Some would argue that there is a bit of a crushing at least of the other entitlements and rules that have been built up over generations to protect litigants, like the rules of evidence, like the disclosure through written pleadings, and so on, but the minor civil jurisdiction in the Magistrates Court says, fundamentally, that the trial of civil matters must take the form of an inquiry by the court, so it avoids our usual adversarial system, it itself can illicit by inquiry from the parties and the witnesses the examination of evidentiary material, which means that the magistrate can take on a much more inquisitorial role.

For those of you who have been down there, you may have seen a magistrate sitting there with a red car and a blue car and asking the litigants who was moving in what direction at the time of the accident, etc. They are not bound by written pleadings or the rules of evidence. The court itself can call and examine its own witnesses, etc—a streamlined but important process when the value of the claim is a small amount.

The other aspect that is very important, and is part of the cost saving exercise, is to say that the parties have to appear for themselves, and that means that you can avoid the situation where one party in a power imbalance, by virtue of their financial position, is able to employ a QC or some great hot shot from the legal profession who will come in, and the other party is in a financial position, unable to access legal aid—it is not a category of entitlement for relief—and therefore of course have to appear for themselves. That power imbalance that is left in the representation of the hearing has some exceptions.

The only time I have ever appeared in the small claims jurisdiction was in fact to represent a member of parliament, and in that instance a party had applied, under the then threshold (which was \$6,000), and the claimant against the member of parliament was someone who was seeking a piece of property to be returned that was less than the value of the cap under the act. In that instance the claimant had been a legal practitioner themselves, and I applied, on behalf of the member of parliament, to have the right to appear in a circumstance where the respondent in that

instance, the member of parliament, would have been at a disadvantage because the applicant was in fact a legally qualified party.

**The Hon. M.J. Atkinson:** So who was that?

**Ms CHAPMAN:** Now, of course, the member for Croydon calls out, 'Who was that?' Of course I will not disclose the name of the party. I have represented over the years members of the Australian Labor Party, of the Liberal Party of Australia and of the Democrats party. I have not represented, from memory, someone who has disclosed the fact that they are a Green, but nevertheless those matters will remain here, up here in my head, member for Croydon, and they will die with me, you'll be pleased to know.

The important aspect is that there are situations where, in limited circumstances, someone can apply to be represented. This current position of the \$6,000 cap is outdated. In what motor vehicle accident do you have damages of less than \$6,000 these days? In a small claim for the recovery of a debt, a small amount in a business clearly can be well above this. For someone who has a \$7,000, \$8,000, \$9,000, \$10,000, \$15,000 or \$20,000 claim, they surely should, in this day and age, after 20 years, have the right to be able to apply for relief in this jurisdiction.

**The Hon. R.B. SUCH (Fisher) (10:59):** I support this measure: I think the monetary amount needs to be increased. I want to comment generally on the issue of what is normally referred to as bad debts. It is something that afflicts business, small business in particular, in often quite a devastating way. In my view, it is really a form of theft if you do not pay for something that you have received. To me, it is only one step away from actually stealing it.

If members talk to small and medium business, and I am sure they do, they will find that in many cases that business can be put in peril because people refuse to pay for services or goods that they have received. Whilst this is tackling the issue in one way, I do not believe the community, parliament, the government—and governments of any persuasion—have adequately created a framework to assist people, often small business, who do not have a large amount of resources to recover moneys owed to them. I think it is an issue.

This bill will not tackle it in its entirety, of course, but I would like to see some action from the government and by the parliament to address the issue of people who deliberately refuse to pay for services rendered, whether it be for a swimming pool, trade work done by plumbers, or whatever. We all know, talking to tradespeople and people in other forms of business, that there are certain people who do not pay up or drag out the payment for so long that it can actually put the small business at risk of collapsing. That should not be tolerated. It is unacceptable behaviour, and I do not think we currently deal with it in the most vigorous and comprehensive way that is really required.

I commend this bill. I think it is a step forward. I am mindful of the fact that we need to keep costs down for people who seek to recover moneys and property owed to them, but I think having a specialised area within the Magistrates Court system is a good option.

**Mr GARDNER (Morialta) (11:02):** I thank members for the opportunity to speak on the Magistrates Court (Small Claims Jurisdiction) Amendment Bill 2011. I commend the member for Norwood for introducing this important bill, and I can inform him that, having heard his speech and the speeches of the members for Bragg and Fisher, I have been convinced to vote for this bill.

It is an excellent piece of work. It is a very simple bill. The instructive clause deletes the definition of 'small claim' as \$6,000 and substitutes \$25,000. Of course, \$6,000 was the threshold under which claims needed to be made in 1991. So, if something is now worth \$6,001, a car accident or a small debt, and you want to pursue it, you need to go and get yourself a lawyer, and I think that is outrageous.

Yesterday we dealt with in this house the small business commissioner bill, and that was the government's response to the needs of small business to help them clear their issues and disputes. That would be an expensive measure, and I spoke at length about the vast number of things that the government should be doing instead of that if it was going to support small business, which is a great goal. This is one of them. This is something that would provide great assistance to small businesses, in particular, and individuals.

We are out of step with the rest of Australia on this matter. I note that Tasmania also has a limit of under \$8,000 but that in New South Wales, Western Australia, the ACT and Northern Territory, a small claim is defined as a matter of under \$10,000. In Queensland, the state that has

most recently updated its legislation, the threshold is set at \$25,000. South Australia would do very well to follow suit in this matter.

I note with concern the public comments of the Attorney-General saying that the government would be unlikely to support this measure but that the government might be prepared to look at another amount. Frankly, I think that is pretty wishy-washy. The member for Norwood has gone to the trouble of putting this bill together. He has made the case very succinctly. The public response has been excellent.

I noted on his Facebook page this morning that something like 50 people had 'liked' his comments, saying that this bill would be up for discussion—many of them small businesses and individuals who had had issues with debts that they had not been able to pursue because the cost of taking on legal representation and pursuing it through the courts would have been greater than the amount they could have recovered.

I commend the member for Norwood for bringing this to the parliament's attention. It deserves our attention and it deserves the support of the house. I think that, along with a great many things that the government should be doing for small business, this is pretty high on the list. With those words, I commend the bill to the house.

**Mr GRIFFITHS (Goyder) (11:05):** I also rise to support the member for Norwood and his private member's bill. He actually discussed this subject with me for the first time on the Thursday before Easter, which was a rather important day in Labor Party history as it turned out. A lot of events occurred on that Thursday before Easter. As I recollect, some press statements were made about things which I shall not reflect upon here.

I want to talk about the importance of this measure. I do respect enormously that the member for Norwood comes from a very strong family business background. He has dealt with business all his life. He makes this proposal on the basis that it provides a greater opportunity for small business to pursue concerns. We have spent the last two days in this place talking about small business. A variety of opinions have been expressed—no doubt about that—when it comes to the impact of the legislation, but there is unanimous support from across both sides about the fact that government policy needs to support small business.

We say that, in the main, it does not, but we do say that this bill from the member for Norwood does by increasing the threshold figure. To me it is an obvious situation. It provides a greater opportunity for small business to pursue concerns. It does not worry about the issue of going to the court and it provides a greater scope for lower levels of claims to be resolved, and that is what this place should be about by providing the forum.

In this case the member for Norwood has got it right. It is very disappointing to me that apparently the Attorney-General is not prepared to indicate his support for it and, indeed, the Labor Party will not vote for it, because this is a positive step forward that has the support of our side of the chamber that is connected to small business in every possible way; it speaks to small business continually and they are saying to us that they want this one to be supported. I urge members opposite to stand up and say, 'Yes, we want to vote on this, and yes we want to support it.'

**Mr VAN HOLST PELLEKAAN (Stuart) (11:07):** I will be quite brief on this. I rise to support the member for Norwood, the very hard-working and very capable member for Norwood. It is a tremendous initiative. Previous members have spoken extremely well about his proposal, so I will not go over all that. What I would like to do is to highlight how important this proposal would be for rural and regional people in South Australia who very often only have access to a magistrates court without travelling to Adelaide.

Unfortunately, not every area is covered by magistrates courts or permanent sitting magistrates. I understand that the member for Frome is actively trying to get a permanently sitting magistrate in Port Pirie, and I think that is tremendous. In Port Augusta we are fortunate to have two of them. However, raising this limit from \$6,000 to \$25,000 would give rural and regional—

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

**Mr PENGILLY:** Point of order, ma'am.

**The SPEAKER:** Order!

**Mr PENGILLY:** I have the member for Stuart sitting right behind me, and I cannot hear him for the inane rantings of the member for Croydon.

**The SPEAKER:** I uphold that point of order. Member for Croydon, you are warned.

**Mr VAN HOLST PELLEKAAN:** Thank you, Madam Speaker. Raising the threshold from \$6,000 to \$25,000 would then give far greater access to rural and regional people to the justice that we would all want them to have. I also would just like to support comments that have been made that, given the debate we have had over the last couple of days about a small business commissioner, this would be a very easy and very straightforward way of supporting small business, and we in the Liberal opposition always do everything we can to do that.

I would also like to highlight something that a few people may have missed in the member for Norwood's proposal, that is, that the \$25,000 threshold he puts forward would be indexed with CPI, with inflation. I just say that, if the \$6,000 threshold that was put in place 20 years ago had been indexed by just 2½ per cent, annual inflation would now be marginally under \$10,000. The original \$6,000 intention today would be nearly \$10,000. So, if the government tries to water down the member for Norwood's proposal below the \$25,000 suggestion, if it is not above \$10,000 they have not achieved a thing. I commend this to the house.

Debate adjourned on motion of Mrs Geraghty.

### **LOCAL GOVERNMENT (INTERMENT OF HUMAN REMAINS) AMENDMENT BILL**

Adjourned debate on second reading.

(Continued from 24 June 2011.)

**The Hon. R.B. SUCH (Fisher) (11:11):** I support this measure. Members may have forgotten, but we had a select committee on cemeteries in this parliament, which I chaired. One of the recommendations was really what is embodied in this bill. At the moment a body that is going to be cremated has to be identified before it is cremated. Obviously, once someone is cremated it is very hard to work out who that person was.

At the moment, if someone is buried there is no required identification. In fact, at the time of the inquiry I was told on a visit to Centennial Park Cemetery that if you wanted to get rid of someone, you put them in a coffin, put a name on the coffin, and the cemetery—and they were talking generally, not about their own—would never query that. If you write 'Bloggs' on it, that casket would be buried as 'Bloggs', and no-one would ever know.

It was put to me that if you wanted to be unscrupulous you could get rid of people by doing that. I am not saying that it has happened, but I was told that it could be done. I think it is a sensible measure to require the body to be identified prior to burial to make sure that the name of the person who is being buried is correct, and so on.

On the broader issue, I have had a lot of dealings with the Attorney on this, and he is developing a new cemeteries act. It is not an easy task. It is a very emotional issue, a very difficult one. In the metropolitan area of Adelaide, in reality, there is no tenure for someone who is buried unless you are in the Jewish community, where they have got a special arrangement, or you are in maybe a church cemetery in the metropolitan area, where they have some long term view about someone being buried, remaining there forever. However, the rest, generally speaking, are there by virtue of a lease or licence, which, if not renewed, that body can be dug up. The euphemism is lift and deepen, which really means bringing in a backhoe, dig the bones up, and whack them down again, and whack them down hard with a backhoe.

*Mr Pengilly interjecting:*

**The Hon. R.B. SUCH:** Well, probably with a concrete lid, in my case. When people are making funeral arrangements, they naturally are not focused on the minute detail and what they sign, and so on, and they often do not fully absorb all the details. The reality is that, generally speaking, in the metropolitan area there is no permanency when it comes to burial. You are there by virtue of a relative paying a lease or licence fee, and if they do not renew it then you can be dug up and put down again and other people buried on top.

In the country areas, that still applies, but the reality is that I do not think that country councils are going to countenance lift and deepen if they want to remain in office. In a country town, if a council allowed gravesites to be dug up and then more people buried on top, I do not think that council would last beyond the next council election. So, it works by default in country areas that you have permanency, but in the metropolitan area you do not.



I encourage the Attorney to hopefully move speedily in terms of presenting the parliament with a cemeteries bill, which would, no doubt, incorporate what the member for Davenport wants, that is, identification before there is a burial. As I have said, it is a very emotive issue, and those members who were on the select committee will remember the emotion. I still have people coming to me who are not happy with the current system.

Some states have permanent tenure; South Australia does not. I think the only way you could get around it would be by having a levy, which I know would probably be as popular as leprosy. But if you had a small levy, you might get enough money to manage all of the gravesites and you would probably have to refund money to people who had paid for maintenance of a cemetery plot.

Anyway, I support this bill. I understand that the government may support it. I think it would be better if it were in a total package focusing on reform for the whole cemetery industry. Currently, we have the government-owned Adelaide Cemeteries Trust, and we have Centennial Park in the metropolitan area. Centennial Park is owned by the Unley and Mitcham councils, which are not entitled to any profit but are required to pay for any losses. However, I do not think that is going to happen in the case of Centennial Park.

There are some other issues that need to be addressed, namely, natural burial ground and new techniques, such as promession and other techniques, which will be substitutes for cremation in the future. I support this bill, but I would prefer to see it as part of a package of a total cemeteries reform bill introduced by the Attorney.

**The SPEAKER:** Member for Fisher, I am not sure that a concrete slab would be enough to keep you quiet!

**The Hon. R.B. SUCH:** If it were reinforced, Madam Speaker, it might.

#### VISITORS

**The SPEAKER:** I draw members' attention to the presence in the gallery of a rather large group of people. I am not sure whether they are from the McLaren Vale or Fleurieu Probus club. Welcome. It is nice to see you here. I understand that you are the guests of the Minister for Health.

#### LOCAL GOVERNMENT (INTERMENT OF HUMAN REMAINS) AMENDMENT BILL

Second reading debate resumed.

**Mr GRIFFITHS (Goyder) (11:18):** I also rise in support of this bill, and I commend the member for Davenport for bringing it before the house. I express my support on the basis that I am probably one of the few people in this chamber who has been a curator of cemeteries and a member of the Cemeteries Association of South Australia, on its executive.

*Mr Marshall interjecting:*

**Mr GRIFFITHS:** True. For those who are inquiring as to how I got that level of recognition, it was from previously being a local government CEO; one of the roles delegated to that position is to become a curator of cemeteries. I took a two-year appointment to the Cemeteries Association of South Australia on the basis that I had a particular interest in cemeteries. To me, they are sacrosanct. They are a place where our earthly remains should forever lie; I will always believe that. It concerns me that cemeteries are seen by some as a business opportunity—and they are. I understand the dilemma—

*Ms Chapman interjecting:*

**Mr GRIFFITHS:** True; short-term tenancy—of being able to create facilities of a sufficient size to allow for the interment of all of our remains as we go through the generations of our society. It is an important issue to me. I will admit to the house that, if I am guilty of one thing, it is of deliberately putting something I knew to be wrong to one of the local government authorities I worked for: I put before the council a policy where interments would be in perpetuity—not just a 99-year or 25-year lease but in perpetuity—even though I knew that the legislation did not allow for it.

**Mr Pengilly:** When you're dead, you're dead.

**Mr GRIFFITHS:** True—and I was pleased that the council gave its support for that. After I left, I think the new CEO noted that what I had done was not quite kosher, and they have changed it a bit back to conform with what the legislation requires. However, at that stage, I managed to put

a reasonably convincing argument to my elected members that we as a society have a responsibility to respect forever those who came before us and those who are interned in the cemeteries in our communities. It frustrates me where these 25-year lease options and that sort of thing exist and then you have the mass advertising of the leases that have expired and you attempt to contact the family members to either extend the lease or to—

**The Hon. R.B. Such:** And you never find them.

**Mr GRIFFITHS:** And you never manage to find them. It is just physically impossible to do so, as the next generations move onwards, so I think this bill by the member for Davenport is a very sound one. The member for Fisher is correct that there are other issues attached to interments and the protection of our earthly remains that need to be pursued by this parliament but this bill is a step forward. It will give greater confidence to all of us that when our time comes we will be protected in the way that we should be.

**Ms CHAPMAN (Bragg) (11:20):** I rise to briefly indicate my support of the Local Government (Interment of Human Remains) Amendment Bill 2011 introduced by my colleague. It essentially was to provide for a criminal offence and a very significant fine if someone attempts to dispose of or inter in a burial process either remains or cremated human remains contrary to the regulations. So we already have quite a significant amount of law that deals with the lawful disposal of human remains and that is very important.

We also have another quarter of law which provides for where one can have the human remains disposed of and the importance of following the process if one wants to be buried outside of a registered facility, etc. It is an important aspect to cover a current problem. I agree with the member for Fisher that some more comprehensive consideration needs to be made of the provision of services of cemeteries. They are sacrosanct, as other members have said. They are matters that incite considerable passion in families. Not only do they fight over estates but they fight over how their loved one should be disposed of. It is a very passionate matter because it is usually undertaken at a time when there is an enormous amount of grief.

Just this week I have had to view a burial licence for a lady known to our family as Aunty Betty. Mrs Betty Everett passed away this week. She was very senior in years. She is no relation to me or my family by blood but, interestingly in another cemetery story, she first met my grandmother when my grandmother was burying her father at West Terrace and next to her was Mrs Everett's young brother being buried after trying to save somebody in the River Torrens from being drowned. He was posthumously recognised, I think at about the age of 12 years, by the Queen for his heroic attempt. Nevertheless, he lost his life.

On this day Aunty Betty met my grandmother and Aunty Betty Everett's family have been very close to us ever since. Indeed, she had two daughters one of whom has since passed away and a second daughter who is a special-needs person born with a disability of whom I am the legal guardian. I have remained, as our family has, in great friendship with this family over a number of years. I am indebted to Aunty Betty for all the wonderful things she did for our family and if in any way I can now support her grandchildren who are left and her daughter (who resides in supported accommodation here in South Australia and whom I will continue to support) then I will be very happy to do so and it will be my honour to do so.

What is important is that, when we are addressing these issues of the peaceful and loving disposal of our relatives or friends and laying them to rest, we do so in a manner which is protected by law and we have confidence that the law will protect them. If people are going to be given a 99-year lease or the like, then we must not have a situation where subsequent administrations in local, state or federal government—because they want to dig for gold or do a housing estate or anything else—should be able to interfere. It is very important I think that before other levels of government act in a manner which might disturb what is a reasonable expectation of a family or their descendants, then that should be respected.

Finally, we have opened up other areas of legislation, just in the time I have been here in the parliament, to dispose of the remains that were dug up accidentally at Glen Osmond, in a site that was opened for development. In fact, as they were progressing the development, they found the skeletal remains of persons, who, funnily enough, were believed to be possible relatives of mine, not because I am the local member, but who had been related to others from early settlers.

In any event, we had the assistance of the then attorney-general, who I really compliment (and I do not want to get into the habit of it, that is for sure). Although he took a long time to do it, he did finally present amendments to this parliament so that we could lawfully re-inter those

remains after the relatives had decided that they would proceed with a cremation. There was no way that we could identify the bodies from the remains that were there, as there were no records of what was in a burial into a crypt back in the 1880s or thereabouts, and we had to change the law here in this place to enable the deceased to be re-interred.

There are times when we need to recognise that as a parliament we have a very important responsibility to make sure that we protect those who have lawfully a reasonable expectation of a continuum of the right to peaceful burial and interment without being disturbed. This bill, I hope, will serve as a reminder of the potential of a criminal conviction if one is to breach the regulations that are already in place to ensure that we have proper disposal and peaceful rest of our deceased loved ones.

Debate adjourned on motion of Mrs Geraghty.

### OPERATION FLINDERS FOUNDATION

**The Hon. R.B. SUCH (Fisher) (11:29):** I move:

That this house commends the work Operation Flinders is doing to help young people gain a positive future.

I note that the member for Schubert also has a motion on this on the *Notice Paper*, and I think that reflects the fact that within the parliament I believe all of us support the work of Operation Flinders.

Recently, on a trip to the Flinders Ranges, I came across the Operation Flinders team, who had just conducted one of their exercises. Following the exercise, the staff were based at Angorichina village, and they invited my wife and I to join them for the evening meal and discussion. I was interested to note that one of the senior people involved was Ian Langley, who trained with me as a teacher many years ago. He is now retired and is the son of Gil Langley, the former member for Unley—in fact, Ian's nickname is Gil.

He and many others who are involved as volunteers have seen the worth of this organisation in transforming young people and giving them a positive outlook on life. In fact, some of the volunteers we met had actually been on the program in earlier times as young people. Their participation in Operation Flinders had given them a new focus on life and a new direction, and they were now participating by helping other young people focus on the future in a positive and constructive way.

Many years ago, when I was minister for youth, Operation Flinders was under real threat for financial reasons. Many of my colleagues at the time did not understand the great work that Operation Flinders was doing then and that it continues to do today. Some of them said that we did not need it because we had the Duke of Edinburgh scheme. Operation Flinders is a totally different program from the Duke of Edinburgh scheme, which is, essentially, an individual-based achievement program—a worthy one, but very different from the group approach of Operation Flinders, which takes 14 to 18 year olds on an eight-day exercise in the far northern part of the Flinders Ranges.

It takes these young people away from their present and, in some cases, past life and gives them a new direction. At the gathering at Angorichina (back in June, I think), some of the stories about these young people were pretty heart-wrenching. There were people they had been working with, prior to the gathering at that spot, who were 15 or 16 years of age and who had never had a birthday party in their life. That might seem a minor thing, but I think it is indicative of the challenging backgrounds that some of these young people come from.

The idea is to get them away their current or past situation and get them sitting around campfires, abseiling, challenging themselves, looking at themselves and asking 'What life is about? 'Where am I headed?'—all those sorts of things. The program is designed to promote self-esteem, leadership, motivation, team work and responsibility. They learn basic bush survival skills and, as I said, they are taught to abseil, discover Indigenous culture, and learn about the rich history of the Flinders Ranges.

One of the key elements is that there is no opportunity to opt out. You cannot opt out if you believe the going is getting tough. I know some of the young people found it a bit challenging to be toileting out in the middle of nowhere, under the stars and under the sun, because they had never experienced that sort of activity, that lifestyle before—camping out, sleeping under the stars, and so on.

The program was originally set up by Pamela Murray-White in 1991. She was a teacher and a former army officer. She served four years in the Australian Army, attaining the rank of captain. She returned to teaching and became even more aware of some of the problems faced by students that she came across in her teaching life.

In 1991, she conducted one exercise with 35 participants; by 1993, she was conducting three exercises with a total of 99 participants. She pioneered the program over the next two years, mostly with young people sourced from the education department, and supported by staff from DECS, as well as Defence Force personnel. She was encouraged by police, who saw the program as a positive crime prevention strategy, and serving police officers also joined her as part of her team.

Her analysis was that many of the children with real behavioural problems seemed to lack direction, self-esteem, a decent challenge and good role modelling. The program has come on from what Pam initiated in 1991. Sadly, she died in 1995 as a result of cancer, but her legacy to young South Australians continues on.

I want to congratulate all of those who have been involved over the 20 years in Operation Flinders; the volunteers, in particular, who give their time now, for no other reason than to help young people have a better life and to help them focus on positive aspects and believe in themselves. As I said earlier, some of the young participants of years ago are now involved in helping to run the program, which is a fantastic thing and is testament to the fact that the program does work.

As I said, the program nearly went under 15 or so years ago, but fortunately and thankfully it has survived. The amount of logistics involved in running the program is significant, and the cost is also significant, but the program is a testament to what can be achieved when you have people who are prepared to put themselves out and commit to helping young people in the community.

On this anniversary, I pay tribute to Operation Flinders and the many people who have contributed to its success over time; in particular, the contribution of Pam in setting it up in 1991. I conclude on that note and ask members to join in supporting this motion.

Debate adjourned on motion of Mrs Geraghty.

### OPERATION FLINDERS FOUNDATION

**Mr VENNING (Schubert) (11:39):** I, too, would just comment, in relation to the comments by the member for Fisher who has just sat down, that these motions are very similar and certainly I do support his motion as well because it is on the same subject, but mine has a little bit different detail. I move:

That this house—

- (a) congratulates the Operation Flinders Foundation on its 20<sup>th</sup> anniversary and success in providing support and opportunities to young men and women who have been identified as being at risk;
- (b) acknowledges the terrific work done to develop the personal attitudes, values, self esteem and motivation of Operation Flinders participants through espousing the virtues of teamwork and responsibility, so they may grow as valued members of the community; and
- (c) pays tribute to the staff, volunteers, board members and ambassadors of the organisation, past and present, who dedicate time, skills and resources into empowering youth through this worthwhile organisation.

As stated in the motion and, indeed, the member for Fisher's motion, this year marks the 20<sup>th</sup> anniversary of Operation Flinders. The Operation Flinders project was set up by the late Pamela Murray-White, in 1991, a teacher and former army officer. When she returned to teaching following her military service, she dealt with students with behavioural problems. While working with these students, she realised that some outdoor elements of army life and culture could have some positive effect on them.

I could not agree more because, as an ex-national serviceman, I did two years in the bush. Going into the bush was great therapy for everybody, particularly from across the community, for both country people and city people alike. It certainly was very therapeutic in relation to your health, and particularly your mental health.

This is how this fantastic initiative was started. Operation Flinders is a South Australian-based foundation that runs an early intervention program for 14 to 18 year olds. The program aims

to provide a new direction for young people at risk. School teams are also able to participate to help build teamwork skills.

An eight-day program in each exercise begins at Yankaninna Station, which is 65 kilometres east of Leigh Creek in the Flinders Ranges. Participants then walk more than 100 kilometres over the eight days. The terrain is not flat and a number of challenges are provided to the young people involved. Currently, five annual exercises are run at Yankaninna Station, with approximately 500 students each year.

In its 20 years of operation, Operation Flinders has helped approximately 5,000 young people identified as being at risk. The program aims to empower participants so that, after the experience, they will grow and develop into valued members of the community. The experience helps participants develop their personal attitudes and improve their self-esteem, but also helps motivate and value teamwork and responsibility as the group supports each other through this journey.

Earlier in the year, I had the opportunity to accept John Shepherd's invitation and go to the Flinders, see firsthand the operation and, in fact, stay on site. I even went over the edge—some members would say, 'You've done it again'—that is, abseiling. I was rather stunned to learn that my leader, the member for Heysen, had done something very similar on a previous visit. So, I say it is very courageous stuff.

I was very pleased to meet the participants, to actually walk with them a way and, better than that, put on the pack that one of these young people was actually carrying and walk alongside with the weight of this pack. I got a real buzz out of that, and I am sure the young lad behind was pretty pleased too because he had a free load for a while. The spirit of the participants and particularly the staff is just fantastic and I shall be returning to visit again and will be happy to become one of those volunteer support people who give their time so freely. Operation Flinders' objectives are to:

- increase access to programs for young people at risk;
- effect a positive life change for young people at risk by improving self-esteem and confidence;
- improve the rate of return to education and encourage young participants to seek employment;
- reduce the recidivism rate of young offender participants;
- continually improve the quality of the foundation's program;
- engage qualified, motivated, experienced and permanent contract and volunteer staff;
- effectively respond to the needs of relevant agencies; and
- increase the resource base of the program through support from the public, corporate, benevolent and private sectors.

In recent times, more resources have been able to be put into mentoring participants after they return from the exercise. This is an important part of the program because some people, when they return, are vulnerable to the previous influences that put them at risk in the first place. The program currently receives funding through the Attorney-General's Department of \$447,000 annually, but it is also very fortunate to have attracted sponsors Australia-wide.

The 20<sup>th</sup> anniversary celebration is about recognising the achievements Operation Flinders has made thus far and sharing what the organisation has to offer for future participants. It will be conducted at Yankaninna Station on 5 November 2011, and I hope to be present.

Ongoing support for this program is essential, and raising awareness in the community is needed for its continued success. I pay tribute to Mr John Shepherd, who heads up the operation. His leadership, capacity and enthusiasm are pivotal to the success of Operation Flinders, and I thank him and all his support team for the wonderful work they do. I urge members to support this motion recognising this very important program.

**Mr VAN HOLST PELLEKAAN (Stuart) (11:45):** I too rise to support this motion and congratulate everybody who has anything to do with putting together Operation Flinders on its 20<sup>th</sup> anniversary. It is also worth noting that a few Liberal members of parliament very recently went to Yankaninna Station and participated, in one way or an other, with an Operation Flinders activity.

I am sad to say that, as much as I have tried, I have not actually been able to get to Yankaninna when one of the operations is running, but I did visit Yankaninna Station on 25 August and had a very good look around at the property. At that same day, I visited Nepabunna community and also Mount Serle Station. Yankaninna is set in a very, very beautiful and also challenging part of South Australia—the tremendous Flinders Ranges—and I am sure every member of this house would have visited the Flinders Ranges at some stage. As the member for Fisher mentioned, the isolation of this program is one of its key features. You cannot just pack up and go home.

In the context of the electorate of Stuart, Yankaninna Station is not a particularly isolated place, but I am sure that for the vast majority of people who participate in the programs it is as far as they have ever been, and I am glad that they have come that far.

I enjoyed the presentation from Operation Flinders earlier this year, as did many members of parliament from all political persuasions, and I was very interested to learn some more details about the program that I was not aware of. It is important to recognise that some representatives of the Adnyamathanha community have expressed concern about the appropriateness of some of the specific locations used by the program.

All members of this house and the broader public are very aware of my views with regard to the responsibilities of all pastoral lease owners conducting dingo control programs. Whether or not they are actually in the pastoral industry, I consider Operation Flinders to be a very good use of this pastoral lease, but I remind everybody (as I do whenever I can) that, regardless of the use of a pastoral lease, controlling dingoes, if not for your benefit but, importantly, for the benefit of your neighbours, is very important.

One thing that we all agree on wholeheartedly—and certainly I share this view—is the great value of this program to the young people who participate in it. I was very fortunate through probably the first half of my life to be very actively involved in sport. My parents certainly supported that at an early age, and I continued with it for as long as I could. Through that, I have a strong view that one of the greatest things a person can ever do, either for their self-development or also for their team development, is to go through some things that are actually really hard to do. Sport, of course, is a very healthy and voluntary way of gaining that sort of experience. I know that for some of the people who participate in the Operation Flinders program, while they are not shackled and dragged there, it may not be exactly the first thing they choose to do for those 10 days.

However, I believe very strongly that if any person—and particularly a young person—regardless of gender, religion or race, successfully sees their way through to the end of a difficult program that involves physical activity, teamwork, bonding, personal achievement, and they face activities they are scared of or do not particularly want to do but take that leap of faith (as the member for Schubert called it) and participate in things like abseiling, walking extreme distances, doing it when it is very hot or very cold, looking after the people who are going through it with them at the same time and starting to think about the broader team and not just themselves, then that will go a long way for the rest of their life in regard to their personal development and the choices they make and the direction they take from then on.

I congratulate Operation Flinders for having a program that gives young people who need that sort of help the opportunity, and I am confident that it does improve their lives. I congratulate Operation Flinders and support this motion wholeheartedly.

**Mr PENGILLY (Finniss) (11:50):** I also support the motion of the member for Schubert. As it turns out, I was at a fundraising dinner for a country education fund last Friday night and the development manager for Operation Flinders, Jonathon Robran, was the guest speaker. A former participant, Daniel Mackie, was there as well. I have been a keen observer. Unfortunately, at this stage, I have not been up there.

I note with interest the group of young people in the gallery today. If they were not aware of Operation Flinders before, they may be after this. It is an exceptionally good program. Even old fuddy-duddies like us go up and have a look at it. There was a group of members up there last weekend on one of the last trips for the year. It does provide a vastly different experience for young people, with a lot of them coming from the metropolitan area, and equally from the country. I know one young man from Kangaroo Island, Leigh Brown (who was the best mate of my youngest son), did it. I think it straightened up Leigh no end. It gave him a purpose in life and he has gone back as a mentor now, and has done it time and time again.

Mr John Shepherd and other people from Operation Flinders have been to Parliament House and have had a briefing in the Balcony Room not so many months ago, from memory. The

member for Schubert does this place a service by introducing this motion that we promote and talk about Operation Flinders. Anything we can do to instil in our young people a desire to create a good future for themselves or a discipline that they may not have had, or to test themselves, is achieved at Operation Flinders.

It was interesting when Jonathon Robran said the other night—they put a lot of attention into making sure everybody is safe—that on one of the trips in the last couple of years one young lady said she could not go on because she was pregnant; whereupon they called an ambulance, took her to Leigh Creek, ascertained that she definitely was, and came back and she went on with the trek. She learnt a fairly valuable lesson fairly quickly; that is, she was not going to get out of it. They did this overnight so that she did not miss any of the walk the next day either, so it was very interesting. It is good training for them.

These days, when youth are very easily distracted by everything—everything technological and everything that makes them sit on a chair and push buttons—to get them out there walking around in that Flinders Ranges country (which I do not know well, I freely admit) and to test themselves and to develop their futures is good.

Operation Flinders is a great organisation. I have known Mr John Shepherd for many years, from my previous involvement in the CFS board, until I was unceremoniously put to the sword by the former minister for emergency services in the year 2000, along with Mr Allan Holmes. He and I were slotted by Mr Brokenshire of another place on the same day—a dreadful state of affairs. However, this is not about that: this is about Operation Flinders. I have not forgotten about that, incidentally.

So, in moving the motion with the different points there, the member for Schubert provides us with an admirable forum. I acknowledge the fact that the member for Fisher had a motion prior to this, but obviously we are going to speak in favour of Mr Venning's motion. So, it is with great pleasure that I rise and say a few words in support.

#### VISITORS

**The SPEAKER:** I welcome to the gallery a group of young students from the Mannum Community College. I understand that one of you has actually been on Operation Flinders, so it is lucky that you were in here at this time. They are guests of the member for Schubert. I hope that you enjoy your time here. I like to see country students in here.

#### OPERATION FLINDERS FOUNDATION

Debate resumed.

**Mr GARDNER (Morialta) (11:55):** It gives me pleasure to speak on this motion, which I imagine will receive bipartisan support in this house. Many Liberal members have already spoken and will continue to speak in favour of the program and I particularly note your support for the program, Madam Speaker, and that of other members of the other side and the Independents. It is an excellent program and one that deserves continued support from the government and I am pleased that it has continued to succeed for 20 years.

The motion congratulates Operation Flinders on its 20<sup>th</sup> anniversary. That is a record of 20 years of great success. The motion also notes the positive development of personal attitudes, value, self-esteem and motivation that the program has on the participants. It also pays tribute to the staff, volunteers, board members and ambassadors of the foundation, past and present.

I was one of four members of parliament, along with the members for Chaffey, Norwood and Unley, who had the privilege of visiting Yankaninna Station on the weekend and observing some of the activities of the program. I will briefly share with the house some of my thoughts upon the opportunity to see what goes on.

Operation Flinders helps about 400 young people per year. The weekend that we were there, there were eight teams of 10 young people, along with their support groups: team leaders, assistant team leaders, counsellors and peer supporters (people who have previously completed the program successfully and have come back because they want to help the next group come through).

The participants in the program were from different backgrounds. There was a team of 10 young people supported by Disability SA, there were some who had an association with schools and there were some young people who had been sponsored to go by local chapters from Port Augusta, Christies Beach and Bowden Brompton. Chapters exist around the state that are

supporting Operation Flinders. I note that the member for Norwood, in particular, is looking at helping some young people from Norwood to go on a trip next year. I think that is a terrific endeavour. Every year, many young people need this sort of support.

When we arrived at Leigh Creek and undertook the bus trip to Yankaninna Station, I did not have a huge understanding of what we were going to be doing for the weekend. We were told that we would go up there, we would learn about the program and that it would be interesting. I was a bit confronted when the first activity they took us to after a very interesting four-wheel drive trip was the abseiling.

The group consisted of the four members of parliament, people from some of the other sponsors of the program and other ambassadors. We were informed that the Leader of the Opposition, Isobel Redmond, had done the abseiling twice. We were informed that other members of parliament had done it. We were informed that the member for Schubert, Ivan Venning, had successfully abseiled down this fairly significant cliff.

From that moment, I can inform the house that none of the members of parliament in attendance on Saturday were willing to say, 'I'm not going to do this. If Ivan can do it then I can do it.' So, member for Schubert, I can say that you are an inspiration to many of us to take on something that we otherwise might have quietly pleaded a sprained ankle or any other number of excuses, but none of us did that because we looked to your example. So, I am proud to say that I have now tried abseiling. I am not sure that I will be doing it again in a hurry.

I can also say that most of the kids who go on the program are not forced to do the abseiling, and the team leaders are very careful and that if any of the participants choose not to do the abseiling then those participants may not be picked on by their peers. Nevertheless, despite that, a majority of the participants who go on the program do the abseiling and, as I understand it, appreciate it.

We had the opportunity to meet with some of the groups as they were going about their business. On the Saturday night, we visited one of the teams who were undertaking an Aboriginal cultural program, eating some bush tucker and learning some of the Aboriginal language from one of the local Adnyamathanha people, which was really interesting. We spoke to the kids about how they had appreciated their trek. We also spoke to a number of the groups on the Sunday, the following day, as we encountered them around the property.

One of the things that was fairly consistent in most of the contributions was when we asked: how was the walk? Depending on the groups (because some of them are, obviously, more physically capable than others), the kids walk between 80 and 100 kilometres over the eight days, as a general rule. A lot of them would not have had much more activity than going down to the deli to get a snack. Some of them were different, and we met one kid who plays under-16 football with one of our clubs, and I will not mention the club because it is a bit embarrassing for that person if they are honest about it. This young Port player was indicative of a number of them who said that the first day or two was a real struggle. They are walking 10 to 15 kilometres a day and over fairly hilly terrain.

The first day or two was a struggle but we met them on day 3 or 4. Of course, there were three days when the groups arrived, so some of them were at different stages of the program. On the third day, almost universally they were saying that it was much easier going. Some of them had to walk over more hills than others. We noted that in one group the team leader had an excellent idea: every time that a member of the group swore, they would have to walk over another hill rather than going around it. Apparently, the language improved significantly by the middle of the trip.

It was excellent in terms of building the self-esteem and the understanding of the participants that they could achieve these things that at the beginning of the week they felt they could not. It also had some fairly intensive effects on their behaviour. We met one young man who, we were informed later, had actually thrown some rocks at his team leader on the first day when he decided that he did not want to go any further; he was encouraged to keep going, and he responded to that sort of response.

By the time we met the participants, when we spoke to the young man he was the most charming and delightful person, wanting to tell us about all the snakes that he had seen (apparently they were lizards but, nevertheless, imagination is one of the important things that people develop on this program), and he wanted to tell us about the hills that they had climbed and the sights that they had seen. We were told by the team leader that, by that stage, he was pitching his sleeping pad right near the figures of authority.



A lot of the volunteers who participate are former and serving Army people, some police officers and others and from all walks of life, but they are often very strong figures and that sort of role model is very important for some of the kids. In particular, I want to pay tribute to the late Pam Murray-White, whom other members have spoken about and whose idea in setting up the program was so important in the work that she did; John Shepherd, the CEO; Mike Terlet, the chairman of the board; and some of the people who helped us on the weekend in terms of visiting these groups.

There was some fairly entertaining four-wheel drive terrain that we were going over, and some of the drivers were people like Ian Langley, who the member for Fisher talked about—'Langers', as we were introduced and later found out was Gil's son—and also Di Lintern from Variety. Those volunteers were just four among the hundreds of volunteers who help Operation Flinders every year to be the success that it is.

I note that in the coming weeks (the second weekend in October, I think) the Trailblazers walk is coming up. That is one of Operation Flinders major fundraisers for the year. It starts at Pinky Flat, and the first stop-off for those who want to do the walk and raise some money is an 18-kilometre walk to Athelstone. I welcome everybody to my electorate of Morialta and to participate and help the Trailblazers to do their fundraising for Operation Flinders. I commend the volunteers, the staff, the workers, the board members, the ambassadors and everyone else who is involved. I commend the motion to the house.

**The Hon. M.J. ATKINSON (Croydon) (12:05):** I, too, support the motion. I was fortunate enough to attend an Operation Flinders week at Moolooloo Station, when they were at Moolooloo, a couple of bases back. I think what Operation Flinders does is excellent and worthwhile for the reasons that other members have given. I am reluctant to spoil the unity behind this motion but I think one thing has been left out, that is, that the former attorney-general, Trevor Griffin, left the fate of Operation Flinders—as he left so much—to his chief executive, Kate Lennon, and when I became attorney-general, Kate Lennon was a long way down the track to withdrawing all government funding for Operation Flinders.

Kate Lennon was entirely contemptuous of Operation Flinders. She regarded it as masculine, macho, wilderness therapy, and she had organised, I think, a study by Flinders University academics with a view to closing down government funding for Operation Flinders. If the Kerin government had been re-elected and Kate Lennon had remained the chief executive, the overwhelming likelihood is that Operation Flinders, if it still operated, would operate without government funding.

I do not blame the Liberal Party for that because I do not believe that the Liberal Party agreed with Kate Lennon's world view and, indeed, to the extent that the parliamentary Liberal Party knew about the government in exile which Kate Lennon was running in the justice department during the tenure of the Hon. Trevor Griffin as attorney-general, insofar as they knew about it, they were opposed to it, particularly the weakness on law and order and criminal justice that characterised Trevor Griffin's tenure as attorney-general.

I know that there are some members opposite—not all of them are still here—who privately used to talk to me about their concerns about the Hon. Trevor Griffin's approach to criminal justice. We have made changes and many of those changes that were opposed by Trevor Griffin as attorney-general were, in fact, supported by the Liberal opposition because they knew the time had come for those changes.

But make no mistake about Operation Flinders: it was about to have its government funding withdrawn and what saved it was the change of government, and what saved it was my ability to stand up to a rampaging chief executive who, when I arrived in my portfolio, basically ran the show.

**Mr GRIFFITHS (Goyder) (12:09):** I also wish to make a contribution on this. In relation to the comments by the member for Croydon, I am not personally aware of the history on which he reflects, but I can confirm that, after my election in 2006, and holding a youth portfolio, I met with Mr John Shepherd at their offices at Port Adelaide. While I have many recollections of that discussion, he said to me that it was Michael Atkinson, as attorney-general, who ensured the funding continued for Operation Flinders, so I am prepared to acknowledge that. I do not know about the other history which the member for Croydon referred to, but I do acknowledge that.

In about 2007, my wife and I had the opportunity to be on one of the trips and not only were we treated wonderfully well by our hosts but it was the opportunity to be with these young people for two days.

**Mr Venning:** Did you go over the edge?

**Mr GRIFFITHS:** Yes, I did, and even my wife did. The member for Schubert asks, 'Did I go over the edge?' I said, 'Yes, I did, and my wife did,' and she has a great fear of heights, member for Schubert, so it was a brave move by her.

I just want to reflect upon a story which I feel illustrates the difference the program makes. We were with some young people, and I was told a story by one of the adult supervisors about an instance on a previous trip where a young man who was around the campfire one night took a shovel to go out to do what the supervisor thought were his ablutions. He was gone for some time and was noticed in his absence. One of the supervisors went out to look for this young man and found him digging a hole. The supervisor thought the hole was a bit bigger than what he would need for his ablutions—what was he doing?

The young man said that, in the five days he had spent on the trip up to that point, he had realised the folly of his previous ways and the poor direction he had taken in his life, and that he had to change if he was going to have a future. This young man said to the supervisor, 'I'm digging a grave to bury the old me.' It was a really emotional message. He was burying the old him—a symbolic gesture—digging a hole big enough for a person to be interred, and then he filled it in and walked back to the campsite as a new person. I think that is a fantastic story.

*The Hon. A. Koutsantonis interjecting:*

**Mr GRIFFITHS:** That's right. Indeed, it is an example of what Operation Flinders does for so many people from all around South Australia who are in some need of guidance. John Shepherd is a passionate man who is very hard to say no to. No matter what your political persuasion, you will, by nature, support Operation Flinders. Quality people are involved in the program; there is absolutely no doubt about that. Be it at the board level, at the corporate fundraising level, or the people who go on the trips, or the people who arrange it all—a lot of ex-military and ex-police are involved—these people are all dedicated to ensure that our next generation of community people have a future, so I commend them for that. I commend the member for Schubert for the motion, and I hope that government support long exists for Operation Flinders.

**Mr WHETSTONE (Chaffey) (12:12):** I, too, rise in support of this motion. Operation Flinders has had 20 very successful years of operation up in the northern Flinders. One week ago, I experienced just what Operation Flinders offers to so many of the less fortunate children that have, over a period of their life, experienced doubt, hardship and a lack of leadership. For one reason or another, they are a very much disadvantaged sector within our communities. It is very sad that we have these young children who are so inept at knowing just what a standard day of a normal person's life is.

I acknowledge John Shepherd as a very passionate CEO who has been there for a number of years now. In watching him operate and address the group—a group of eight of us were up there—every time he explained what part of the operation was about, you could see passion just oozing from him, because he could see the opportunities that this operation gave those young kids. I would like to acknowledge his vision and his group's vision. They are there on a voluntary basis, giving these young unfortunate kids some real-life experience.

What I noticed while I was up there for those two days was that it is about giving those kids a really good scope of what imagination is all about. When you look into the eyes of some of these young kids, you can see that they have never had the opportunity to use their imagination; the guidelines of discipline have been almost non-existent. It gives them an opportunity to work as a team. I think that is a very important part of life: to be able to experience team bonding, to be able to experience how to work as a team and to experience how much better it can make your life to have someone help you get up when you fall down, to have someone give you a bit of an opinion or an answer to something that you are not sure of. For them it is learning about what newly found values can do to your self-esteem, your self belief.

I looked into the eyes of a lot of these young ones, particularly our first group on the Saturday night around the campfire, and they really had this very vague reflection in their eyes of just not knowing where to go to next, not knowing who to turn to for answers or who to turn to for some reassurance that they are real. It is a program that gives these young kids more belief every day that they are there. It was eight days' experience.

It was unfortunate that on day one these kids would get out of the bus, look around and there was nothing in sight—nothing but raw landscape. They had a backpack that would have been considerably heavy to some of these young 13 year-olds who might have weighed half as much again as the backpack that they just put on. You can see that they aspire to look to someone who they actually believe, someone they can go to and look for some real values of life.

Again, as I said, hopping out of that bus there were some who did not believe they could continue any further than the 10 steps out of the bus and not want to be a part of that program. Some of the children would run off, some of them would sit down and say, 'I'm not going a step further.' But I think through some reassurance and leadership from the group's leaders they eventually would get up and take those first few steps that would ease them into the program.

As the member for Morialta explained, some of them rebelled and some of them did not have the belief that the program would be of benefit and, yes, they did stone the leaders. That was very sad to hear. We did not witness it but we saw the results. Some of the leaders had some severe bruising and swelling because these non-believers as kids stoned their leaders because they did not understand the support they were about to be given over the next eight days.

Sitting around the campfire it was about individuals sitting at one end of the camp and other individuals hiding in their tents, other kids sitting around behind trees. As a group, when we got there, we went and embraced those young ones, had a talk to them and gave them some reassurance that we were there to support them and to make sure that this operation continues to be funded and that it is there for the betterment of their experience over this eight days—also of the impact it will have on them perhaps for the rest of their lives.

We had some really funny singalongs around the campfire. The kids experienced cooking kangaroo, some vegetables and making damper. They were proud that they could actually have accomplished a bush meal and then presented it to the group of eight of us. They proudly said, 'I've cooked this. What do you think? What does it taste like? This bush tucker tastes alright.' As the night progressed, we went back to camp and we had some bonding. We ate some very nice food.

Unfortunately, for some of the members who were there with me, they said to me, 'That lamb roast was nice,' and I said, 'Lamb roast is nice, yes, but you have just eaten goat.' Much to their disbelief they went back into the kitchen and said, 'Tell me that wasn't goat.' I said, 'I'm not going to tell you that it wasn't goat, but yes.' It was very nice. The vegetables were not like home-cooked vegetables but they had that element of eating out in the bush and just experiencing what Operation Flinders is about.

I would like to acknowledge my predecessor the Hon. Karlene Maywald. She was a pioneer in endorsing local regions, local chapters if you like, to support this operation and raise funds within the community to support what Operation Flinders is all about. Each chapter would go out and speak to service communities, speak to their council, speak to business people and speak to leaders within the communities, to come on board and give some financial assistance and, if it was not financial assistance, maybe they needed to go up to the Flinders and experience just what this program was all about.

Like myself, the members for Norwood, Unley and Morialta have experienced it, we support it and we are endeavouring to put in some financial support, as we ask the current government to give continued support. If there is capacity to give it even greater support financially, it is money well spent and it is giving some hope to a sector of our state's communities and it will give some hope to those disadvantaged children.

Yankaninna Station is a beautiful property and is full of mystique at the moment after experiencing some 28 inches of rainfall last year. On average it experiences between three and five inches in a normal year, so there are a lot of wild flowers and ground grasses. Trees were looking spectacular, but we saw that rugged landscape, rugged terrain of majestic red gums in the river valleys. We looked at the harsh rock landscapes that were absolutely picturesque and really do take away your breath.

Again for me it was a great experience and something I want to experience again and perhaps be given the opportunity to go up there in a leadership role. I support Operation Flinders. I will be looking to start up the Chaffey chapter to give it some financial support from the electorate of Chaffey, because it will benefit some of those disadvantaged kids within the electorate of Chaffey. Every member in this house should support it and look at how it will advantage their disadvantaged children.

## VISITORS

**The DEPUTY SPEAKER:** Before we continue, I welcome to the house the year 11s from Immanuel College. I think it is marvellous that you are here now as well as at two o'clock because in this way you can see the civilised side of the parliament as opposed to the somewhat robust side at 2 pm. Welcome.

### OPERATION FLINDERS FOUNDATION

Debate resumed.

**Ms SANDERSON (Adelaide) (12:22):** I also support the motion brought forward by the member for Schubert and congratulate Operation Flinders on its 20<sup>th</sup> anniversary. Whilst unfortunately I was not available to go with the last group that went to Operation Flinders, I plan to go early in the new year. I was fortunate enough to have a personal briefing from Meg Lees about the benefits of Operation Flinders and its importance. It would be a wonderful program to expand. A lot of constituents have come to my office with adult children in their 20s who have drug and alcohol issues, and a program like this, where they are taken out of their environment, worked with and supported, would be of great benefit.

At the moment it is for ages 14 to 18, but there would definitely be a lot of benefit in having similar programs for older and younger people. Whilst I have not been to Operation Flinders, for the last 17 years through my business I have worked with teenagers who are at varying levels of need or risk, so it is something close to my heart. I have participated in nine different courses as a trainer for Mission Australia in Whyalla, working with children at risk, and it is very rewarding on the first day when you see that all they really want is a person who will believe in them, someone who will take the time and will listen to their story. It just takes that one person to believe in them, I believe, to really change their life.

Operation Flinders could really be that course and provide those leaders. It is also great with Operation Flinders that they have the opportunity to go back as leaders themselves, so they can not only learn but the skills they learn they can then pass on to others, which is even a better way of reiterating what you have learnt and passing it on.

Whilst the modelling and grooming and self-esteem courses that I have run do not have any of the physical side, I recently went to Camp Eden where we had to participate in flying fox, leap of faith and other activities which, again, I could see certainly makes a big difference to the adults involved by being stretched physically and mentally. There were a lot of adult women on that program who were lacking in confidence and the team support, with people encouraging you and egging you on and being there to support you, really made a big difference. So, I definitely support this type of program and would love to see it expanded at some time in the future. I commend this motion to the house.

**Ms CHAPMAN (Bragg) (12:25):** It is with pleasure that I support the member for Schubert's motion to congratulate Operation Flinders Foundation on its 20<sup>th</sup> anniversary, to acknowledge the work done and, of course, to pay tribute to those who have worked in this area over a number of years. As a member of the juvenile justice inquiry in this place—

*Members interjecting:*

**The DEPUTY SPEAKER:** Order! Excuse me, member for Bragg, I apologise. There is a lot of discussion on my right—and, indeed, on the left—which is making it a bit hard to hear you.

**Ms CHAPMAN:** Thank you, Madam Deputy Speaker. I was a member of the juvenile justice inquiry, ably led by the member for Fisher, which some years ago now reported to the parliament that an important, effective area in juvenile justice reform was the program provided by Operation Flinders. Members of this house, many of whom have had an opportunity to participate or to be well briefed on the activities undertaken, will appreciate the significance of it. It is demonstrably effective and has been deserved of extra support—little as there has been by the government, but I acknowledge that there has been some extra support.

The reason that is particularly important is that during the many years I was on the *One and All* sailing trust board with Alec Mathieson (who, indeed, also was a former board member of Operation Flinders), he was very supportive and frequently advocating to our own board the benefits that were available to young people in learning about teamwork. Similarly, that was transferred into the services provided by the *One and All* sailing ship.

Also, the reason it was important was it offered an extra program to young people through the education department and, at times, through juvenile justice referral, to enable them to learn about teamwork, in that instance, through sail training. That was an important aspect because it was recognised in the juvenile justice inquiry how effective this was as an early intervention mechanism and also a rehabilitation mechanism, and how significant it was to our young people. So, of course, I commend the Operation Flinders Foundation for its excellent work and hope that it will continue.

What concerns me today is that we have heard a contribution from the member for Croydon, the former attorney-general of this state, to use what was identified yesterday—a practice which is clearly unacceptable—by the Premier in his contribution. I was only listening to the member for Croydon's contribution as I was reading these very words from the Premier when yesterday he said on another matter:

Parliamentary witch-hunts and vilification of individuals, unsupported by investigations—

**The Hon. A. KOUTSANTONIS:** I have a point of order, Madam Deputy Speaker.

**The DEPUTY SPEAKER:** Order! There is a point of order. Excuse me, member for Bragg. If you could take your seat, thank you very much. The Minister for Industry and Trade.

**The Hon. A. KOUTSANTONIS:** I have two points of order, ma'am. The member for Bragg is imputing improper motive to the member for Croydon; and the other one is relevance. The motion is about congratulating Operation Flinders on its 20-year anniversary.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order! I have to admit, I did not hear the imputing, and I am sure that the member for Bragg will stick very closely to the motion in question now.

**Ms CHAPMAN:** Thank you, Madam Deputy Speaker; I appreciate your direction. So, having heard this and as I was re-reading this quote and the importance of not vilifying people, I was appalled to hear the member for Croydon's contribution on a malicious attack, yet again, on Ms Kate Lennon, in this very—

**The Hon. A. KOUTSANTONIS:** I have a point of order.

**The DEPUTY SPEAKER:** Order!

**The Hon. A. KOUTSANTONIS:** The member is now imputing an improper motive to the member for Croydon.

**The DEPUTY SPEAKER:** Yes, and that would be standing order 127, I believe. Member for Bragg, if you could not do that. I uphold that point of order.

**Ms CHAPMAN:** I am very happy to. What I am going to say is this: having listened carefully to the member for Croydon's contribution on the assertion that Ms Lennon was someone who was unhappy with and, indeed, critical of Operation Flinders—something about being masculine and inappropriate, or something of that nature—I want to deal with that issue.

The member for Croydon asserted that, whilst in his employ (remembering that he was the former attorney-general), obviously he had responsibility for—and, indeed, funding—submissions to cabinet on juvenile justice matters and crime prevention programs. It is well known to this house that Ms Lennon was subsequently involved in an inquiry in this parliament about an alleged 'stashed cash' of funds relating to crime prevention programs—the very person today that the former attorney has accused of being critical of this program. I just want to place on the record my concern that the very act that the Premier had referred to yesterday—

**The Hon. A. KOUTSANTONIS:** Point of order.

**Ms CHAPMAN:** —is being utilised—

**The Hon. A. KOUTSANTONIS:** Point of order.

**The DEPUTY SPEAKER:** Order!

**Ms CHAPMAN:** —by the member for Croydon in a disgraceful attack—

**The DEPUTY SPEAKER:** Point of order! Thank you. Minister.

**The Hon. A. KOUTSANTONIS:** If the member for Bragg wishes to move a motion concerning the member for Croydon and his contribution, she is free to do so. She is now imputing improper motive to the member for Croydon in his remarks and she is not talking to the motion.

*Ms Chapman interjecting:*

**The Hon. A. KOUTSANTONIS:** Not that you would know.

**The DEPUTY SPEAKER:** Thank you, minister. I do uphold that point of order. I can see the strands. It is a very long bow to draw, member for Bragg. I think that we had better continue just talking about Operation Flinders.

**Ms CHAPMAN:** It is very important that the government not only contributes to this program but also gives it more money and makes sure that, as a demonstrably successful program, it does not suffer the fate of the other programs which the former attorney-general axed in his regime.

What is also important to remember is that, with respect to the *One And All* trust that I referred to, only months ago did I receive a note from them to say that the crew had been sacked. This was taken over by the government, by the former treasurer—

**The Hon. A. KOUTSANTONIS:** Point of order.

**The DEPUTY SPEAKER:** Order! Point of order. The Minister for Industry and Trade.

**The Hon. A. KOUTSANTONIS:** Relevance, ma'am. This is a motion congratulating Operation Flinders, not the *One And All*.

**Ms CHAPMAN:** I am very happy to get to the point, Madam Deputy Speaker.

**The DEPUTY SPEAKER:** That would be excellent.

**Ms CHAPMAN:** I am sure that you would appreciate that. Why this is so important is because, when you lose another program, a good program, like the sail training available for juvenile justice, for rehabilitation and for team work building, etc., and the crew are all sacked by the government, we need Operation Flinders even more. So, what is important here is that you dump one program, having failed to properly manage it, and you put it out to tender, which is what is happening to the *One And All* trust at the moment; and, if the ship ever sees the light of an ocean horizon again, I will be surprised.

I am very deeply concerned about it because the people—like Alec Mathieson—who sat on that board were also involved in this operation and they understand the importance of this for the young people of South Australia. I say to the government through this motion that it is very important that it understands how significant this operation is. It is precious left as one of the few programs that is actually working, and it is functioning where, unfortunately, other programs had the hearts ripped out of them and are no longer available for the children of South Australia. I commend the motion and I commend the member for Schubert for bringing it.

**Mr PEDERICK (Hammond) (12:33):** I fully support this motion by the member for Schubert and support all the words made by members on this side of the house. In the last couple of months, I had the privilege of going out with Operation Flinders. I know that John Shepherd and the crew had been trying to get me up there for a little while. Things just clashed, but I was very, very pleased to go up and have a look at the operation.

They are now based at Yankaninna Station, which adjoins Mount Serle Station. Mount Serle Station had power connected in quite a few of its buildings, but now (for a range of reasons which I will not go through today) it is an abandoned property; but it is adjoining Yankaninna. We see that Mount Serle has power—the power poles are put through, and all the infrastructure is there—and then at the next property, Yankaninna, we see Operation Flinders having to set up its new base. As a result of another range of reasons it has had to move its base and depend on government support and corporate funding.

I certainly appreciate the support that the government is putting in there, and it should stay that way. I certainly also support all the corporates that support this program. It is a very, very worthwhile program to support children who are essentially at risk—basically kids who have not quite found their way in life. It puts them in an environment that takes them out of their comfort zone. They cannot run down the road to Macca's or Hungry Jacks, and they cannot go down the street and perhaps get into some strife. They are up there for eight days, hiking around, totally out of their comfort zone, carrying all their equipment, and setting up camp.

An interesting point was made by some of the volunteers at Operation Flinders. They said that if the kids do not like the food, they go hungry, essentially. They have reasonable food. Good camping food goes out with them. If they do not set up their hutchie (their little cover for their swags) and it rains, they get wet. They learn some valuable lessons that you need to be part of the team and you need for own survival, to a degree, to be part of the action.

It is interesting that we heard a story from one of the members in regards to someone throwing rocks. We heard a story about that when we were up there, about one of the participants throwing rocks. They were made to carry quite a heavy rock for quite a while, and I think they lost the urge to throw rocks after that. It is a very, very good program. I must admit I was not that keen to be involved in the abseiling, and I certainly made my feelings known in no uncertain terms to the abseiling coordinators.

*The Hon. R.B. Such interjecting:*

**Mr PEDERICK:** Well, when the rope did move at one stage, I said, 'What was that?' They said, 'It's just pulled against the rock.' I said, 'Yeah, no worries.'

**Mr Whetstone:** It's called the stretch factor.

**Mr PEDERICK:** Yes, it's called the stretch factor. As I was backing over the edge and my whole body was literally shaking—and I am quite happy to admit that—they said, 'Look down.' I said, 'No, no; I've looked down once and that's enough. If I look down again I'm not going down.' They do a good job in taking the sponsors and politicians out of their comfort zone as well in doing the abseiling activity. I must admit that I had to complete that activity once I heard that the member for Schubert had successfully completed it. I could not let him get away with that and hold it over me.

It was great just watching that one activity, and the kids being involved in it and coming down the 35 metre rock wall and seeing their confidence levels increase and how pleased they were at completing the task. It was good: I ran into a few participants from my electorate and had a good chat to them. I said, 'I hope that you make yourselves known to me when I see you in the electorate.' They were having a very good time on their eight days.

I have heard anecdotally that a lot of these participants do not realise that straight after they have participated in Operation Flinders—and it may be a little time down the track—they suddenly realise it was the best thing that happened to them. It is great thing that John Shepherd and his crew, and all their volunteers, do for this state. They do great work, and it is making the lives of so many children and so many people in this state so much better. I felt privileged to witness the operation. I wish it all the best in the future and personally thank all the corporate sponsors for being involved as well.

Debate adjourned on motion of Mrs Geraghty.

### SITTINGS AND BUSINESS

**Mr PEDERICK (Hammond) (12:40):** Madam Deputy Speaker, I move:

That Notice of Motion No. 7 be taken into consideration before Notices of Motion Nos 3 to 6.

**The DEPUTY SPEAKER:** Is that seconded?

**Mr MARSHALL:** I second that motion.

**The DEPUTY SPEAKER:** I put the question: those in favour say aye; against, no. I believe the noes have it.

**Mr PEDERICK:** Divide!

The house divided on the motion:

AYES (17)

Chapman, V.A.  
Goldsworthy, M.R.  
McFetridge, D.  
Pisoni, D.G.  
Treloar, P.A.  
Whetstone, T.J.

Evans, I.F.  
Griffiths, S.P.  
Pederick, A.S.  
Sanderson, R.  
van Holst Pellekaan, D.C.  
Williams, M.R.

Gardner, J.A.W.  
Marshall, S.S. (teller)  
Pengilly, M.  
Such, R.B.  
Venning, I.H.

## NOES (22)

Atkinson, M.J.	Bedford, F.E.	Bignell, L.W.
Caica, P. (teller)	Foley, K.O.	Fox, C.C.
Geraghty, R.K.	Hill, J.D.	Kenyon, T.R.
Key, S.W.	Koutsantonis, A.	O'Brien, M.F.
Odenwalder, L.K.	Pegler, D.W.	Piccolo, T.
Portolesi, G.	Rankine, J.M.	Rau, J.R.
Thompson, M.G.	Vlahos, L.A.	Weatherill, J.W.
Wright, M.J.		

## PAIRS (4)

Redmond, I.M.	Snelling, J.J.
Hamilton-Smith, M.L.J.	Sibbons, A.L.

Majority of 5 for the noes.

Motion thus negatived.

**Mr VENNING (Schubert) (12:48):** I move:

That consideration of Notice of Motion No.6 be postponed until Thursday 29 September 2011.

The house divided on the motion:

## AYES (18)

Chapman, V.A.	Evans, I.F.	Gardner, J.A.W.
Goldsworthy, M.R.	Griffiths, S.P.	Marshall, S.S. (teller)
McFetridge, D.	Pederick, A.S.	Pegler, D.W.
Pengilly, M.	Pisoni, D.G.	Sanderson, R.
Such, R.B.	Treloar, P.A.	van Holst Pellekaan, D.C.
Venning, I.H.	Whetstone, T.J.	Williams, M.R.

## NOES (21)

Atkinson, M.J.	Bedford, F.E.	Bignell, L.W.
Caica, P. (teller)	Foley, K.O.	Fox, C.C.
Geraghty, R.K.	Hill, J.D.	Kenyon, T.R.
Key, S.W.	Koutsantonis, A.	O'Brien, M.F.
Odenwalder, L.K.	Piccolo, T.	Portolesi, G.
Rankine, J.M.	Rau, J.R.	Thompson, M.G.
Vlahos, L.A.	Weatherill, J.W.	Wright, M.J.

## PAIRS (4)

Redmond, I.M.	Snelling, J.J.
Hamilton-Smith, M.L.J.	Sibbons, A.L.

Majority of 3 for the noes.

Motion thus negatived.

**Mr PEDERICK (Hammond) (12:57):** I move:

That consideration of Notice of Motion No. 6 be postponed.

**The SPEAKER:** Is that seconded?

**An honourable member:** Yes, ma'am.

**The SPEAKER:** For the question say aye; against, no—



**The Hon. A. KOUTSANTONIS:** Point of order, Madam Speaker—

**The SPEAKER:** The ayes have it. Minister.

**The Hon. A. KOUTSANTONIS:** The member for Schubert has been a member of this house for nearly 20 years. We just had a division dealing with his motion—

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** I refer you, ma'am, to Erskine May. The member for Schubert has been a member of this house for a very—

**An honourable member:** What's the point of order?

**The Hon. A. KOUTSANTONIS:** I just said; I refer to Erskine May.

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** Madam Speaker, may I continue?

*Members interjecting:*

**The SPEAKER:** Order!

*Mr Williams interjecting:*

**The Hon. A. KOUTSANTONIS:** No, I'm not.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. A. KOUTSANTONIS:** The member for Schubert, Madam Speaker, has been a member of this house for over 20 years. He just participated in a division and then left the chamber, knowing full well that his motion was before the house.

*Members interjecting:*

**The SPEAKER:** Order! The member for Schubert cannot be made to move his motion; it is not possible to do that. It has now been postponed. In the past the whips have been able to sort this out before this shemozzle happening. It is lunchtime; I think we will go to lunch.

*Members interjecting:*

**The SPEAKER:** We have got one minute. Member for Norwood.

#### APY LANDS

**Mr MARSHALL (Norwood) (12:59):** I move:

That this house condemns the Minister for Aboriginal Affairs and Reconciliation and the Labor government for their mismanagement of services on the APY lands.

This government's performance in this crucial portfolio has been nothing short of a catalogue of incompetence, tokenism and dangerous neglect, and the minister should stand condemned in this house for her complete and utter inaction in this area.

*Members interjecting:*

**The SPEAKER:** Order!

**Mr MARSHALL:** The gross mismanagement of state services on the APY lands—

**The Hon. M.J. Atkinson:** Have you looked at your front bench lately? I thought you were the next Liberal leader.

**The SPEAKER:** Order!

**The Hon. M.J. Atkinson:** Put your glasses on.

**The SPEAKER:** Member for Croydon!

**Mr MARSHALL:** The gross mismanagement of state services on the APY lands has been the subject of intense media scrutiny over the past two weeks. In a recent media interview the minister went on record saying that she would like to 'shine a light' on what was happening on the APY lands. I seek leave to continue my remarks.

Leave granted; debate adjourned.

*[Sitting suspended from 13:00 to 14:00]*

### VISITORS

**The SPEAKER:** Honourable members, I welcome today a group from the APY lands: Mr Bernard Singer, who is the chair of the APY executive, Mr Gary Lewis, Mr Murray George, and John Singer from Nganampa Health. It is lovely to see you. They have been long-standing members of their APY organisations, and it is a pleasure to have you here again. We also have a group of students from Rostrevor, who are guests of the member for Morialta, and students from Immanuel College, who are guests of the member for Morphett. It is a pleasure to see young people here.

### HOSPITAL PARKING

**Ms BEDFORD (Florey):** Presented a petition signed by 15 residents of South Australia requesting the house to urge the government to immediately reverse its decision to impose car parking fees at our hospitals.

### PAPERS

The following papers were laid on the table:

By the Speaker—

Members, House of Assembly—Register of Members' Interests—Registrar's Statement  
June 2011

By the Minister for Correctional Services (Hon. A. Koutsantonis)—

Death of—Lee, Troy Thomas and Matthews, Scott Leslie—Report of actions taken  
following Coronial Inquest August 2011

### FISHING POSSESSION LIMITS

**The Hon. M.F. O'BRIEN (Napier—Minister for Agriculture and Fisheries, Minister for Forests, Minister for Energy, Minister for the Northern Suburbs) (14:04):** I would like to provide the house with an update on the introduction of possession limits for recreational fishers in South Australia. In addition to fishing being a major recreational pursuit of more than 236,000 South Australians, the recreational—

**The SPEAKER:** Order! Point of order.

**Mr WILLIAMS:** Is the minister making a ministerial statement? I don't believe he sought leave of the house.

**The Hon. M.F. O'BRIEN:** I seek leave.

Leave granted.

**The Hon. M.F. O'BRIEN:** I would like to provide the house with an update on the introduction of possession limits for recreational fishers in South Australia. In addition to fishing being a major recreational pursuit of more than 236,000 South Australians, the recreational fishing sector is also a significant contributor to the state's economy.

However, there is a growing concern amongst regional communities in relation to the high level of interstate visitors travelling to regions such as the Eyre Peninsula and stockpiling large quantities of fish, particularly during holiday periods. As a result, several regional communities have requested the introduction of possession limits as a priority to ensure South Australian fish stocks are protected.

Possession limits refer to the maximum quantity of fish that a person is allowed to have in their possession in prescribed circumstances. They can be a useful tool in preventing stockpiling and ensuring sustainability and consistent access to the state's fishery resources for all recreational fishers.

However, before making a decision regarding the implementation of possession limits, I have requested that PIRSA Fisheries consult with the community. An initial options paper was sent to key stakeholders in the recreational fishing sector for comment and feedback, and I thank the South Australian Recreational Fishing Advisory Council, the Local Government Association, the South Australian Tourism Commission and PIRSA's recreational fishing champions group for providing their early input into the process.

A second options paper is being released today for a six-week public consultation period and I ask recreational fishers and any other interested persons to comment on the paper. PIRSA will also be holding meetings in regional and metropolitan areas for the public to share their views on possession limits.

It is important to note that I am mindful of not impacting unnecessarily on the majority of legitimate recreational fishers' activities. We find that, as a whole, recreational fishers are responsible and the vast majority obey the rules because they understand that they are in place for a good reason; that is, to protect this valuable resource for future generations.

### **ECONOMIC AND FINANCE COMMITTEE**

**The Hon. M.J. WRIGHT (Lee) (14:07):** I bring up the 76<sup>th</sup> report of the committee, entitled Annual Report July 2010 to June 2011.

Report received and ordered to be published.

### **QUESTION TIME**

#### **APY LANDS, FOOD SECURITY**

**Mrs REDMOND (Heysen—Leader of the Opposition) (14:08):** My question is to the Minister for Aboriginal Affairs and Reconciliation. What response does the minister have to criticism of her APY Lands Food Security Strategic Plan, made by the Indigenous-controlled Mai Wiru Regional Stores Aboriginal Corporation? The criticism included, and I quote:

None of the Minister's plans will assist in reducing the cost of food...the APY Lands Food Security Strategic Plan...is a soft, feel good, high publicity response to a major social issue...and completely lacking in any real substance.

Finally:

The proposal to grow a food supply in the desert via raised garden beds to supply fresh food and vegetables...is a complete waste of time and resources.

**The Hon. G. PORTOLESI (Hartley—Minister for Aboriginal Affairs and Reconciliation, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers, Minister Assisting the Premier in Social Inclusion) (14:09):** Mai Wiru is perfectly entitled to their view.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. G. PORTOLESI:** I disagree with their view and, in response to that, I again remind the house—and I am thrilled that we have members of the APY executive here who support the work that we are doing in communities—that the community gardens are but one aspect of a comprehensive food security plan.

**Mr Marshall:** Mai Wiru didn't call it comprehensive. They said it was embarrassing.

**The SPEAKER:** Order, member for Norwood! We don't need your commentary.

**The Hon. G. PORTOLESI:** Mai Wiru is entitled to their view—

*Mr Marshall interjecting:*

**The SPEAKER:** Order! You have asked the question; allow the minister to answer it.

**The Hon. G. PORTOLESI:** Madam Speaker, Mai Wiru—and I respect the role that they have to play on the lands—is entitled to their view; that's fine. We disagree from time to time on matters. Does that mean that I am going to stop working with them? No, because—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. G. PORTOLESI:** —this issue is bigger than all of us in this place.

*Members interjecting:*

**The SPEAKER:** Order! The member for Light.

### RENEWABLE ENERGY

**Mr PICCOLO (Light) (14:10):** My question is to the Premier. Can the Premier please advise the house of developments in renewable energy and mining on Yorke Peninsula?

**The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:10):** Thank you, I am very pleased to answer that question. I am pleased to inform the house that there is a range of exciting projects in prospect for Yorke Peninsula. As members would be aware, our state's wind energy generating capacity has grown to over 21 per cent of our total electricity generation.

Our per capita wind generating capacity has grown to be one of the highest in the world, and I do not want to be repetitive, but, as I believe I have said before, about 54 per cent of the nation's wind power is in this state. I have previously stated that more than \$2 billion has already been invested into our state's economy in connection with wind energy developments.

Today I can update that figure. The Clean Energy Council's July 2011 national wind energy snapshot places our current capital investment in wind energy in South Australia at \$2.792 billion. That same snapshot notes an additional \$3.078 billion in proposed capital investment in wind energy in our state.

**The Hon. P.F. Conlon:** How many did we have in 2002?

**The Hon. M.D. RANN:** When we were elected in 2002, not one single wind turbine. Now a business lobby—so let's hear you come out and criticise them—based in Melbourne, but a national body, says nearly \$2.8 billion already invested, another more than \$3 billion proposed.

South Australia is, without question, the nation's hub for renewable energy, and Yorke Peninsula now looks set to become a crucial part of this hub. Last month, the Suzlon Group from India, which has a base in this state in Jamestown, and which is the world's fifth-largest wind turbine supplier, with operations in 32 nations, announced a proposal to erect up to 180 turbines on Yorke Peninsula.

The project, if it is approved, will generate up to 600 megawatts of electricity and would be linked directly into the Adelaide metropolitan grid through an undersea cable. This project, named the Ceres Project, would be one of the largest wind farms in the southern hemisphere, and easily the biggest in Australia.

The proposed project includes, as I mentioned, a high voltage direct current undersea transmission connection across Gulf St Vincent, which is estimated to provide enough electrical power for well over 200,000 homes. Much of this energy is planned to be generated by wind, but the project will also assess the feasibility of harnessing other renewable sources such as solar and biomass, and that is obviously about biomass offsetting some of the intermittent nature of wind.

The Ceres Project still requires regulatory planning and environmental approvals, but the fact that it has been proposed for South Australia is an endorsement not only of our wind resources but of our fair and efficient planning system. It represents confidence in South Australia as an investment location for renewable energy projects.

This confidence is underpinned by policies such as our state's aggressive renewable energy target, our payroll tax rebate for the construction phase of wind and solar projects (which does not occur anywhere else in Australia), the government's commitment to GreenPower purchases (that is, 50 per cent of our own power coming from renewables by 2014), and our RenewablesSA initiative, headed by Bruce Carter.

Suzlon's project on Yorke Peninsula represents a potential \$1.3 billion investment. It would create 500 direct jobs during construction and 50 ongoing jobs during an expected 25-year-plus operating period.

This is not the only project with the potential to boost employment in the region, and I know the Minister for Mineral Resources Development would be very interested in this one: Rex Minerals' Hillside project, about 12 kilometres south of Ardrossan near Pine Point, also has great potential to

stimulate local economic activity. Hillside is a significant iron ore, copper and gold deposit. Hillside has an inferred and indicated resource estimated equivalent of 1.5 million tonnes of copper and 1.4 million ounces of gold.

Drilling results announced on 5 September this year indicated that the outlook for the Hillside project is continually improving with further drilling. It is now being reported as potentially being a billion-dollar mine; in fact, there has even been press speculation that it could be bigger than Prominent Hill. This would make it the second-biggest copper mine in the state, behind Olympic Dam, located on Yorke Peninsula.

The project is currently in the pre-feasibility stage with mine development expected to start in 2014 and first production in 2015, subject to approvals. Rex has also announced a shallow copper discovery at their Parara project approximately 10 kilometres north of their Hillside discovery, again on Yorke Peninsula. Parara has similar geophysical characteristics to Hillside and forms part of the Pine Point copper belt.

Exploration results confirm that there is good potential for Hillside-style deposits elsewhere within the Pine Point copper belt. Discoveries like these represent a major opportunity for Yorke Peninsula. We all know that Yorke Peninsula was historically a mining province and to this day is known as the Copper Coast. The copper coming from the area was a huge contributor to the South Australian economy. Projects like Hillside at Pine Point could return Yorke Peninsula to its historical place as a key South Australian mining destination, and I know the local member is a strong supporter.

Hillside is one of at least 30 mining projects in South Australia under development. These projects, in addition to the 18 mines already in existence or approved today, will drive development and economic growth in our regions. This is an exciting time for our mining industry; this is an exciting time for our renewable energy industry; and it is, above all, an exciting time for Yorke Peninsula. So I wish both Rex Minerals and Suzlon Energy all the best with their proposed projects.

#### APY LANDS, FOOD SECURITY

**Mrs REDMOND (Heysen—Leader of the Opposition) (14:17):** My question is again to the Minister for Aboriginal Affairs and Reconciliation. Will the minister now pass on to the Governor the food security by-law that would allow certainty of food supply and lower prices at food stores on the APY lands? The APY executive passed a by-law that the then minister Weatherill was obliged to pass on to the Governor under state law. He failed to do so, which has prevented a reliable food supply on the lands and has prevented parliamentary debate on the matter.

**The Hon. G. PORTOLESI (Hartley—Minister for Aboriginal Affairs and Reconciliation, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers, Minister Assisting the Premier in Social Inclusion) (14:18):** I thank the honourable leader for her question. I am very happy to follow up that matter. The question that I put to this house is: are we serious about making a difference here?

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. G. PORTOLESI:** Because, if we are, we need to acknowledge that this is difficult, ongoing work that requires our attention day in, day out. Am I committed to doing that with each and every one of my colleagues in this place? Absolutely.

#### SMALL BUSINESS COMMISSIONER

**Ms FOX (Bright) (14:19):** My question is to the Minister for Small Business. Can the minister inform the house about industry support for the government's small business commissioner?

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Mineral Resources Development, Minister for Industry and Trade, Minister for Small Business, Minister for Correctional Services) (14:19):** Madam Speaker, I can.

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

**The SPEAKER:** Order, member for Croydon!

**The Hon. A. KOUTSANTONIS:** The government is finding support in strange places for its legislation. I put out a press release yesterday, and in my reply yesterday I said that the Liberal Party was lost. I think the verdict is coming in. The Motor Trade Association of South Australia—not necessarily a hotbed of socialism and socialist activity—put out a press release dated 15 September 2011, and I thought I would inform the house on the views of one Mr John Chapman. People might remember John Chapman as being the former chief of staff to a former premier, one John Wayne Olsen. The headline is:

Liberals lose their way on small business

The state's peak retail automotive group, the Motor Trade Association, has called on the State Opposition to reverse a decision not to support vital Government legislation for small business.

MTA Executive Director John Chapman said he was disappointed that the party which prides itself on supporting business, had abandoned them in the debate on the Small Business Commissioner Bill.

'We are at a loss as to why the Opposition has decided not to support a piece of legislation which is designed very much to help their own natural constituency,' Mr Chapman said.

The MTA represents many members who have had franchise arrangements such as new vehicle dealers, service stations and automotive repairers.

Mr Chapman said he suspected that the Opposition had been seduced by the arguments of the franchising sector which represented big business operators.

'Small business franchisees are regularly treated unfairly and unconscionably by franchisors who threaten to take their livelihoods away,' Mr Chapman said.

'When you have investments running to hundreds of thousands of dollars and sometimes millions at the whim of a franchisor not negotiating in good faith and simply removing the franchise without explanation—this needs to be looked at,' Mr Chapman said.

'What we have been campaigning for for many years is a legislative mechanism that forces big business to negotiate in good and fair faith with our small business members.'

'The Government's Bill provides that important opportunity with the appointment of a small business commissioner with the power to enforce compliance to Codes of Conduct,' Mr Chapman said.

He goes on to say:

'This is about rebalancing the power between small and big business and I call on the Liberal Opposition to support small business and review their decision before the bill is debated in the Upper House of State Parliament.

The opposition stands alone in their opposition to this bill. Alone. They have one ally—

*Members interjecting:*

**The SPEAKER:** Order! Point of order.

**Ms CHAPMAN:** Point of order: clearly the minister is debating it. Poorly, I agree, but he's debating it and he should be sat down.

**The SPEAKER:** Thank you. Minister, have you finished answering your question? I ask you to return to the question.

**The Hon. A. KOUTSANTONIS:** I will just say this: the MTA, headed up by John Chapman, have not been long supporters of this government but they know a good bill when they see one. The opposition has been seduced by dark forces.

*Members interjecting:*

**The SPEAKER:** Order! Just a moment, member for Finnis. Could members on my left please keep their voices down. It is very hard to even hear a point of order when one of your own members is bringing one up.

**Mr PENGILLY:** Point of order: the minister is clearly continuing to debate the matter.

**The Hon. A. KOUTSANTONIS:** The debate is over ma'am. They have lost.

**The SPEAKER:** Minister, have you finished your response to the question?

#### **APY LANDS, FOOD SECURITY**

**Mrs REDMOND (Heysen—Leader of the Opposition) (14:24):** My question is once again to the Minister for Aboriginal Affairs and Reconciliation. Will the minister confirm that Mai Wiru can provide food to the APY Lands at Alice Springs supermarket prices for a subsidy of as little as \$300,000 per year?

**The Hon. G. PORTOLESI (Hartley—Minister for Aboriginal Affairs and Reconciliation, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers, Minister Assisting the Premier in Social Inclusion) (14:24):** I thank the leader for this important question. I would like to address this issue about subsidies, because it is an important issue. My view has always been that a subsidy does not build community capacity. What I am about as minister—what each of these ministers on the front benches are about—is building community capacity. That is what the APY communities want. But don't believe me: believe Ian Lovell. He is an expert, and I will describe him:

Ian Lovell, a cold chain and freighting specialist for remote communities, suggested that streamlining the efficiencies in the supply chain was the first and most important step before considering subsidies.

He says:

If you cannot be convinced that the supply chain is working at the optimum already, then to put a freight subsidy in is going to perpetuate inefficiencies. I would say that before you entertain a freight subsidy to anywhere you really need to be satisfied that the supply chain is working effectively, both cost effectively and in terms of service delivery.

And there is more.

*Mr Marshall interjecting:*

**The SPEAKER:** Order, member for Norwood!

**The Hon. G. PORTOLESI:** There is more, but I would like to refer to my colleague and friend, the member for Morphett, who recently jumped to my defence at a function because he knows that it is silly to play politics with this issue. He said in the estimates committee 2010, 'I am the first to admit that subsidies are a short-term solution for a long-term problem.' Madam Speaker, what we are dealing with here is—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. G. PORTOLESI:** What we are dealing with here is a really complex issue—a very complex issue. How can we solve these issues by working with communities on building community capacity? Do I have all the answers? Clearly not, but am I prepared to work with people and with groups such as the APY executive, Mai Wiru and NPY Women's Council? Of course I am.

*Members interjecting:*

**The SPEAKER:** Order! The member for Reynell.

#### **DISABILITY SUPPORTED ACCOMMODATION**

**Ms THOMPSON (Reynell) (14:27):** My question is to the Minister for Disability. Can the minister update the house on progress made in delivering disability accommodation in partnership with Bedford?

**The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Housing, Minister for Ageing, Minister for Disability) (14:27):** I thank the member for Reynell for her question and her ongoing support for people with a disability here in South Australia. The government has a \$10 million partnership with Bedford that is delivering 33 homes for South Australians with a disability. Initially it was planned that there would be 32 but last month I had the pleasure of announcing a 33<sup>rd</sup> home for four people with high needs to be built in Port Lincoln. When completed next year, it will mean that this partnership will ensure 74 people with a disability will have had a brand-new place to call home in the area in which they live.

I made this announcement in Millicent, where I was joined by outgoing Bedford chief executive Max Dyason and where we turned the first sod on a five-bed roomed home for four people that will deliver services for people needing high-need support in that area. It is another in a long list of supported accommodation houses in regional South Australia that I have had the pleasure of opening in the last few months. They include the communities of Renmark, Murray Bridge, Port Lincoln, Mount Gambier and Port Pirie. Whilst the \$5 million contributions from both Bedford and the state government are significant, they form an even bigger agenda to deliver more supported accommodation for South Australians with a disability.

We are in the process of delivering almost \$74 million worth of projects to house over 400 people. South Australia provides accommodation for almost 5,000 people. Nationally, this is

the highest proportion of accommodation support to our total disability population. In many recent cases this has been done in great partnership with iconic community organisations. They include Bedford (as I have said), Minda and Julia Farr. We are working closely with other non-government organisation service providers in the delivery of front-line care—organisations like Cara, CLASS and Community Lifestyles, just to name a few.

I would like to take this opportunity to pay tribute to Max Dyason, the chief executive of Bedford. Tomorrow will be his last day as Bedford's chief executive after 11 outstanding years in that position. He has not only been a friend and a great person to work with but, more importantly, Max has made an amazing contribution for people here in South Australia who have a disability.

In his time, Max has overseen significant growth at Bedford, with the number of people with a disability or disadvantage being supported rising from 520 to over 3,600, and making many, many friends along the way. Bedford now provides key services to people throughout the state, including Millicent, Mount Gambier, Wallaroo, Port Lincoln, Port Pirie, Kadina, Mount Barker and Murray Bridge.

If anyone here has not had the pleasure of touring through Bedford's facility in Panorama, I would suggest they do so. It is a delight to see the employees greet Max and for Max to know each and every one of those workers by name. There is no argument that Max Dyason has left Bedford in a much better state than he found it; and, thanks to him and the efforts of the Bedford team, they are well positioned for the future.

Max has said on a number of occasions, including at his retirement celebration, that delivering on the commitment to support housing for people with a disability in South Australia has been the highlight of his career. I wish him all the very best, and I thank Max for the happiness he has brought to so many South Australians.

#### APY LANDS

**Mrs REDMOND (Heysen—Leader of the Opposition) (14:31):** My question, again, is to the Minister for Aboriginal Affairs and Reconciliation. When the former minister (Hon. J. Weatherill) was approached in 2008 by the Indigenous community on the APY lands recommending income management and food security programs, why did the government reject their recommendations?

**The Hon. G. PORTOLESI (Hartley—Minister for Aboriginal Affairs and Reconciliation, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers, Minister Assisting the Premier in Social Inclusion) (14:32):** I thank the member for an opportunity to talk about what is a very, very complex issue, and that is the issue of income management. As I understand it, income management is a commonwealth government initiative. It was part of the Northern Territory intervention—

*Mr Marshall interjecting:*

**The SPEAKER:** Order!

**The Hon. G. PORTOLESI:** Would you like to ask me a question?

*Mr Marshall interjecting:*

**The SPEAKER:** Order!

**The Hon. G. PORTOLESI:** People have been throwing that term 'income management' around left, right and centre.

*Ms Chapman interjecting:*

**The SPEAKER:** The member for Bragg, order!

**The Hon. G. PORTOLESI:** There are two issues here. One is a very formal program rolled out by the commonwealth government, and I have always said in many reports in the last few days that, if the APY communities want to progress a formal income management arrangement with the commonwealth government, then I am very happy to work with them, because they will need us in the state to work with them. It can be compulsory and it can be voluntary. Then there are other issues in relation to income management, like personal finance, financial literacy and budgeting. They are issues that we are working assiduously on with the commonwealth government—

*Members interjecting:*

**The SPEAKER:** Order!



**The Hon. G. PORTOLESI:** —and with communities. We are working with communities on issues around income management as it pertains to assisting people to make the right—

*Mr Marshall interjecting:*

**The SPEAKER:** Order! The member for Norwood, you are warned.

**The Hon. G. PORTOLESI:** We think it is really important that we give people—all South Australians, in fact—as much information as they need about making the right decisions in relation to how they spend their money. A formal income management program is another thing altogether, but I reiterate: if the APY communities want to take that up with the commonwealth government, then I am very happy to work with them.

I will just say that SACOSS, for instance, is opposed to compulsory income management. There is a bit of a mixed view on the lands about what form of income management. This is not a simple matter, but I am committed to working with the commonwealth and with APY communities.

### BETTER BEHAVIOUR CENTRES

**Mr BIGNELL (Mawson) (14:35):** My question is to the Minister for Education. Can the minister update the house on the government's progress in establishing better behaviour centres to help improve student behaviour in our public schools?

**The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development, Minister for Science and Information Economy) (14:35):** I thank the honourable member for his question. I know he has always—

*Mr Pisoni interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** —had a very powerful interest in the contribution of public schools in his electorate. He has shown me around a number of them, and I am very grateful for that. At the last state election the government committed to establish six new better behaviour centres to help manage destructive behaviour in our schools. Four of these new centres are to be established in the metropolitan area and the remaining two in the country high school area. Each centre will support students referred through other local schools.

This is an important initiative because we need to grapple with aggressive and disrespectful behaviour that is brought into schools which can put quite a strain on our teachers and disrupt the learning of others students. Earlier this year I was able to advise the house that the first two of the six new better behaviour centres—located at Salisbury Downs Primary School and Murray Bridge High School—were up and running. Today I am pleased to advise the house that a further two better behaviour centres have opened at Woodville Primary School and Huntfield Heights Primary School.

Students are already attending these better behaviour centres and getting the support they need to build their social skills. They are participating in intensive literacy and numeracy programs, which will help them be successful in mainstream schooling. We do know that some of the behaviour is caused by students who feel that school is a humiliation. So, giving them the support they need to be successful at school can be an important part of managing their behaviour.

The approach taken in each of the primary school centres we are establishing is a new one. It focuses on identifying those children who have begun to show signs of bad behaviour and then supporting classroom teachers and families to bring about a change in that behaviour before it becomes a pattern. We are tackling it at primary school before it becomes a really big issue in high school.

Students in these centres combine two days a week at the centre, with three days a week in mainstream schooling; so we maintain that connection with their home school. In the centre students learn techniques to manage their anger and relate better to other students, and then they get to practise these in their usual classroom.

Staff from the behaviour centre work in schools one day a week to support classroom teachers, and a family counsellor helps parents provide for a home environment that underpins improvements in behaviour. It is not an easy thing to manage, as any parent would know, children who misbehave. It has its own set of skills that go with it, and some parents need some additional help with that.

The feedback that we are getting about this new approach is incredibly positive. Families whose children attend the Salisbury Downs centre, which opened earlier this year, have reported that their children are using different language at home and they are more aware of managing their own anger and using socially appropriate behaviour. Families are also appreciative of the support for managing siblings' behaviour and for connecting them with other community services.

Locations for the final two of the six new behaviour units have now been identified, and next year we will establish centres at Elizabeth East Primary School and Port Lincoln High School. When established, the six new centres will mean that we will be able to educate more than 440 students, helping them to get back on track, and also avoiding the disruption of other students.

These new centres add to our existing three learning centres that we mentioned earlier, the three campuses at Bowden Brompton Community School and four campuses at Beafield, which are already operating. Together they form part of a comprehensive approach to improving student behaviour.

### **SOLAR POWER PROJECT, UMUWA**

**Mr MARSHALL (Norwood) (14:39):** My question is to the Minister for Aboriginal Affairs and Reconciliation. Will the minister tell the house how many millions of dollars the federal and state governments have invested in the solar power project at Umuwa on the lands, how many days it operated for, whose advice did the minister take before mothballing this facility, and the reason for the closure of this facility?

*Members interjecting:*

**The SPEAKER:** Order! The Minister for Aboriginal Affairs and Reconciliation.

**The Hon. G. PORTOLESI (Hartley—Minister for Aboriginal Affairs and Reconciliation, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers, Minister Assisting the Premier in Social Inclusion) (14:39):** I thank the member for this important question. In fact, I think it is a question he asked me in estimates just recently.

*Members interjecting:*

**The SPEAKER:** Order! I cannot hear the minister.

**The Hon. G. PORTOLESI:** What we need to do on the lands, I think, from time to time, is use innovation to make progress on the lands. This was a federal Liberal government initiative and I think there is scope, amongst all of the other work that we do, especially around essential services, for all of us to explore innovation around service delivery. This was one of them and we were happy to partner with the federal Liberal government and give it a go, because that is what we need to do.

*Members interjecting:*

**The SPEAKER:** Order! Member for Kavel, you are warned.

### **CITY-BAY FUN RUN**

**The Hon. S.W. KEY (Ashford) (14:41):** I am almost embarrassed to ask this question of the Premier, not being a participant, but, Premier, knowing your activities with the City-Bay run I am wondering if you can update the house on how many South Australians, including yourself, are expected to take part in this year's City-Bay run as part of the government's Be Active program.

**Mr WILLIAMS:** I rise on a point of order. I think this question is hypothetical.

*The Hon. M.D. Rann interjecting:*

**Mr WILLIAMS:** But how do you know? Somebody might sleep in, Mike.

**The SPEAKER:** Order! Sit down.

**The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:41):** Don't tell me that the Liberals are now not even supporting the City-Bay. I mean, the City-Bay is part of the rites of spring in South Australia. It is one of those things that we all look forward to, even those of us who are sub-elite athletes, which is a fairly—

*An honourable member interjecting:*

**The Hon. M.D. RANN:** Exactly; like the minister for recreation and sport and the former minister for recreation and sport, who one day when I was halfway there was actually halfway coming back—not a wise move, I thought.

This iconic South Australian event will take place once again this coming Sunday, 18 September. The City-Bay is an annual fun run/walk event held on the third Sunday of September since 1973. This year's event has three starting points to provide a course over 12 kilometres, six kilometres and three kilometres, extending from the city along Anzac Highway to Glenelg, and yes, I will be joining the minister for recreation and sport in doing the entire 12 kilometres.

This year's event has already set a new record for participation, with almost 32,000 already registered to take part, up from the 30,989 (the all-time record) that took part last year. So, even before the day it has already shattered the all-time record. Organisers are still expecting a large number of last-minute registrations, given the predicted sunny weather for Sunday.

The City-Bay's prime objective is to raise funds to support athletics in South Australia. Local service clubs, as well as the athletic community, are supported with a donation based on the amount of volunteer help they provide, both on race day and for pre-race administration.

A growing number of charities and organisations are using the City-Bay Fun Run as a catalyst for their own fundraising activities. With the introduction of our online fundraising partner, Everyday Hero, charitable causes raised over \$400,000 in 2010 and this amount is expected to increase again in 2011.

I think I first took part in the City-Bay in 2001. I recorded the sedate time of two hours five minutes. Last year, in spite of being a decade older, I finished in one hour 49 minutes. So, I have improved with age. No doubt, just like the Leader of the Opposition, she and I will be in the golden oldies group, the grey power peloton, on the day. This year, we will both be supporting the children's cancer charity CanTeen, which is what it is all about, and we have done it for Catherine House in the past. It is good that people of all ages can take part: the very young and those, like the Leader of the Opposition and I, who are in the autumn of our days. I look forward to joining her as we make up—

*Mr Marshall interjecting:*

**The Hon. M.D. RANN:** I am sure the Leader of the Opposition will join me in encouraging other members to pull on their sneakers and take part themselves, just like the Minister for Infrastructure and the Minister for Education. Alternatively, they may wish to put their hands in their pockets to support one of the many charities that will benefit from the hundreds of thousands of dollars raised.

**Mrs Redmond:** How much have you raised?

**The Hon. M.D. RANN:** We have raised quite a bit over the years. I am sure the leader and I would hope that some might even get up on Sunday morning and join those encouraging us wrinklies—

*An honourable member interjecting:*

**The Hon. M.D. RANN:** We'll be there. Look, that's the great thing. I think it is terrific that the Leader of the Opposition and I are prepared to say, 'Okay, us senior citizens can do as well as these young ones in raising money for good causes.'

*Members interjecting:*

**The SPEAKER:** Order!

#### **APY LANDS, SUBSTANCE MISUSE FACILITY**

**Mr MARSHALL (Norwood) (14:46):** My question is to the Minister for Aboriginal Affairs and Reconciliation. Will the minister advise what percentage of her department's APY task force budget is spent on the substance misuse facility in Amata, when a recent report states, 'The community in Amata has had little contact with this facility'? The opposition understands that more than a million dollars per year goes into this service, which had only 11 patients staying overnight in a 2½-year period.

*Members interjecting:*

**The SPEAKER:** Order! The Minister for Health is answering the question.

*Members interjecting:*

**The SPEAKER:** Order! Any minister can answer any question.

**Mrs REDMOND:** Point of order, Madam Speaker. Whilst I know that any minister can answer, I am at a loss to understand how this minister can say what percentage of the minister for Aboriginal affairs' budget goes into a particular program.

**The SPEAKER:** We have a very clever Minister for Health and I am sure he has some understanding of that, but he is also responsible for that substance abuse centre. Minister for Health.

**The Hon. J.D. HILL (Kurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:47):** The reality is, of course, that, as Minister for Health, I am responsible for that centre. Can I just inform the house—

*Members interjecting:*

**The SPEAKER:** Order!

*Members interjecting:*

**The Hon. J.D. HILL:** It is my budget; that is the point.

**Mrs Redmond:** What percentage of your budget?

**The Hon. J.D. HILL:** The percentage of my budget? Well, my budget is \$4.7 billion. I would have to get higher mathematical advice to work out the percentage.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.D. HILL:** Just out of interest, the Amata substance misuse facility, of course, was one that was foisted on the land and foisted on this government by the former Howard government. In fact, it was the then minister for health federally, the current Leader of the Opposition federally, Tony Abbott, who was insistent on this proceeding, as I understand it. However, I note the 2004-05 Anangu Pitjantjatjara Yankunytjatjara Lands report compiled by Costello and O'Donoghue. On page 2 it made the point, in relation to the Pukatja community, 'That there are substance abuse rehab programs/detoxification centre is desperately needed.'

I suppose, in part, it was a response to that suggestion that came from the report that was referred to yesterday. So, a substance abuse facility was put on the lands. There was a lot of controversy at the time about where it should be put and whether or not it should be put on the lands. I have to say, our government was not strongly in favour of it. Once it was there, of course, we attempted to make it work, and we do run a whole range of drug and alcohol services—

*Members interjecting:*

**The Hon. J.D. HILL:** A tinkle—I hear a tinkle.

**The SPEAKER:** Order!

**The Hon. J.D. HILL:** We do run a whole lot of services from the lands through the drug and alcohol services branch of the Department of Health. That outreach program provides visits to all communities, engaging with either current registered clients or attempting to locate and engage with referred clients. A total of 338 referrals relating to 275 individuals have been received since the program commenced. We also have the Child and Adolescent Mental Health Service running a special program through Amata as well.

So, there is a whole range of services that we are running but, clearly, since the substance abuse centre was put in place, the innovation around Opal fuel has meant that the petrol-sniffing problems on the land have been significantly reduced and there are now other substance abuse issues that need to be considered.

It is no secret that this government, in cooperation with the federal government, has been looking at what we should do with this facility. It is a good facility, but it is no longer needed for the purpose for which it was built, so we are looking at how we can create a modern health facility on that land, which will provide a broader range of services.

We are taking advice from Nganampa Health. We have certainly had advice given to us from the women's council and other organisations. We have drafted a package of services that might be able to be run from that, and I am looking forward to consultation with the APY lands communities about what they would like to see before we advance it.

I think we are getting very close to being able to run a broader range of services which, I know, the member for Norwood has been advocating, from that service. So, we are actually using the capital that has been put there, but I have got to say it was not our decision; it was not our preference, but it was imposed upon us, as so many things were, by the former Howard government.

### DRUG TRAFFICKERS

**Mr ODENWALDER (Little Para) (14:51):** My question is to the Attorney-General. Can the Attorney-General inform the house about progress on the government's promise to bankrupt declared drug traffickers?

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development, Planning and the City of Adelaide, Minister for Tourism, Minister for Food Marketing) (14:51):** I thank the honourable member for that question and I note his interest in this important matter. I think people here probably all know that illicit drugs cost our community a great deal every year.

In 2008, a study prepared for the Australian government Department of Health and Ageing estimated that the total costs of illicit drug consumption in Australia were at a minimum \$8.2 billion. Drug & Alcohol Services South Australia estimates the social costs of illicit drug consumption in this state to be about \$600 million. The human misery and tragedy associated with illicit drugs are, of course, beyond measure.

The government, before the last election, made a promise to further crack down on the drug barons and, in particular, made a promise that, if re-elected, we would bankrupt these people when they were convicted of serious drug offences. A bill in relation to this matter is now in the other place, and I have to advise the chamber that in the last few days we have received a copy—

**Mr PISONI:** Point of order: 120—reference to debate in the other house. I believe it is disorderly. It is disorderly to refer to debate in the other house.

**The SPEAKER:** I think the Attorney-General can go on speaking. If he was attempting to influence the course of the debate in the other house, then I would have to stop him, but I am sure he is not intending to do that.

**The Hon. J.R. RAU:** That would be impossible. I do note that the official opposition has made it clear that their position in relation to this is to extract every one of the teeth in the government's legislation and, ironically—

**Mrs REDMOND:** Point of order, or rather, a point of clarification. I am puzzled by your interpretation of standing order 120, which clearly says, 'A Member may not refer to any debate in the other House of Parliament or to any measure impending in that House.' I am puzzled as to how that can possibly be interpreted as allowing a member in this place to be discussing something which is clearly a debate in the other house at the moment.

**The SPEAKER:** I think if we stopped referring to debates in other houses we would never really be talking about anything. I don't uphold that point of order.

**The Hon. J.R. RAU:** I will not refer to anything said in—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.R. RAU:** I will not refer to anything said in another place.

**Ms CHAPMAN:** Point of order.

**The SPEAKER:** Point of order, member for Bragg.

**Ms CHAPMAN:** Madam Speaker, as you would appreciate, the very reason we have standing order 120 is to ensure that members of this house, particularly in government, don't—

**The SPEAKER:** Thank you, member for Bragg. You can sit down—

*Ms Chapman interjecting:*

**The SPEAKER:** There is no point of order in what you are saying; however—

*Ms Chapman interjecting:*

**The SPEAKER:** Would you sit down, member for Bragg? If it means so much to you, then I would ask the Attorney-General not to refer to anything that is happening in the other house. I am sure this is not about you, Attorney-General; I am sure this is about me.

**The Hon. J.R. RAU:** Thank you, Madam Speaker. I will say nothing about what is happening, or may be happening, somewhere else, but I will say it is the well-known position of the opposition that they will oppose the measures contained in the government bill, with the effect that an ordinary South Australian who cannot pay their debts and is subject to the Australian law relating to bankruptcy is in a worse position—

**Ms CHAPMAN:** Point of order, Madam Speaker.

**The SPEAKER:** Order! Point of order, member for Bragg.

**Ms CHAPMAN:** The Attorney-General is now clearly debating the matter and making allegations in that debate about what the opposition's position is on a particular bill. I ask you to order him to sit down.

**The SPEAKER:** Attorney-General, can you be very careful in your remarks and go back to the substance of the question?

**The Hon. J.R. RAU:** As I was saying, Madam Speaker, according to the publicly declared position of the opposition, they would have this bill neutered to the point where a bankrupt—

**Ms CHAPMAN:** Point of order: poor it may be, but that is debate.

*Members interjecting:*

**The SPEAKER:** Order! The Minister for Veterans Affairs, do you have a point of order?

**The Hon. T.R. KENYON:** Just on the point of order, ma'am: clearly restating a public fact is not debate.

*Members interjecting:*

**The SPEAKER:** Thank you. I think that the Attorney-General is addressing issues of public policy. There are varying opinions on this, but we will get back to the substance of the question, minister.

**The Hon. J.R. RAU:** Thank you very much, Madam Speaker. Can I also say, very importantly, that the Law Society of South Australia is a very important body. They represent the lawyers of South Australia who actually make up the people who contribute to the Law Society, and they are good people doing a good job; but, for reasons that escape me, the opposition has decided that they will be the substitute policy engine—

**Ms CHAPMAN:** Point of order.

**The SPEAKER:** Order! Point of order, member for Bragg

**Ms CHAPMAN:** Madam Speaker, again the Attorney is referring to the opposition's position on a bill and attempting to debate our alleged position on a matter. Now, that is clearly a debate point that he is trying to make about our position and what we should be doing about it. That is, in my view, clearly debate, and I ask you to rule on it.

**The SPEAKER:** Again, I think it is a matter of interpretation. The question was: can the Attorney-General inform the house about progress on the government's promise to bankrupt declared drug traffickers?

**The Hon. J.R. RAU:** Madam Speaker, I realise it is upsetting them a bit, so I will not go on much longer, other than to say, in addition to the confiscation of assets bill, so far they have also done the same act of vandalism—if I can put it that way—in relation to the weapons bill—

**Mrs REDMOND:** Madam Speaker—

**The SPEAKER:** Order!

**Mrs REDMOND:** —yet again the Attorney debates the issue rather than abiding by your ruling.

**The Hon. J.R. RAU:** Perhaps if I substitute the phrase 'delete everything significant' for the word 'vandalism', I can go on—the criminal intelligence bill, the prescribed motor vehicles bill and, of course, perhaps other legislation relating to guilty pleas.

**The SPEAKER:** Point of order, member for Waite.

**Mr HAMILTON-SMITH:** Madam Speaker, could I ask that you give a considered determination to the house on standing orders 120 and 119, not only in respect of the answer just given but in respect of an earlier answer in question time from the Minister for Small Business who, in answering a question on the Small Business Commissioner Bill, in contravention, I argue, of standing order 119, reflected upon a vote that had been held in the house without moving that the vote be rescinded.

I also put to you, in respect of standing order 120, that the Minister for Small Business attempted to influence a debate yet to be held in the Legislative Council on that same bill. That standing order specifically says:

A Member may not refer to any debate in the other House of Parliament or to any measure impending in that House.

I believe the Minister for Small Business has done exactly that. He made specific reference to the legislation and to the votes of members in the house. I ask you to give considered advice to the house so that we know your position in future.

**The SPEAKER:** Then I will go back and read the *Hansard* very, very carefully and report back to you, if it is so important.

#### **APY LANDS, SUBSTANCE MISUSE FACILITY**

**Mr MARSHALL (Norwood) (15:01):** My question is to the Minister for Aboriginal Affairs and Reconciliation. Is it the case that the minister has had an independent federally-funded report costing the taxpayers of Australia \$47,000 sitting on her desk since August of last year, highlighting the underutilisation of the Amata substance misuse service, and yet has continued to put \$1 million a year from her department's budget of around about \$5 million (the APY task force's budget) into this underutilised facility? Does her department conduct any evaluation of the effectiveness of programs funded by the APY task force fund?

**The Hon. P.F. CONLON:** Point of order, Madam Speaker: I would so much love to hear this answer but enlivened as I am—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. P.F. CONLON:** —by the arguments on the other side, I note that there is a motion in the other place concerning this minister's dealings with the APY lands. I would ask you to rule that these terrible people are trying to pre-empt the debate in another place.

*Members interjecting:*

**The SPEAKER:** Order! As I said before, if everything that is happening in the other house is referred to, and we are not allowed to refer to anything, we would not have anything to do in question time—and wouldn't that be lovely! Now, can we have some sense back into this? We have six minutes of question time left. Can we get back to some semblance of order? Does the minister wish to answer that last question?

**The Hon. G. PORTOLESI (Hartley—Minister for Aboriginal Affairs and Reconciliation, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers, Minister Assisting the Premier in Social Inclusion) (15:03):** Yes, I would be very happy to answer this question. Of course I am aware of the report into the substance misuse facility that the Minister for Health referred to earlier. Clearly, my agency and his agency are working together; clearly, we are working with communities. That is the only way to go forward on this issue.

**NATIONAL LITERACY AND NUMERACY TESTS**

**Mr PISONI (Unley) (15:03):** My question is to the Minister for Education. Can the minister explain why South Australian students did not meet the national average in a single category in this year's NAPLAN tests and performed worse than last year in 14 out of 20 categories?

**The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development, Minister for Science and Information Economy) (15:04):** It might be useful to start with a little tutorial about averages. Unless all of the states are the same, necessarily there are going to be some states that are below the average and some states that are above the average.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** It is a pretty elementary characteristic of statistics that unless every state is precisely the same there are going to be some states that are above the average and some states that are below the average. The truth is—

**Mr Pisoni:** And you're happy for us to be below!

**The SPEAKER:** Order!

**Mr Pisoni:** We used to lead, once!

**The SPEAKER:** Order, member for Unley!

**The Hon. J.W. WEATHERILL:** The statistical spread between the states is very small. If you look at the states that we are clumped in the middle with—Western Australia, Queensland and South Australia—very small indeed. There are two states at the bottom, Tassie and the Northern Territory, which has consistently been the case. So this has been quite a consistent pattern. But I think what needs to be understood by those that are seeking to understand these numbers is that the Australian education system, in world education systems, is amongst the best in the world—well ahead of the UK, and well ahead of the US. So, we sit in the middle of an excellent system in world rankings.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** Are we satisfied with that? No, we're not. We want to take a good system and make it a great system, and that is what our endeavours are directed towards.

**NATIONAL LITERACY AND NUMERACY TESTS**

**Mr PISONI (Unley) (15:05):** My question is for the Minister for Education. Why did South Australian year 3 students go backwards in writing, spelling and numeracy in this year's NAPLAN tests, when nationally we saw significant improvements in those same categories?

**The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development, Minister for Science and Information Economy) (15:05):** That is a reasonable question, and we are analysing the data to see what can be learnt from it. The truth is that the national system of testing has been in for a relatively short period in international terms. Many countries have longitudinal data which—

**Mr Pisoni:** It's the fourth year.

**The Hon. J.W. WEATHERILL:** Yes it is, but it's relatively short in the scheme of things. We will look at the data and see what lessons can be learnt from it. That is the nature of the data, and it's very important that we scrutinise it, and that is what we are choosing to do.

**NATIONAL LITERACY AND NUMERACY TESTS**

**Mr PISONI (Unley) (15:06):** My question is for the Minister for Education. Now that South Australia's latest NAPLAN results have fallen even further below the national average, does the minister now concede—

*Members interjecting:*

**The SPEAKER:** Order!



**Mr PISONI:** If I may start again, Madam Speaker.

*Members interjecting:*

**The SPEAKER:** Order!

**Mr PISONI:** My question is to the Minister for Education. Now that South Australia's latest NAPLAN results have fallen even further below the national average, does the minister now concede that he was wrong to cut \$8.1 million worth of numeracy and literacy funding in last year's budget?

**The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development, Minister for Science and Information Economy) (15:07):** The patterns that we have observed in these NAPLAN tests are very similar to the tests that we have seen in recent years. There has been a dramatic increase in the amount of funding that has been supplied into the areas of numeracy and literacy. Some programs had been in place before and they have been replaced by many more dollars being placed in the area of literacy and numeracy.

Just to name a few so that those opposite can understand, we have the Primary Mathematics and Science Strategy, which is being rolled out to all of our schools; we have the Principals as Literacy Leaders strategy, which is being rolled out to all of our schools; and we have the Teaching for Effective Learning Framework, which is being rolled out to all of our schools. All of these very specific programs are rated as a much more likely proposition to lift standards in relation to our schools. They replace some other programs which were less targeted and less likely to achieve those results.

#### POINT LOWLY DESALINATION PLANT

**Mr VAN HOLST PELLEKAAN (Stuart) (15:08):** My question is to the Minister for Mineral Resources Development. Will the minister guarantee that, as part of the government's negotiations with BHP Billiton, the EPA will have the authority to shut down the operation of the proposed Point Lowly desalination plant if the salinity or other environmental indicators in the Upper Spencer Gulf rise above acceptable levels?

*Members interjecting:*

**The SPEAKER:** Order! We can sit here all afternoon. Be quiet.

**The Hon. K.O. FOLEY (Port Adelaide—Minister for Defence Industries, Minister for Police, Minister for Emergency Services, Minister for Motor Sport, Minister Assisting the Premier with the Olympic Dam Expansion Project) (15:09):** I am intimidated, Madam Speaker, by my opponents opposite.

*Members interjecting:*

**The SPEAKER:** Order!

**An honourable member:** It might be the last question you ever get.

**The Hon. K.O. FOLEY:** No, I'll have a Dorothy Dixier, I'm sure, before I leave. Madam Speaker, as the minister responsible for the Olympic Dam negotiations, I take on board the question that the member has asked. It is a matter that is currently subject to negotiations with BHP and, when we are in a position to conclude those negotiations, we will advise you of the outcome.

*Members interjecting:*

**The SPEAKER:** Order! The Minister for Health.

#### MENTAL HEALTH

**The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:10):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. J.D. HILL:** As part of the government's mental health reforms under the Stepping Up Report, there have been a number of new services introduced into our mental health system. The priorities identified in the Stepping Up Report are about making services more timely and accessible to consumers in order to reduce demand on acute services.

Once completed, these reforms will deliver an extra 86 beds and places across South Australia's mental health system. In addition, the federal government is investing in a further 159 places, leading to a significant net increase in the availability of mental health care in this state. Part of the reforms include locating mental health services closer to where people live—

*Members interjecting:*

**The SPEAKER:** Order! Members will please resume their seats or move from the chamber. It is very difficult to hear.

**The Hon. J.D. HILL:** —which is why the government is building, at a cost of approximately \$21 million, a new 20-bed aged acute unit at the Queen Elizabeth Hospital due to open at the end of 2012. This will result in both aged acute and adult acute mental health services being provided at the QEH.

As was reported in *The Advertiser* on 18 December last year, SA Health plans to close 26 acute beds in order to open 45 intermediate care beds which will be based at Noarlunga, Glenside and Queenstown. This will result in a net increase of 19 beds in the metropolitan area by December this year as part of the overall additional 86 beds and places at the end of the reform process.

As construction of the new aged acute units is about to commence, it is now necessary to close eight acute mental health beds by 21 September this year, followed by a further two beds in November this year. Two beds at Margaret Tobin Centre closed in 2010 and the remaining bed closures will be from Flinders Medical Centre and Glenside, and they will occur later this year and early next year.

As at 12.30pm today, the inpatient dashboard showed that half of the mental health inpatient units across the metropolitan area were under capacity, including the Queen Elizabeth Hospital. However, over the transition period, until the 15-bed Queenstown intermediate care centre opens, SA Health has plans for six additional acute beds to be flexed up as required to ensure minimal disruption to consumers. Western Mental Health Services is also implementing other contingency arrangements over this period to manage bed flow in the western suburbs should there be unexpected pressures on our system.

The new 15-bed intermediate care centre will commence operations at Queenstown at the end of October 2011. Stakeholders have been made aware of these planned changes in November last year, May this year and again last week, and I let the house know so that the house, too, can be informed.

#### APY LANDS

**Dr McFETRIDGE (Morphett) (15:13):** Madam Speaker, before I make my grievance speech, I seek leave to make a personal explanation.

Leave granted.

**Dr McFETRIDGE:** Today in question time the minister for Aboriginal affairs, in response to a question from the Leader of the Opposition, quoted me and indicated that I was not in favour of subsidising transport on the APY lands. That is quite incorrect. She quoted from *Hansard* of 12 October 2010 where I did actually say:

I am the first to admit that subsidies are a short-term solution for a long-term problem—

Then I went on to say:

...but we clearly continue to subsidise private transport operators in our bus services here.

There is no way that I was not encouraging this government and this minister to use subsidies to assist in reducing food prices on the APY lands.

### GRIEVANCE DEBATE

#### HEALTH SYSTEM

**Dr McFETRIDGE (Morphett) (15:14):** The grievance today is really living up to its name as a grievance because during the last sitting week, 26 to 28 July, I was not in this place. I was away on behalf of the parliament—not the opposition, the government, the lower house or the upper house, but the parliament—at the centenary of commonwealth parliamentary associations meeting in

London. During question time on Thursday the 28<sup>th</sup>, the Minister for Health in answer to a question from the member for Frome pointed out the fact that I was not in this place. He made an attack on me during the election campaign saying that I was hiding. He knew that I was ill in hospital. He made an attack on me, or indicated that I was taking time off when I was actually representing the parliament in London at the CPA conference, which—

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

**Dr McFETRIDGE:** I hear noises from the other side, obviously being disparaging about the role of the CPA. I would suggest that that particular member talk to his colleagues who have been to CPA conferences. In fact, I think that that particular member was at the Kenyan CPA conference in Africa the year before.

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

**The SPEAKER:** Order!

**Dr McFETRIDGE:** Minister Hill really does need to stick to the facts and observe the protocols in this place. During that answer to the question from the member for Frome about country hospitals, the Minister for Health said that I was being misleading, mischievous, irresponsible and scaremongering in relation to claims about country hospitals. I had said at a meeting in the Mid North that there were proposals; that the government did plan to close country hospitals and downgrade other country hospitals.

The minister can deny that as much as he likes, but I was not the one who put into the Sustainable Budget Commission measure No. ID5735CE (that is, Chief Executive) Priority 3, which reads:

Closure of low volume country hospitals. Closure of up to 17 low volume hospitals located in rural South Australia.

I was not the one who put into the Sustainable Budget Commission measure No. ID5905CE Priority No. 23 'Country Health SA Service Review':

...the potential to close...reduce funding to an additional 20 country hospitals.

That was what I was referring to. I just do not believe this minister—

*Members interjecting:*

**The SPEAKER:** Order!

**Dr McFETRIDGE:** —and his assurances that he will not close country hospitals or downgrade them. We saw what happened in 2008 when this minister brought out the absolutely atrocious Country Health Plan. There was overwhelming rejection by country South Australians, as there should have been, and that plan was pulled. I just do not trust this government. I do not trust the things that they say, and South Australians need to be aware of what they had in this Sustainable Budget Commission because they need to watch this minister very, very carefully.

I am very glad that he has put on the record in *Hansard* that he will not be closing country hospitals. He does not say about downgrading them—not that I see. If that is the case I would like to hear that as well, but just do not believe this minister. To see how poorly this minister has been working as the Minister for Health in this state, just go and look at the dashboards that are on the website now.

I thank the adviser who advised the minister to put those dashboards up on the website. You have got the elective surgery dashboards, you have got the inpatient dashboards and you have got the emergency department dashboards. At 1 o'clock today I had a look at the emergency department dashboards. Every one of them, apart from the Women's and Children's Hospital's Paediatric Department (which is the kids, and they have the Women's there as well), was either in the red zone or the white zone.

Just remember that when you are in the red zone that is 95 to 125 per cent capacity. The white zone is 125 per cent plus capacity. Every one of our public hospitals, apart from the Women's and Children's, was in the red or the white zones. Most of them were in the white zone. Our EDs were over full. I am surprised that there is no ambulance ramping today, and I hope that ambulance ramping does not become the norm here in South Australia as it is in some other states.

In relation to the inpatient dashboard, if you go and have a look at the intensive care beds, the intensive treatment beds and critical care beds you will find that they use slightly different

parameters there but a lot of those are in the white zone which means that they are over 100 per cent full. There are days when there is not an intensive care bed available in South Australia, and I had doctors telling me this the other day from the Queen Elizabeth Hospital.

It is an absolute disgrace. Today we have got the minister saying that there are going to be more mental health beds. Well, if he has a look at the dashboards all of them are in the white zone. He said that half of them were under capacity—so, half of them were over capacity. When I looked at 1300 hours, at 1 o'clock, they were all in the white zone. The elective surgery dashboard talks about the waiting times—365 day waiting times are included in there, and you will get patients that are fitted into those zones.

Let us see what happens when the expert committee brings in its evaluation, not of the time from seeing a specialist to surgery but the time from GP referral to surgery. There will be 16,000 more come onto that waiting list.

Time expired.

### CYCLE FOR SMILE

**Mrs VLAHOS (Taylor) (15:20):** I wish to speak today about an event I had the opportunity to represent the Premier at recently at the Trinity Green Retirement Village at Mawson Lakes. During the morning I had the opportunity to meet some very exciting people who are doing a dynamic and important job for children in Australia who suffer from rare diseases. I am talking about the Cycle for SMILE team.

It is a team where six athletes have been riding around Australia over 80 days, since 30 June 2011, to raise funds for children who suffer from very rare diseases. In fact, they left their families and work behind and they have endeavoured, over 15,700 kilometres over 80 days, averaging around 230 kilometres a day, to raise money for these children. It is the equivalent of riding five Tours de France back to back, which is an amazing feat, around our nation.

Whilst some attempts at long distance cycles like this have been done in the past, this is the first time this feat has been achieved. Cycle for SMILE comes to a conclusion this Saturday at Centennial Park in Sydney. I would encourage anyone who has not heard or learnt more about these people to go on Facebook and look at their Twitter site.

They were remarkable. They ride almost six days a week, with one day off. Each day they have to bivouac and set up their tents, put them down again, and with the support of their corporate sponsors move to the next cycle liaison point and camp overnight. So, rain, hail or shine, since June they have gone from Brisbane, up across the coast of Queensland to Mount Isa, across Western Australia down past Karratha through Perth, across the desert, across to South Australia, through Melbourne, and back up to Sydney, finalising this Saturday.

It was indeed a great pleasure to be there with many of the families who have benefited from small amounts from the SMILE Foundation, which gives out small grants to parents of children who are sick, regardless of their financial status and means-testing money. This money might help a family buy food at the canteen when their child is having surgery in Melbourne, and there might be parking metres. It is money that these families need on an everyday basis that they may not be eligible for under normal funds that social workers can secure for them.

I would particularly like to lay on the record my thanks for their sponsors in helping them raise \$1.1 million over these 80 days. They are: Xstrata, Lend Lease, Goldman Sachs, Evolution, Gloucester Coal, People Bank, Chupa Chups, Skins, Pump water and Powerade. All of these people make the wheels go round of this wonderful cycle team. In fact, many of these people have been sending out their own human resources and other people to meet them at the different points around Australia's map to set up the camps each day for them. Praise to them indeed.

It is probably not well known that the work of SMILE helps the 6 per cent 10 per cent of children under the age of 15 who are affected by these rare diseases. There is a strong and continuing need for better understanding and research. SMILE, apart from giving small, everyday grants of \$1000 to these families, also provides important medical research funds for some of the most astounding people you will meet. Indeed, I met some of these families who have since birth struggled with diseases. Many of us would not have any contemplation of how difficult their lives have been and how the families have fought to support their loved ones and children on an everyday basis.

I would like to place on the record, finally, the state government's recognition and thanks for the important funds they are raising in partnership with the non-government sector, and praise the SMILE foundation and Chris McLeod and all the gentlemen at SMILE who have been riding around this nation over the last 80 days.

### **SOUTH AUSTRALIAN ECONOMY**

**Mr HAMILTON-SMITH (Waite) (15:24):** I rise to express concern about the state of the South Australian economy and to suggest some alternative pathways forward for the house. The country, the state, and indeed the world, are facing very difficult times indeed. It is little wonder that confidence is down. The Sensis Business Index (released just a few days ago) showed that confidence had fallen from 16 points down to -5, as profitability and sales plummeted into negative territory over the past quarter. Of businesses, 14 per cent reported that they were considering closing down over the next year, further evidence of uncertainty for jobs in the short to medium term.

According to the ABS (statistics again released recently) South Australia has experienced the largest drop in the number of housing finance commitments, declining by 3.9 per cent in July, while the national average increased by 1 per cent.

Business is indeed in serious trouble. With building approvals having declined by 8.8 per cent in July alone, the worst result on the mainland, there is cause for concern. Our share of the national economy now is only 5.9 per cent over July, when before this government came to office it was well over 7 per cent.

The pain goes beyond the housing sector. The Australian Industry Group's Performance of Manufacturing Index, again released in the last few weeks, reveals serious concern in manufacturing. That report confirmed that conditions in the manufacturing sector deteriorated in August down to 43.3, well below the 50 point level, which indicates an ongoing contraction in activity—so, well below the 50 point level.

Ten out of 12 manufacturing sub-sectors recorded declines in this state from the nine in July. In 2002, there were 92,500 jobs in manufacturing, but under Labor's stagnant leadership jobs in this sector have declined to 83,700. From 2000-01 to 2009-10, manufacturing's contribution to our gross state product has fallen from 15 per cent to a mere 11.7 per cent, and it is little wonder.

There are four fundamental problems. One is that state Labor has, within the space of 11 or 12 years, turned South Australia into the highest taxed state in the country. It has also ruined the WorkCover system—the worst performing in the nation. Federal Labor has now introduced industrial relations changes that have set the clock back decades and the burden of red tape is overwhelming business.

The Pitcher Partners State Tax Review recently showed that the aggregate tax for a small business with a \$1.1 billion wage bill in South Australia is \$47,000 more than in Queensland, and that is before you look at the cost of payroll tax, which is well above that paid in every other state.

I urge this government—I have publicly and I will repeat it—to consider holding a manufacturing and industry reform summit during 2012. I conducted a similar summit in 2008 on tax reform. It could be done here in the parliament, but that work needs to be continued.

It must address tax reform, the WorkCover system, Labor's industrial relations changes and the need for science, innovation and entrepreneurship to show the light forward for business. That is not to mention the need for skills development and infrastructure—a no-brainer. Action is needed, and action is needed soon.

Export statistics that the government is currently touting are propped up by high prices as a result of the Australian dollar and an extraordinary result from our farmers. The government can take little credit for them—export performance remains poor.

The world financial system is also facing extraordinary stress at present. We face uncertain times in the years ahead. There is concern in Europe and America, but also in Australia. There is no time to delay. There must be an industry and manufacturing summit, it must be held within the next six months and it must get the results that business needs.

### LIGHT ELECTORATE

**Mr PICCOLO (Light) (15:29):** I would like to talk about a few things which particularly impact upon the rural part of my community, but also things which are important to regional towns like Gawler and regional communities which part of my electorate represents.

Last Wednesday I had the pleasure of attending the South Australian Farmers Federation Feast or Famine conference. I had the opportunity to speak as part of a panel, which included the Minister for Education, the Hon. Jay Weatherill, the federal member for Kennedy, Bob Katter, who in his usual flamboyant way expressed views of which I did not share many, also Senator Nick Xenophon and the member for Hammond.

Agriculture minister Michael O'Brien kicked off the conference in the morning and reminded us that state agriculture, food and wine exports have increased by 40 per cent over the last year, which is an increase of \$1.2 billion in value, despite a significant appreciation of the Australian dollar. There were valuable contributions from: Professor Simon Maddocks, the Chief Scientist of SARDI; Julian Cribb, author and science communicator; and former water security minister, the Hon. Karlene Maywald, gave a good presentation on water issues.

I had the opportunity at the conference to discuss farms, in the context that farmers are effectively small business, and reinforced that South Australia will be the safest place in Australia for small business to set up shop once the state parliament has passed the state government's Small Business Commissioner Bill, which unfortunately is opposed by those opposite.

Food security, competition, water management, GM crops and skills shortages were also canvassed at the conference. Research and development was also high on the list for discussion. The Roseworthy campus of Adelaide University has been doing some stellar work in the field of R&D. Members will be aware that the Roseworthy campus, which is located in my electorate, specialises in dryland agriculture, natural resource management, animal production, veterinary science and animal science. The pork CRC, the poultry CRC and the beef CRC are also based at Roseworthy, including the JS Davies Beef Cattle Research Centre. The SAFF conference was a reminder that the regions do matter and are an important part of our state's economy.

Strong, healthy and productive regions are good for all South Australians. The RDA boards are proven to be an effective vehicle for the regions to advocate their needs, balancing economic and social needs, and our vast geography. I found the RDAs to be very productive on my visits to the South-East, Eyre Peninsula, Yorke Peninsula and the Mid North, where I have been consulting with the regions on strategic infrastructure planning for South Australia. While they can be a little bit parochial and passionate, I do admire the work they are doing.

Finally, I would like to thank SAFF CEO Carol Vincent for the invitation and opportunity to speak at the conference. She continues to be a tireless and passionate advocate for rural and regional South Australia and, in particular, farmers. It is unfortunate that some of those members opposite continue to undermine SAFF. The sector certainly needs a spokesperson.

I would also like to quickly talk about two local events. The 155<sup>th</sup> Gawler Show was another great success, and I understand the show this year had its greatest attendance on record. I commend all those volunteers who put in endless hours to make the Gawler Show happen. For the information of members, I think the Gawler Show is the only show now outside the City of Adelaide which operates for more than one day. It is a two-day weekend show. It brings together a whole range of rural activities, and this year it had the new BankSA agricultural awareness centre and trail, which helped to provide education for young people and the public about the significance of agriculture and, importantly, prospective career opportunities in agriculture.

We were fortunate to have perfect weather for the show. As I said, I congratulate all those organisers and volunteers who made the day work. I would also like to mention the Gawler Show bus, which was sponsored by Lanser Communities, which was very successful, and helped to reduce car parking problems at the showgrounds.

This weekend is also the footy finals in my electorate, in the Barossa, Light and Gawler league, where Tanunda and Willaston will be playing off for the top prize. I wish both teams the best this Saturday.

### MINING EXPLORATION, EYRE PENINSULA

**Mr TRELOAR (Flinders) (15:34):** I would like to talk today and bring the house up to date on something that has been taking up a good deal of my time of late, and that is the mining

exploration activity that is going on on the Eyre Peninsula and in the seat of Flinders. The Eyre Peninsula is part of the broader Gawler Craton, which really became famous some 50 years or so ago when, as the Speaker would be well aware, iron ore was discovered just west of Whyalla, and significant deposits they were. But, really, not much more mining activity has gone on on the Eyre Peninsula since then. There is certainly a gypsum mine at Penong and salt is also mined at Penong. They are ongoing mining ventures and will continue for a long time yet.

In recent times we have seen Iluka begin their sand mine north-west of Ceduna and they are exporting mineral sands out of Thevenard. The gypsum and salt that I mentioned earlier also goes out of Thevenard. Thevenard, with two good grain harvests and another one about to occur, is under significant pressure as a deep-sea port. We are investigating and exploring all opportunities as to how we might upgrade that facility.

There is a kaolin deposit at Poochera, inland from Streaky Bay. There is a significant graphite deposit that has just been announced at Darke Peak, on central-eastern Eyre Peninsula. There are traces of copper, gold and uranium, but the significant mineral deposit on the Eyre Peninsula is iron ore.

The estimates are being raised all the time. Some time ago, I heard that the estimate was between two and three billion tonnes of iron ore. It seems that now it could be anything up to 10 billion tonnes of iron ore on Eyre Peninsula. So, there are significant deposits and Eyre Peninsula has the opportunity to become a mining province here in South Australia. The iron ore is both hematite and magnetite. There are relatively small deposits of hematite; larger deposits of magnetite.

Obviously, a lot of these companies are at the exploration stage only. Ultimately, if the deposit is economically viable, it will be mined but we have not seen any of the more recent exploration companies reach that stage yet.

There will be some benefits to the local community. There will be infrastructure such as roads, power supply, possibly an upgrade to the railways or even new railway development and, certainly, a new port development is also on the cards on the east coast of Eyre Peninsula, in between Port Neill and Tumby Bay.

There will be increased jobs for the local community but there will also be some challenges. There will be those who see threats to their lifestyle. There will be those who see threats to their local community and how that community functions. Certainly, there will be some changes to that, but it is all about finding the balance in this new era, I guess.

I have long said that we have two basic industries on the Eyre Peninsula: we have agriculture and we have seafood. All of the other services that exist on Eyre Peninsula are as a result of these two industries and mining, I think, gives the opportunity to add a third tier to that local and regional economy.

It is an interesting time because we are seeing the mining industry move into the agricultural lands of South Australia. It has not been the case in the past very much. Mostly, the mining efforts have been north, in the pastoral lands. It brings a whole new set of problems, particularly in these days of rising world populations and increasing demands on our producers.

The Mining Act, through its intent, allows for mining and enables mining. That requires then the need for mining companies to negotiate with landowners. These negotiations are not always easy and, at a number of local community meetings that I have attended in the last few weeks, I have encouraged people always to get good legal advice to assist with those negotiations. It should be possible for landowners who are immediately affected by mining operations to be appropriately compensated.

None of these mining companies have actually started mining yet. So, they are still in the exploratory stage. Recent meetings have included the Chamber of Mines and Energy, the South Australian Farmers Federation, PIRSA—it is important that they are there because they are the regulator of the Mining Act—and the Eyre Peninsula Mining Alliance. Generally, they have been good meetings and we look forward to what should be some exciting years ahead.

## OPAL

**Ms THOMPSON (Reynell) (15:39):** This week I was very pleased to see, when I opened my *Messenger*, some very bright and colourful pamphlets promoting the OPAL activities in and around Morphett Vale, which is, of course, my electorate. There has been much discussion of

OPAL in this house over the years, with the Minister for Health being a strong advocate of the OPAL program, which involves communities and governments working together to create activities that lead to people eating well, having fun and being active.

The Leader of the Opposition visited this program in France, where it is called 'EPODE', but the member for Unley has been a staunch critic of the OPAL program and did not seem to believe that it would ever do anything at all. Well, it is alive and well in Onkaparinga and particularly, as I said, focusing around Morphett Vale.

There are other suburbs that are participating, but a lot of the activities for the three weeks of OPAL activities that we are about to enjoy—from Monday, 26 September through to Friday, 14 October—in Morphett Vale, involving community centres and schools. Activities are also taking place just up the road at the Woodcroft Plaza Chemplus, down the road the community centre in Aberfoyle Park, and at the Old Reynella Foodland, where there will be a healthy snacks cooking demonstration. The community at all levels is getting involved in the OPAL program.

One of the enclosures in the *Messenger* was directed at parents, and it was entitled 'Make it a fresh snack.' It provides ideas for healthy kids and healthy snacks, and includes information on 'Make it Fresh', 'Make it easier for you too,' 'Quick & easy lunchbox snacks,' and 'Save money and keep the kids happy'. It points out that one kilogram of homemade popcorn costs \$3.25, in comparison with a kilogram of potato chips, which costs \$28.67. Fresh apples cost \$4.48 a kilogram, compared with dried fruit straps, at \$42.45 a kilogram. Wholegrain crackers with sliced cheese cost \$12.50 a kilogram, compared with pre-packed crackers and dip, at \$34.22 a kilogram.

Unfortunately, there are still some people who believe that fresh fruit and vegetables are too expensive. Through this basic information that people can use on a daily basis, together with supporting information about costs, people can learn that they can feed their children interesting snacks and meals that their children will gradually come to enjoy, at a cheaper price. One of the panels states, 'Got fussy eaters? Try this'. It points out:

- Be patient it can take at least 10 tries before kids will try a new food, so don't give up in the first few days.
- Heap on the praise—let them know you're happy when they try new foods.
- Be a role model—make it a fresh snack for yourself, eat with your kids and benefit from a fresh way of eating.

While these tips might all seem fairly sensible common sense—although I had never heard that it takes 10 tries to get a kid to try broccoli—they have been well-researched in the community. The OPAL workers based in the City of Onkaparinga have been out talking with many different groups to try to see what will engage them.

They have undertaken many activities such as labelling and getting people to guess what is in different foods. They have talked to teenagers about value for money and how they can buy their new car or something else they want if they change from chips to apples. They have really tried to engage different demographics on the issues that will help them take small steps towards being more healthy and more active.

## **RADIATION PROTECTION AND CONTROL (LICENCES AND REGISTRATION) AMENDMENT BILL**

Adjourned debate on second reading.

(Continued from 4 May 2011.)

**Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:45):** I indicate that I am the lead speaker for the opposition, not that that is relevant because I do not expect this matter to take very long.

This is quite a small bill, but I note that the minister is going to move a further amendment to the bill. Basically, this is what we generally refer to as a 'rats and mice bill', where the government is seeking to tidy up what was an unintended consequence arising from a matter out of last year's budget—the statutes amendment legislation associated with that. We made some variations to the licensing regime under the Radiation Protection and Control Act 1982.

In making those variations, the statutes amendment bill inadvertently would allow that certain persons would no longer need to be licensed under the act, and also inadvertently would mean that the unsealed storage of radioactive material in certain places would not need to be licensed or registered. It is unfortunate that the unintended consequences arising occurred. I am



not about to apportion blame for that. It is just unfortunate and the opposition certainly supports the amendments in this small bill to correct that matter.

The reality is that, notwithstanding a lot of emotion about radioactive material, we live in a world where radioactive materials are quite widely used, although the general public in a lot of cases is probably not even aware of that. There is a wide variety of uses for radioactive material in the modern world, not just in medicine but also in measuring certain things.

Some years ago I saw a chap working for what is now DTEI—in those days it was probably referred to as the highways department—using a radioactive isotope to measure the compaction that they were achieving in the construction of a road. They drilled a small hole and used that as part of the measuring mechanism to make sure that they had the correct compaction before they put the seal coat on top of the road. There is a wide number of examples where people are handling radioactive material and obviously the state wishes to make sure that that handling is done in a very safe and correct manner, and the licensing regime is all about that. We obviously support that and we support this amendment.

I think the minister has filed another amendment to change one of the definitions, and because it is impacting on the mining sector I will be asking him to explain that because I am unaware of the reason behind it. We will need to go into committee to insert that amendment. I hope the minister can give me a full explanation of that before we even get to the third reading. I conclude my remarks there.

**The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (15:49):** I will be brief. I thank the opposition for their indication of support for this bill, and I thank the member for MacKillop for his very excellent contribution on this particular bill. I think it would be appropriate to flag a proposed amendment from the government. Essentially, this amendment is a new clause that will amend clause 3A section 5, 'Interpretation' and he is quite correct to point out that it has an impact on the definition of mining as will be contained within this act.

By way of explanation, the Statutes Amendment Budget Act 2010 was enacted in 2010, and section 65(4) of that act is yet to come into force. It inserts into the Radiation Protection and Control Act 1982 a new definition of 'mining' and that new definition inadvertently uses the word 'excavation' instead of 'exploration'. So, this in-house amendment seeks to make that correction.

So, in essence, by correcting this, it will then be read properly into the act, so that it makes that particular change because, as I said, the Budget Act has not yet come into force. It does not appear in the current Radiation Protection and Control Act 1982 and, for clarification, the in-house amendment needs to be read into section 65(4) of the Budget Act and that might assist in the views of my friend, the lead speaker from the opposition, as to whether or not there is a necessity to go into committee. We will have to go into committee, that is right.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

New clause 3A.

**The Hon. P. CAICA:** I move:

New clause, page 2, before line 12—Before clause 4 insert:

3A—Amendment of section 5—Interpretation

Section 5, definition of *mining*, paragraph (h)—delete 'excavation' and substitute: exploration

**Mr WILLIAMS:** I am somewhat confused now. I thought I was confused before but now I am absolutely certain. I raised this matter and the minister gave an explanation and he suggested that—I think this is what he said—the budget measure had not yet been enacted so the changes which will flow from that are not yet in the Radiation Protection and Control Act but we are pre-empting the enactment of that act by moving this. Is my understanding correct?

**The Hon. P. CAICA:** It is sort of correct. The Statutes Amendment Budget Act 2010 was enacted in 2010 but a section of that act, section 65(4) is yet to come into force. It inserts, as we have said, through this amendment, a new definition of 'mining' into the Radiation Protection Control Act 1982. What occurred is that that component of the act, section 65(4) of the Statutes

Amendment (Budget 2011) Act, is yet to come into force. The new definition inadvertently uses the word 'excavation' instead of 'exploration'.

I have a copy of the budget act, and in part 12 it makes amendments to the Radiation Protection and Control Act. Part 4 section 5, the definition of mining, has a reference to surface drilling for the purposes of excavation. What we say is that, for clarification, this amendment needs to be read into the budget act because it refers to our act and, of course, what we want to do is make sure that it refers to exploration as opposed to excavation, which was inadvertently inserted into the budget act. I hope that makes sense.

**Mr WILLIAMS:** It does make sense—I almost said it makes perfect sense. Notwithstanding the explanation, it might be because the copy of the principal act that I am reading from, which I got from the shelf over there, has not been updated. Under section 5 of the principal act under 'mining', it has 'mining in relation to radioactive ores', etc., then it has subsections (a), (b) and (c).

Then it goes on to say, 'but does not include surface excavating that does not intersect radioactive ores, surface drilling or geophysical processing', yet the amendment before us refers to paragraph (h) and there is no paragraph (h) in the principal act that I have here. I am wondering about the mechanics of what we are doing, because it is somewhat confusing. I do not have a problem with what the minister is trying to achieve. I just want to make sure that we actually get it right.

**The Hon. P. CAICA:** We will get it right if we allow this amendment to go through. It is not in the primary act yet, because it has not come into force yet, so that will be changed. As I am told, this is particularly a request that came from PIRSA which, of course, is the government body that is responsible for mining exploration; so it sought this clarification to make sure that it is consistent with the responsibilities of PIRSA.

**Mr WILLIAMS:** Now I know why I am confused. The minister's explanation, as I heard it, suggested that the amendment that has already been passed through the parliament but has not been promulgated and, as a consequence, does not appear in the principal act on the shelf over here, inadvertently used the word 'excavation' instead of the word 'exploration'. Notwithstanding that explanation from the minister, the principal act, prior to the amendment in the budget act, does indeed say under the definition of mining, 'but does not include surface excavating that does not intersect radioactive ores, surface drilling or geophysical prospecting'.

So it seems to me that we are not just attempting to correct what seemed a moment ago to be an inadvertent misuse of the word 'excavation' instead of 'exploration', but the principal act already had the word 'excavating' in it. So I would argue we are actually changing the meaning, not correcting a simple mistake.

**The CHAIR:** Well, they are different words, with different meanings.

**Mr WILLIAMS:** It seems to me that, if PIRSA has suggested this, for some reason they have changed their mind about excavation that does not intersect radioactive ores, surface drilling or geophysical prospecting, and changed their mind about something which was in the principal act.

**The Hon. P. CAICA:** It has no implications whatsoever on the current practices, save and except, of course, (and you probably know more than I know about mining) that you do not actually surface drill for the purposes of excavation: you actually surface drill for the purposes of exploration. It is changing that intent there to make it more consistent while still not having any implications whatsoever on the current practices that relate to excavation. Is that better, Mitch?

**Mr WILLIAMS:** I understand all of that, but we are amending something, and I do not know whether the words that are in the principal act in front of me have already been amended by the previous budget bill or budget act.

As much as it pains me, the minister did make a plea a minute ago, which was basically, I think, for the want of a better explanation, 'Trust me and we'll get it right.' I am prepared to. It is only a minor matter. I do not want to make too much out of it, but I must say that it is quite confusing. I am prepared to trust the minister, and can I assure the committee that I am not about to make a habit of it.

**The Hon. P. CAICA:** If I may just respond to that to correct the record. I do not think that I said 'Trust me and we'll get it right.' What I said was, 'If we pass this amendment we will get it right.' That is what I said.

New clause inserted.

Remaining clauses (4 and 5) and title passed.

Bill reported with amendment.

**The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (16:02):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

#### **NATIVE VEGETATION (MISCELLANEOUS) AMENDMENT BILL**

Adjourned debate on second reading.

(Continued from 22 June 2011.)

**Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (16:02):** Again, I indicate to the house that I am the lead speaker for the opposition on this particular matter. Any amendments to the Native Vegetation Act are always going to arouse much interest from this side of the house. I do not know how many hours of my life have been dedicated to getting an understanding of this act, of arguing the point particularly with bureaucrats but also various members of this place over the years and looking assiduously at the provisions of the act and trying to get my head around how we may improve the Native Vegetation Act.

Can I say that, as a practising farmer for most of my working life, I have a great feel for native vegetation. In fact, at one stage (and I have probably mentioned this to the house previously), when I was much younger and had a bit more time on my hands, one of my hobbies was, indeed, growing native vegetation, particularly eucalypts, and I had a great interest in the eucalyptus species.

There was a time when I probably could identify—and there are over 600 members of the eucalyptus species—maybe 20 or 30 per cent of those, in many cases simply by driving down the road. Eucalyptus are something which I have a great affinity for; and, again, as a practising farmer, I have had the pleasure of raising many seedlings and growing many trees on my farm.

I am from the farming community. I am one of those lucky farmers in respect of the Native Vegetation Act. My forebears and the people who came before me cleared nearly all of the native vegetation. So, native vegetation and interaction with the act as a farmer in my experience was not really an issue. It really has become an issue, though, for a number of other farmers who did not enjoy inheriting a farm that had been by and large denuded of all native vegetation.

I feel very sorry for a number of my constituents who I have worked with over the years, who inherited a farm from their grandfather, father, or, in some cases, their uncle or other family members, where their forebears had a very strong feeling for native vegetation and retained significant amounts of native vegetation on their farms. Some of those farmers have been severely disadvantaged over the years because of that. The very families who had retained large tracts of native vegetation for all manner of reasons, the people now managing those farms, are quite often severely handicapped in the way they go about their business.

Two types of instances arose a few years ago very regularly through my electorate office with my constituents. One was when there was great interest in planting new vineyards in the South-East, where the river red gum *Eucalyptus camaldulensis* is endemic. That particular species is named in the Native Vegetation Act. Very often we had a case of one or two trees wanting to be removed by the landowner in order to build an uninterrupted vineyard. In most cases they were not allowed to do that.

We have had the same experience, quite often with the same species of eucalypt, but also with some others, where it was desirable to move individual trees to allow for the construction and operation of centre pivot irrigation. We found very often that the farmers were caught in this cleft where they were endeavouring to increase their water use efficiency by moving from a flood irrigation system to a centre pivot irrigation system but they were prevented from doing that because there might have been one or two trees, or a handful of scattered trees—remnant trees—

in their paddock. In many cases they were prevented from removing those trees and thus prevented from increasing their water use efficiency. Most times I thought it was a nonsense then, and I still think it is a nonsense.

To the credit of the parliament, I think we have got that a little bit better. We have over the years made some amendments to allow for the odd tree to be removed under those particular circumstances. I was just reading through the act earlier, noting some of the amendments that we have made in recent years. Notwithstanding that, I believe that the act needs much greater amendment than what is being proposed here by the government, and I will talk about that a little bit in a few moments.

First of all, I will come to this particular bill. This bill has been in the house before. I think it was introduced back in 2008, certainly prior to the last state election. I suspect it even got through this house. I am not responsible for the bill—one of my colleagues is—and I am not exactly certain of the history, but I think it might have got through the house. It was a bill, if not identical, very similar to this one. Previously, the Liberal Party supported the bill, and I can indicate that we will be largely supporting it at this stage.

I can also indicate that my colleague, the Hon. Michelle Lensink, in the other place, who does have responsibility for this on behalf of the opposition, indicated to me several days ago that she is still liaising with some interested parties on this. Notwithstanding that the opposition will support its passage through this particular chamber, we will be resuming our right to possibly move some amendments in the other place. I might even flag some of the areas where we are talking about moving amendments. Obviously, the Hon. Michelle Lensink will raise that when the bill gets to the other place.

As with the previous matter that we discussed a little while ago, some of this bill is what I referred to as 'rats and mice' in that earlier bill. It is tidying up the act. It is not making significant changes to what we are desiring the act to do but it is making it easier to administer and easier to understand in some areas, but there are some changes which need to be pointed out. One of the first is to change some parts of the state where the act applies.

By and large the act does not apply in metropolitan or urban areas, but there is, I understand, an endangered species—I think it is called a Grey Box—in the Mitcham hills area and there has been significant negotiation with the City of Mitcham to change the boundary such that the Native Vegetation Act will apply in the suburbs of Belair, Bellevue Heights, Blackwood, Coromandel Valley, Craighburn Farm, Eden Hills, Glenalta and Hawthorndene, specifically so that the powers of the act can be used to further protect that particular species.

The opposition supports that. I understand that the City of Mitcham supports it and those stakeholders who we have been able to identify and have spoken with, including some of our own members whose electorates are impacted by these changes, have supported that particular change.

There are some changes being made to the Native Vegetation Council. I understand that previously the commonwealth government had a nominee on the council but it no longer wishes to be involved in providing a nominee for the council, so there are some changes to be made there.

One thing that I am aware of is that we made significant changes to the Mining Act about 12 months ago and strengthened some of the environmental parts of that act. As the mining industry is becoming more and more important in this state and we are seeing more and more mining activity, the mining industry is, I will not say coming into conflict but certainly coming up against the Native Vegetation Act quite regularly, much more than it did previously.

I am aware that the mining sector would like to be represented on the Native Vegetation Council and I think that is something that the government should consider, that one of those positions on the council might well be filled by somebody with a solid understanding of and some expertise in the mining industry, because I am absolutely certain that there are special needs and special requirements which may well need a special understanding of the needs of the mining industry to guide the Native Vegetation Council in its deliberations.

That is something that the minister may care to comment on. It may be something that my colleague may wish to address in the other place, but it is certainly an issue that has been brought to our attention.

One of the other things is, and I think some of these amendments are particularly because of the mining industry, about having credits for offsets. At the moment we have this notion within

the act that a significant environmental benefit is one of the requirements to get consent to remove native vegetation.

For instance, and I will use the mining industry again as an example, if it is necessary to disturb an area of native vegetation to facilitate the construction of a mine then the proponent of that mine would need to provide a significant environmental benefit. To date, my understanding of the act is that that environmental benefit would need to be achieved within the same region where the environmental impact is occurring.

One of the amendments that we are addressing today is to change that and open that up a little bit to allow that environmental benefit to be achieved in a different region of the state. Personally, I think that is a very sensible change, because in some cases—and we can talk about the Far North—I do not think anyone could really argue that, if we damage a few acres or even a few hectares of native vegetation in an area where there is tens of thousands of hectares, it is absolutely imperative that we replace or get that environmental benefit in that region.

We may well be better off getting the environmental benefit in a region where we have very little remnant native vegetation left, like the South-East of the state, where my electorate is, where various figures suggest there is only a very small percentage of the native vegetation; certainly intact tracts of native vegetation are very limited in the South-East. Off the top of my head, I think it is only about 4 per cent.

There is a lot of remnant scattered native vegetation across the South-East, but there are very few patches of untouched native vegetation, particularly in the Lower South-East, and particularly with the red gum forests which used to cover vast tracts of the South-East. I fully support that proposal. I think it is a very sensible move to allow the significant environmental benefit to be achieved in a different area.

Another thing is the achievement of credits, and this has long been a bugbear of mine. I mentioned earlier about constituents wanting to remove one or two or a handful of trees, generally of scattered remnant native vegetation. On the odd occasion when they did get consent to remove them, they had to achieve—if my memory serves me right, this was at a time before the significant environmental benefit was part of the act. I may be wrong in that, but I think that is the case.

However, there was an expectation that you would have to plant some more trees, and that generally they would be significantly more trees than the one or two or handful that you were removing. I remember one instance in particular where a landholder in the Padthaway area was doing just what I have described. He was establishing a vineyard and he had one tree that was obviously in ill health and he wanted consent to remove it. He never got consent to remove it, and the tree is probably dead now, as 10 or 12 years have elapsed.

This particular landowner had planted some hundreds and hundreds of trees, and he could not get any recognition for that work and what he had done. He did not plant those trees for any other reason than that he was an environmentalist at heart, but he could get no credit for that good work that he had done and was prevented from removing this one tree. If he had to make an offset, it had to be something in the future. I still think that was a nonsensical application of a principle.

I am absolutely delighted that this bill before us today has a provision for the recognition of credits, because there are a lot of land managers—and that is what I like to call farmers across this state; they are land managers—who want to plant trees back on the landscape, particularly in those areas that I referred to earlier, like my own farm where there is hardly a tree to be seen. Well, there are a lot of trees on my farm now; a lot more than when I started farming 30 or 40 years ago.

There are a lot of farmers who would want to do that but, because of the way that the act was being applied, they knew that they would get no credit for it and they knew that if they wanted to remove one or two trees or a handful of trees in the future, they would have to then plant an offset after that. If they had already planted up the areas of their farm that they thought were ideal places to put in patches of native vegetation, whether it be for windbreaks or just pure amenity value, they felt that they were being disadvantaged. So, they would not do that, just in case they might have needed that piece of ground to plant some trees on in the future. The whole thing was a nonsense.

I am delighted with this particular provision. New section 28A—Credit for environmental benefits, I think, is a very, very sensible move. In fact, I think, in 2001—it was certainly while we were last in government—the Hon. Iain Evans was the minister for environment at the time and he introduced a significant amending bill to the Native Vegetation Act. I remember I was on a

subcommittee that spent a lot of time working through those amendments and this is exactly one of the provisions that we were going to provide at that time for a credit.

Can I say to the minister, unfortunately, I think, he has only gone halfway. One of the other things we brought to the parliament—that bill was tabled in parliament, the debate had started but it did not finish its passage through the parliament before the election in March 2002—was that not only were we going to provide for credits, we were going to provide for the trading of credits. I still think this was a great idea.

As a farmer, I could get additional encouragement to replant native vegetation on my farm because, at some stage in the future, I might be able to negotiate a payment for doing that from, say, a mining house that wanted to achieve a significant environmental benefit. We could have made an arrangement so that land managers, to my mind, would then be encouraged to go out and replant native vegetation where it no longer existed, knowing that, at some stage in the future (or they might even do the negotiation at the time) they could get some financial gain for doing so—no greater incentive.

I believed at the time and I believe now that that would drive a great deal of activity in revegetating parts of South Australia that have been denuded of native vegetation. I remember arguing at the time that it would also give an impetus not only to revegetate but, I think, if we managed it properly, we could revegetate, before it is too late, with the provenances of native vegetation species that were endemic to those areas.

I know Trees for Life has been fantastic in encouraging people to plant particularly native vegetation throughout rural South Australia. A lot of farmers plant a significant number of trees every year and have been doing it for years and years, but the trees are propagated quite often by people in metropolitan Adelaide. Too often, in my opinion, they are propagated from seed which is not endemic to the site where the trees are eventually going to be planted. As good as some of these organisations are and with the best of intention, I think that is a failure in some of those programs.

As somebody, as I said earlier, who previously had a very great interest particularly in the eucalypt species, I know how important it is, not only to have the right species but how important it is to maintain the provenance within the species which is particular to various parts of the state. I think we still have a fair way to go to get some of these things in place, Minister. I have to give you some credit for taking the first step, with regard to the credits, but I would like to see us go much further. Again, my colleague in the other place may well bring forward an amendment to try and achieve that, for the parliament's consideration.

I mentioned that the bill has been in the house previously, and there were a couple of amendments which I understand were proposed by my erstwhile former colleague and friend, the Hon. Graham Gunn, referred to with great nostalgia in our party room as the 'Gunn amendments', and I understand that the Hon. Michelle Lensink will be talking about those and most likely putting forward some amendments in the other place to reflect those.

Just for the information of the house, one of those amendments was about the definition of burning as a form of clearing. The act at the moment states that burning of native vegetation is a form of clearing and, if somebody burns native vegetation, they can be prosecuted under the act. I think anybody who knows and understand the Australian bush knows two things; one is that, before white settlement, most of South Australia was burned reasonably regularly, particularly in what is now the settled areas. The Indigenous people of this country used fire sticks and burned the landscape very regularly.

The other thing is that, when you have a piece of degraded scrub—native vegetation—probably the best, most efficient and quickest way to reinvigorate it is to have a fire go through it. Even this government has seen the light and, from time to time does a little bit of controlled burning in some of our parks. I recall some years ago, the government was doing a small controlled burn in the Messent Conservation Park in—

**Mr Pederick:** That was successful!

**Mr WILLIAMS:** It was! It was one of the best things the department had ever done in Messent, because the fire got away from them. I think they were intending to burn a couple of hundred hectares and burned about 3,000.

**Mr Pederick:** They wanted to burn a quarter and they burned three quarters.

**Mr WILLIAMS:** Yes, they did a great job. I was on a piece of native vegetation at a place called Bonneys Camp in the upper South-East last weekend which, incidentally, is very close to the Messent Conservation Park. Most of the property is native vegetation, and it is called Bonneys Camp because that is where Bonney used to camp when he was overlanding livestock.

Well, you would not take livestock into this area at the moment, because the vegetation would not support them. But as I have said, because the Aborigines were quite regularly burning that area, there would have been vast areas of grass. We were in an area which would probably have been a wetland in those days, and is now covered in rubbish and would barely support a kangaroo or a wombat, let alone a herd of sheep or cattle.

In those days, Charles Bonney, who was responsible for bringing a lot of livestock into South Australia—and a number of places, including Lake Bonney in my electorate, are named after him—picked this as a good place to camp on the various trips he made with livestock. Even the casual observer who went there today would realise that the landscape has changed dramatically from what it would have been when Bonney went through there in the early to mid-1800s.

I think fire and Australian native species go hand in hand, and I totally agree with former member Graham Gunn's belief that fire should be a part of maintaining good, healthy native vegetation.

The other matter he wanted to change and put into the act by way of amendment relates to the fact that in a lot of the pastoral country in the far north of the state pastoralists have been restricted in establishing new watering points on their pastoral properties. This means that they are forced to keep their stock on only a portion of their properties because they do not have watering points all over the properties, and this puts more pressure on those parts of the property where the watering points are, without giving them the opportunity to more evenly spread the pressure.

Again, livestock grazing and native vegetation go hand in hand. Our native vegetation has always been grazed by native animals, and under the Pastoral Act there are severe restrictions on the amount of livestock that pastoralists can run on their properties. Graham Gunn believed, and I certainly agree with him, that pastoralists can better manage their properties if they can more evenly graze them. It is not a matter of putting more livestock on the property: it is a matter of being able to utilise the property more evenly by putting more water points on it. That was one of the issues that he raised and it is an issue that will be brought to the attention of the upper house by way of amendment.

I have covered pretty well all the matters that I have wanted to raise about this bill. The opposition is supportive of the general thrust of the bill. We are certainly supportive of what I described as 'rats and mice', the administrative changes, to make the bill more workable and more easily understood, but we do believe that the government has not quite gone far enough. We will start that debate in the other place and with a bit of luck we will see this bill come back with some amendments from that other place.

Certainly, as the shadow minister for mining, I would say that the idea of having a representative from the mining industry is very worthy of consideration by the government, and I urge the minister to give some attention to that, if not here, then between houses, and that might help us all. I will conclude my remarks there.

**Mr PENGILLY (Finniss) (16:32):** Whenever the subject of native vegetation comes up in this place—it has been mentioned by the member for MacKillop, who has also indicated that we will be supporting the bill—I hear the ghost from the backbench and I see smoking rising from the former Hon. Graham Gunn, and I hear from the heavens the sound of Ted Chapman!

**Mr van Holst Pellekaan:** The still Hon. Graham Gunn.

**Mr PENGILLY:** The still Hon. Graham Gunn, yes. Nothing has been quite as controversial over the last few decades out in rural South Australia as the Native Vegetation Act that was thrust upon us many years ago.

The minister has sought to make a few amendments to this act. I think that, by and large, we will support what the government is trying to do but, as indicated by the member for MacKillop also, we will be seeking to move some amendments in another place, and it will be interesting to see where certain instant experts on everything in the other place come from on this, so we will just have to wait and see.

I have found the last two or three years of dealing with native vegetation issues to have been made far easier by the fact that Mr Dennis Mutton has been on the Native Vegetation Council. He has brought some common sense into it and done a good job. That is certainly an improvement on where it was going.

It is interesting that the member for Bragg is sitting here. I am reminded that her father, the former minister for agriculture and forests and a few other things, had the theory that you burn or be burned. He was a regular user of fire in the maintenance of his native vegetation; he had quite a bit on the property. As Mr Williams said, the reality is that if you do not burn you do not have refreshed growth and everything takes over and you just have a jungle. I have large areas of government reserves in my electorate, not the least being Deep Creek and Mount Billy on the Fleurieu, both of which are waiting for a fire again.

Deep Creek has not been up for a few years now. Whether the minister's department gets in there and burns it, or whether Mother Nature takes over and does it in its entirety, is entirely in the lap of the gods. I know that the government has come in here and the minister has said that they have gone out of their way to try to increase the amount of burning done each year. I say do a lot more of it and do it far more quickly.

The former chief officer of the Country Fire Service, Euan Ferguson, was a great believer in burning, and I think he probably furthered the aims of native vegetation by his work while he was in that position working with the department of environment. Again, I really need to remind the house that in December 2007, due to lightning and other things, we lost 250,000 acres of native vegetation on Kangaroo Island because of the sheer stupidity of government land managers not burning out sections of those parks when they should have. For example, now in September, when you can expect more rains and it will trickle through and burn, or in late autumn, once again before the rains come when you actually have some control over burns.

They would not do it and, as a result of that stupidity, we lost the entire area of Flinders Chase and many other areas across Kangaroo Island. To me it was just total mismanagement that that was ever allowed to happen. It was an act of God through lightning that got it cranked up and did all that damage. Do not let me forget to put on the record that, in December this year, it will be four years since we lost the life of a young man on Kangaroo Island because of those fires. I will never forget that and the people of the island will not forget it either.

It is all very well in this place to amend the Native Vegetation Act but things have to be done practically out in the paddock, and I acknowledge the fact that the minister does have some understanding of that and has been out there to see what is going on. I find it regrettable that, by and large, most of the government officers do not want to talk or discuss these matters with the land managers—the farmers who have large amounts of scrub on their property—and they do not want to take any notice. There are gentlemen like Mr Ralph Hall of Kingscote, who I think is 97 or 98 this year and who has spent a lifetime cutting firewood and knows a lot of the native timbers inside out, yet he is continually ignored despite offering free advice with nearly a century of experience, and I think that is a sad reflection on where we are today.

I know there are some provisions in this bill. I agree with the addition to the Native Vegetation Council of a person with experience and expertise in planning and development. I think that will be helpful, depending on who that person is I guess. I hope the minister uses a certain amount of direction in appointing someone who has a practical point of view. In relation to the increase in expiation for illegal clearance from \$500 to \$750, my personal view is that I would not increase that at all; however, that will go through. There are various other things such as offset credits for current conservation works.

It is interesting that there are still some foolish things happening. Last autumn, I had someone from the Yankalilla area ring up to say that they went past a back road—I think it was Pages Flat Road which runs through from Myponga to near Mount Compass—and they saw a group of young people on the side of the road and they got out to see what they were doing. They were working for the NRM board and they had secateurs, and they were crawling through the scrub clipping blackberries. I have never heard anything so stupid in all my born days. This fellow is a longstanding landholder and farmer and he said, 'Why are you doing that? Why don't you just come through here and selectively spray them?' They said, 'No, we are told that if we do that we might kill something else.'

It is absolutely ludicrous. How much money is spent on that sort of thing I do not know. It is entirely impractical and a waste of taxpayers' money. It employs these people crawling around on



their hands and knees with secateurs when you can go through and selectively spray it. It is just foolish stuff. This gentleman happens to be a highly respected member of the Yankalilla community and has been involved there for many years.

I know we need to wind up and other members want to speak. I support the bill as the member for MacKillop has indicated, and I will look with interest to see what happens after it comes back from another place, in whatever shape or form it should arrive.

**Mr PEGLER (Mount Gambier) (16:41):** I certainly support this amendment bill. The Native Vegetation Act came into being quite some time ago, and it certainly achieved a lot in ensuring that our native vegetation in this state was protected, but I am afraid that commonsense also went out the window in interpreting that act by the people responsible for making decisions. To give some simple examples, where people had offered to plant 100 trees for every tree that they removed where a centre pivot was going, they were often knocked back; and those trees that have remained are probably dead now and we never had the advantages of having those extra trees being planted.

I saw a classic example once when we were realigning a road and we had one tree to remove. The direction to us was that we had to plant another 100 trees within a certain distance of where this tree was going. The scrub in that area is probably 1,000 acres or more and you couldn't even walk through the scrub to plant the 100 trees. We did manage to get in there, but nothing was achieved at all.

Another example is the cemetery at Port MacDonnell. That land is designated as a cemetery and is where the cemetery is for the township of Port MacDonnell and it had to be expanded slightly, probably by half an acre. It is amongst thousands of acres of native vegetation yet it took us years to get a bit of commonsense to prevail so that we could expand that cemetery.

I certainly support the changes of membership on the council. I believe that somebody who has expertise in planning and development would be much better to serve on that council than somebody from the federal government.

I think the greatest thing with this amendment is the fact that you will be able to have offset credits. It is something that I have called for for a long time, where land managers can come up with long-term management plans for their native vegetation and then work out how much their offset would be and start the offset before they even start to remove the vegetation.

To give an example, I know there is a road not far from where my property is that is to be realigned, and it will probably take about 10 years to do that, The council will now be able to set aside land to put the vegetation on now and, instead of having to go every year for the next 10 years to get a permit, they will be able to come up with a long-term plan and have those offsets and there will be a win-win for everybody concerned.

The one thing I would say is that I do believe that we should have much better timelines for when people put in applications for the removal of native vegetation and even for these management plans and credits, and I think it is imperative that we make sure that the department is resourced well enough so that when people do put in applications they can be timely. With that contribution, I will be supporting the bill.

*[Sitting extended beyond 17:00 on motion of Hon. P. Caica]*

**Mr VAN HOLST PELLEKAAN (Stuart) (16:45):** Our spokesperson on this bill, the member for MacKillop, has essentially covered our perspective quite well so, no need for me to go over that, but I will make a few quick comments on behalf of the electorate of Stuart and just comment on a few—not all—of the proposed changes in this bill. With respect to the addition to the council of a person with expertise in planning or development, I have certainly got a view that too much planning can sometimes slow things down and get in the way but, given that native vegetation is such a very important issue with regard to planning and development in rural areas, I think that having someone on the council with planning and development experience will certainly help the operation of the Native Vegetation Council. I certainly support that.

In relation to the increase in expiation for illegal clearance from \$500 to \$700, I am certainly not one who generally supports increases in fees. I do not know that the change from \$500 to \$700 will have a big impact on whether someone is going to deliberately or accidentally contravene the legislation. In the other place we will seek a bit of information as to how long that \$500 has

been there. It might be that it is perfectly justified or it might be that it is inappropriate, but I just raise some concerns. I am not sure that it will change anyone's behaviour, but it may cost people who inadvertently do this sort of thing a bit more money.

There are some changes which I will just talk about together, and I will mention them and then explain why I lumped them together: transferability of funding between regions from the Native Vegetation Fund; greater flexibility in the treatment of significant environmental benefits offsets; and the provision of future offset credits for current conservation work. I think that they are terrific suggestions. I think that they are very good suggestions, and certainly in the other place we are expecting to add one to that, which will be to include third party offsets.

I think that bundling those together is important, because what that does is that it just gives more flexibility. It does not water down the intent of the Native Vegetation Act. It does not take away the fact that people want to have the right to do their developments for their own personal reasons—their business reasons, community reasons, or whatever it might be—to have some flexibility. I think that by making those changes it actually gives greater flexibility, whether it be that you want to clear some vegetation in one area and replace it in another area (surely that is going to be just as good for the planet), or whether you would like to do some conservation work now and claim the benefit in an offset sense sometime down the track.

Again, I am sure that is going to be just as useful for the planet. I think that sort of flexibility is going to be very positive. The last thing I will talk about very quickly are the Gunn amendments, which the member for MacKillop referred to. The previous member for Stuart, the Hon. Graham Gunn, certainly achieved a great deal in this place, but it is nice to know that we will be trying to achieve a few of the things that he was not quite able to get over the line in his 40 years here.

I do think that they are very good suggestions, very practical and workable suggestions, and important things to put forward from a rural perspective, particularly. I am not so much talking about the Adelaide Hills context but in farming land, grazing land and pastoral lands the ability to burn, because in actual fact historically for tens of thousands of years burning has actually been used as a way of regenerating and reviving native vegetation.

I think that removing that as a definition of clearance that requires permission is very important. Also, the ability to put in watering points without native vegetation clearance permission is very important, too. I stress that people do not just put watering points in willy-nilly. Doing that is usually a fairly expensive, fairly time-consuming endeavour to undertake on an agricultural pastoral property. People do not do it for no reason: they do it for very good reason. I think that it is such a good reason that the native vegetation clearance required to do that should certainly be put aside. With those few comments on behalf of Stuart, thank you very much.

**Mr TRELOAR (Flinders) (16:50):** I would like to talk briefly to this bill because it is something that is quite close to my heart. My reading of this bill is that it is an attempt by this government to try to tidy up the bill as it was, and, certainly, the intention is a good one. In a broad sense, we support the bill, with the idea of making some amendments in the other place.

I have long understood the importance of native vegetation, particularly in the context of broadscale and broadacre agriculture. In fact, one of the things that I am quite proud of my life is my involvement with Landcare, the Landcare movement, the local NRM board, stream care activities, and revegetation activities that I have undertaken in my own time on my own property.

Essentially all landowners—land managers—are environmentalists. Farm managers generally understand that their business relies on a productive landscape, and native vegetation is part of a productive landscape. Interestingly—and often not many people know this particular figure—in my part of the state on Eyre Peninsula 30 per cent of the area is still under native vegetation. That is a significant proportion. It is almost a third of the area in a developed agricultural region that is under native vegetation.

It is sometimes difficult for land managers in that part of the world to really put some of these laws and regulations into context, particularly those that deal with single trees, which often are the bane of modern farming techniques. Everybody understands the value of vegetation and trees in blocks, along watercourses and creek lines and on unproductive country. I think there is a case that can be made, even environmentally and for biodiversity, about not being quite so precious about single trees.

The member for Mount Gambier spoke about common sense, and I think we are starting to see more of that in the management of native vegetation. After probably lurching too far one way,

we are starting to come back, with some more common sense being displayed by the government and the department around this.

Some of the members here have spoken about fire and the value and importance of fire and probably the ubiquity of fire in the Australian landscape. Some 6½ years ago we had a significant fire event on Lower Eyre Peninsula. I think 80,000 hectares of crop land and native vegetation was entirely burnt to a crisp in that particular event. What we have seen in the time since then is an extraordinary rejuvenation of the remnant vegetation. It is really quite impressive to see what has come back.

It was a tragic event in itself. It upset many families and many businesses very deeply, but to look at that countryside now is quite remarkable, particularly, as I said, to see the rejuvenation through the blocks of native remnant vegetation and along roadside verges. A lot of the roads on Eyre Peninsula are three chain roads. There is significant native vegetation along the roadsides.

We have spoken already about significant environmental benefits and offset credits and such. I think it is generally working in the right direction. I would hate to see the Native Vegetation Act preclude, prevent or delay in any way development that might take place otherwise. I think offsets need to be available all the time and, more often than not, farmers and developers are more than happy to go along with those offsets, particularly if they are able to make reasonable compensation.

I spoke earlier today in this chamber about the development of mining exploration and mining on the Eyre Peninsula; no doubt this particular bill will come into play. I can understand why the South Australian Chamber of Mines and Energy (SACOME) would like to be involved in this. They are going to be involved whether they like it or not, and for them to have a seat at the table on the NRM council, I think, is a good thing.

With those few words, I would like to conclude my remarks. I generally support the intent of the bill and look forward to the rest of the debate.

**Ms CHAPMAN (Bragg) (16:55):** I rise to speak on the Native Vegetation (Miscellaneous) Amendment Bill 2011. The member for MacKillop, our lead speaker, has outlined the opposition's position on this bill. We will be supporting the general thrust of the bill but seeking to introduce amendments in another place.

Other members have made a contribution in respect of the history and significance and sometimes perhaps misguided direction in which native vegetation legislation has been either introduced or implemented since it was initiated. I do not propose to go over those matters, but I will say this: it is important that when consideration is given to the review of an act and its updating, and obviously there are important matters to contemporise legislation, including increasing penalties and the like to be commensurate with general CPI increases and the like, they are all quite normal, but it is important also to understand where an act has gone wrong.

Currently, the Native Vegetation Act makes provision for certain obligations, and restrictions, to submit and seek approval for clearance of native vegetation. For the purposes of exercising those obligations one must consider what the clearance of that native vegetation is. Under the present legislation:

*clearance*, in relation to native vegetation, means—

- (a) the killing or destruction of native vegetation;
- (b) the removal of native vegetation;
- (c) the severing of branches, limbs, stems or trunks of native vegetation;
- (d) the burning of native vegetation;
- (e) any other substantial damage to native vegetation, and includes the draining or flooding of land, or any other act or activity, that causes the killing or destruction of native vegetation, the severing of branches, limbs, stems or trunks of native vegetation or any other substantial damage to native vegetation;

The reason I highlight that definition currently within the legislation is that the Hon. Graham Gunn, former member for Stuart and longstanding member of this house, had previously, back in 2008, introduced amendments to this legislation when a bill of a similar composition was being considered.

What he sought to do was to persuade the members of the assembly to change the definition to facilitate and accommodate two important things. One was an understanding that the burning of native vegetation and, indeed, non-native vegetation had a very significant pastoral and agricultural benefit.

I do not need to look any further than the Department of Environment's own website, or its own literature as presented, of the acknowledgement of our Indigenous Australian's use of burning of native vegetation for the purpose of improving the flora and/or production for food purposes.

Secondly, in that published material, the acknowledgement by the department which has formed the basis of a number of bushfire management plans in this state of the significance of the use of fire as an effective tool, with regular burning managing carnage to native flora and fauna in circumstances where there is a wildfire.

Careful, planned burning is a very productive and important element in the toolbox of all of the elements to protect our environment. He outlined a case to the assembly that it was important, in recognising this, that we change the definition in the act to accommodate the fact that this was not only common practice—there were certain processes that needed to be undertaken to implement cold burning or managed burning but, nevertheless, this should not be utilised in a way to conflict or override the important agricultural and environmental benefits in using this as a tool.

On the one hand, a process is set up with a certain level of legislative restriction to protect the native vegetation, but that has to be balanced with the important, effective, useful and necessary undertaking of burning of native vegetation for its own preservation. Regrettably, I note that this assembly, with the government's numbers, rejected that amendment. This parliament, at least in another place, will have an opportunity to revisit that, and I hope that they will more wisely consider it in the other place and that it has support, to present back to this part of the parliament where the government sits a recognition of the significance of that amendment and the reason it was introduced. As the lead speaker has indicated, we will be supporting that development.

The other aspect of this definition goes to the purpose of facilitating another important aspect in the rural community, and that is the opportunity to secure, capture, dam (as we often say) or tank (they use in different states) water for the purposes of making it available for stock and other development. What he did in his second amendment was to present to the parliament an opportunity to recognise that again we were setting up a situation of conflict: firstly, the need to secure water and to be able to capture it sufficiently to enable there to be a management of water, often for the benefit of being able to be available to keep creeks healthy and the like, apart from any commercial purposes, but also for environmental purposes; that there was a conflict in setting too much restriction on the removal of native vegetation within the clearance definition under the Native Vegetation Act, with the necessity to undertake that practice, which was actually for the benefit equally of the environment.

What he said was, if there is going to be native vegetation put at risk by the process of introducing a dam, which is usually done by bulldozers being introduced and a dam bank being established in some area of high rainfall or watercourse catchment, and slowly the water will build up against the bank and flood an area, which will ultimately cause the death of trees and vegetation within its pool. What he said was that we have a definition under the current legislation—which essentially identifies that the draining or flooding of land, which is one of the direct effects of creating interruption to a watercourse or a legitimate area under a dam process—that will obviously have that effect.

It is important to understand that we do not put legislation up in conflict, but that we recognise the significance of having regular watercourses that can be accessed not only for commercial purposes but also, for example, to enable the piping or introduction of water into an area that is desperate for water, like a wetland area that in a drought is suffering some problem. In that case, you need to be able to get water into that arena.

I thought that the former member for Stuart's amendments went a long way to making sure that we set up a much more practical approach in recognition of these two important practices. One is the burning of native vegetation for good and proper purposes and, secondly, the capture of water for the actual benefit of the environment.

So, on both of those aspects, I would like this house, when it gets hopefully an amended bill back from another place, to give that some careful consideration. I am not sure if the minister was the minister at that time, but if he was not, then it gives him a fresh opportunity as the new

minister to look carefully at those matters which, we would hope, he will revisit more positively than did his predecessor.

There are only a couple of other things I wish to comment on. One is the increase in the expiation—this is the fines—for illegal clearance from \$500 to \$750. That does seem a lot. If, in fact, it is an amount commensurate with the timeframe since there has been an increase, then I will take that into account. I am about to debate a bill in a moment where it has been 20 years since there has been an increase or some review of a particular section and that can happen where, in fact, there needs to be some taking into account. On the face of it that does seem to be a lot, and I think the government does need to answer some questions about that.

I think there are some excellent aspects in relation to future offset credits for current conservation works which are being provided for, apparently, in this bill. I have not read those aspects. What I have looked at are the court proceeding changes. There are some changes to the timeframe from when proceedings may be commenced. I have no objection to that.

The provision for satellite imagery to be a legitimate mode of evidence is entirely appropriate for contemporary legislation, taking into account current technology and the importance of it. Obviously, it is near impossible to call a witness to identify the transfer of information from a site that is being photographed, the transmission to the satellite and back to earth, etc. It is not as easy as simply putting someone in the witness and saying, 'Did you take this photograph?' So, we do need to be able to get up to speed with modern technology and allow that to be a form of evidence that can be accepted, with the usual safeguards.

There is however a proposal to change the jurisdiction for criminal hearings from the Magistrates Court to the Environment, Resources and Development Court. Can I say, in the nine years that I have been here, there have been a number of applications via legislation—bills, that is—where the government has asked us to support either the transfer of a jurisdiction to the Environment, Resources and Development Court and/or an increase in the jurisdictional limit of the value of cases or the power to provide penalties.

On some of those, I have been happy to agree—not many, but some I have. It is reasonable that we pick jurisdictions that have the expertise attached to them and court services that fit a particular area for resolution dispute. In the civil area, there is a case—and I think the government previously made it out—for expanding that jurisdiction and for more cases to come before the Environment, Resources and Development Court that had previously been in the District Court.

It is a specialty court after all and, if it is going to be properly used, then it is important that it has a workload transferred to it. I would be concerned in this instance, given that we know that the District Court is currently under some pressure with trial times, for criminal matters in that court to be transferred to the ERD Court because of those pressures. I would be very concerned if that, in fact, was a real consideration for the transfer of these cases, because I do not consider that it is appropriate that the Environment, Resources and Development Court should be dealing with criminal matters under this legislation. It has its area of expertise, and I think it is important that it has the management of matters in respect of native vegetation—in fact, a lot of environmental cases but we are dealing with native vegetation—and it is a proper arena for civil disputes to be resolved.

I opposed at the time, and I remain opposed, to the very significant increase in jurisdictional value and the capacity of penalties to be administered by the ERD Court for exactly the same reason I oppose this part of this legislation today. That is, it is not a criminal court; it was not set up as a criminal court. I do not think it has the experience and expertise of those in the District Court, with very strict rules of evidence that apply to the jurisdiction and the application of criminal law in those jurisdictions.

I am talking particularly of the District Court, because rarely do we have cases in the Supreme Court unless they are major cases, as I think I said this morning, of murder, treason and the like. I think that it is folly for the government to proceed with a transfer of this jurisdiction—criminal prosecutions—in the ERD Court.

I think it is also important to remember that there needs to be some separation of responsibility. Sometimes courts run out of business. I use the example of the Industrial Court; the government's decision—in the end, followed in the parliament—to effectively transfer state industrial law to the federal area (with the exception of public servants) has meant the Industrial Court has not much to do. Since that time, things such as asbestos-based cases and

compensation cases, as I understand it, have all been transferred to the Industrial Court for determination.

So we are giving good judges, who would otherwise be sitting around with nothing to do, some things to do. There are also some other jurisdictions that have been transferred to them. You have a good structure set up and you may as well utilise the services that are there, but I have not heard any suggestion that the ERD Court is sitting around with nothing to do. However, I do know and I am aware of the concerns at the District Court level in the criminal arena of the delay in court trials. If there is any objective here in simply transferring part of the criminal jurisdiction from the District Court to the ERD Court to try to relieve them of that, then I do not support that as a satisfactory reason to do it, and I do not think that the ERD Court is as well equipped to deal with the prosecution of these cases.

I will say finally in this part of the legislation I as I have always disclosed in these matters, I have previously dealt with the department of environment over native vegetation matters personally since I have been in the parliament. Once the department threatened to prosecute me for native vegetation clearance by fire. I have said it before in this house, but I am yet to receive an apology from the department over that matter, and it does concern me.

There are 1.6 million people in South Australia, and a lot of people do not have the same capacity to articulate and defend themselves as I or others in this parliament might. I can tell you that, when I received the notice of the intent, I took it very seriously, and I took up this issue not just for me and potentially other members of my family at the time but for other people in South Australia. I was not going to be intimidated by that and I will not be in the future, but I will certainly always act to make sure that others are not.

The department eventually gave up on this after considerable expense—probably from both parties involved—and of course did not present me with any offer of paying of costs, which I am a bit stinking about.

**Mr Pederick:** You wouldn't be surprised.

**Ms CHAPMAN:** It does not surprise me. I am disappointed, but I am here to tell you, Madam Deputy Speaker, that anyone else who is presented with that kind of threat in the future will have my entire support. On the other hand, I want to make it absolutely clear that I support the initiatives of the government (even on legislative reform) which incorporate a sensible, appropriate and understandable regime of regulation that protects our natural environment. Consistent with that has been the opportunity to support the native flora on the property which has been the subject of this claim and which I will continue to do. I think we are the only part of Kangaroo Island left that has actually got black cockatoos in any decent number, and that is probably because we burn out the gully in question.

**Mr PEDERICK (Hammond) (17:15):** I rise to speak to the Native Vegetation (Miscellaneous) Amendment Bill 2011. I note that provisions in this bill will clarify that the act applies to the Mitcham Hills; that the addition to the council of a person with expertise in planning or development will proceed; that there will be transferability of funding between regions with the criteria of increased biodiversity value from the native vegetation fund; and, as has been mentioned by other members from this side, there will be an increase in expiation for illegal clearance from \$500 to \$750.

We are told that if this bill gets through and becomes an act there will be greater flexibility in the treatment of significant environmental benefits (SEB offsets) and the provision of future offset credits for current conservation works. There will be a lesser regime for minor enforcement notices—a new section 31EA of the Native Vegetation Act. There will be changes to court proceedings which will include amendments to the time frame for when proceedings may be commenced, and a change in jurisdiction for criminal hearings from the Magistrates Court to the ERD Court. It also expressly stipulates that satellite imagery is a legitimate mode of evidence.

I noted with interest the closing comments of the member for Bragg. I want to bring to the parliament's attention a constituent from Mantung, Mr Kevin Parker, who had a long ongoing relationship with the Native Vegetation Council (not a fruitful relationship). I will read the letter that I wrote to the Minister for Environment back on 16 February 2011:

Dear Minister,

I have been asked by Mr Kevin Parker of Mantung to bring to your attention two matters that concern him in reference to his application for a permit to clear native vegetation on his land.

Mr Parker states he was required to sign a Heritage Agreement over the entire 1,700 acres of his property in order to get a permit to clear 600 acres of it. Mr Parker states he is still awaiting receipt of that permit—a matter that has been outstanding for a considerable time—and he is understandably anxious to get on with the task. The initial agreement was struck in 1988.

So the Parkers have certainly had a long relationship with the environment department:

Mr Parker also points out that in the original agreement, the department agreed to erect fencing around the designated heritage area. According to Mr Parker, although some was done some years ago—

Some 12 kilometres still needs to be erected. It continues:

Mr Parker further advises that his attempts through his solicitor to discuss these matters with the minister or department have not been successful. I would be grateful if you can discuss these matters with the department with a view to having them resolved promptly.

We got a fairly prompt response from the minister in March 2011. The minister writes:

Dear Adrian,

Thank you for your letter dated 16 February 2011, on behalf of Mr Kevin Parker, concerning his application to clear native vegetation on his land.

I have been advised by the Department of Environment and Natural Resources (DENR) that Mr Parker is currently the subject of an investigation into alleged unlawful clearance of native vegetation on his property. I am informed that DENR is dealing with the matter as a priority and is working in conjunction with the Crown Solicitor's Office.

As this is an open investigation, I am unable to comment at this stage. However I am informed that the Crown Solicitor's Office has recently been in contact with Mr Parker's lawyer and that the Crown Solicitor's Office will continue to communicate with Mr Parker's lawyer.

It goes on:

For further information on this matter, contact Ms Rosemary Steen, Senior Solicitor, Crown Solicitor's Office.

We recently had a response from the Crown Solicitor's Office which goes back to July 2011, and it talks about enforcement notices under 31E of the Native Vegetation Act in regard to the Parkers. I will read the letter to quote it in:

I note your recent telephone messages.

As previously discussed, I act on behalf of the Native Vegetation Council on this matter.

I am in discussion and correspondence with Mr David Wilson, legal representative of the Parkers. You can approach either Mr Wilson (if Mr Parker consents) or my client to obtain an update on the matter but it is not appropriate for me to discuss the matter with you.

I am confident that you understand the importance of these constraints.

So that is a series of correspondence, and I know that my office and myself have had many discussions with Kevin Parker, and he is in dire straits. He has a work order; he has a Native Vegetation Order over his property. It has restricted his ability to borrow money on his land because, essentially, we have either an inept department, an inept Native Vegetation Council or an inept minister. I would like to know what the heck is going and why this has taken so long. I refer to section 31E of the Native Vegetation Act which provides:

31E—Enforcement notices

(1) If an authorised officer who has been expressly authorised by the Minister to issue directions under this section has reasonable grounds on which to believe that a person has breached this Act, or is likely to breach this Act, the authorised officer may do such of the following as the officer considers necessary or appropriate in the circumstances:

- (a) direct the person to refrain, either for a specified period or until further notice, from the act, or course of action, that constitutes, or would constitute, the breach;
- (b) if, in the opinion of the authorised officer, a breach has occurred and the breach is a minor breach—direct the person to make good the breach in a manner, and within a period, specified by the authorised officer;
- (c) take such urgent action as is required or is, in the opinion of the authorised officer, desirable because of any situation arising from the breach or likely breach (as the case may be).

So, under 31E 'Enforcement notices' it is all up to urgent action placed onto the landholder. What is urgent action for the department of environment? Is it decades? Because this case has been going

on for years and years and years and the Parker family needs some direction. Either take them to the cleaners through the court procedure or tell them they are scot-free; it is as simple as that. The Crown Solicitor's Department needs to get on with the job.

This is holding up public money, and it is costing the Parkers significant amounts of money. They are basically going broke steadily, and it is just appalling. If there is something to pin on these people for alleged unlawful clearance, just get on with it and put them out of their misery. But, if not, tell them they can get on with the job, take the work order away, and let them get on with life.

I urge the minister to at least look into the matter. I note the correspondence from the minister indicates it is currently under investigation; well, that is fine. Someone needs to be stirred up to get on with the job. It is alright to put these grand laws in place and it is alright for the Native Vegetation Council to say they are looking after assets in the country, but if they think that they have a conviction, well get on with the job, and if they have not, get away from it, and let this man and his family get on with their life.

**Mr VENNING (Schubert) (17:25):** I rise just briefly, because the hour is late, to make a few comments because, in the many years that I have been in this place, the subject of native vegetation has always raised a lot of interest, especially on this side of the house. Way back in the 1980s the Native Vegetation Act was controversial and its goals were certainly widely criticised across the spectrum, particularly in the rural areas, and we saw conflicts regularly in the rural media.

Well, things have certainly changed and today, mainly because of a new attitude, or maybe it is a new generation of farmers, many of the conflicts—not all of them—do not happen. I think farmers now realise the value of native vegetation—all of us, including myself. In the old days I was a wrecker and I used to pull out a lot of trees, but I reckon now I have planted probably 25 to 30 trees for every one I may have pulled out over my long generation on the land. I am happy to show the minister, because we are very proud of it, along our rivers. We do not graze along our rivers any more at all, and we have all this native vegetation growing there.

It is amazing what will come when you take out the cattle. It is just amazing. We go down there because it is a beautiful place for me to get my mojo back—to get on the bike and go for a ride down there. But, talk about therapy: it is wonderful therapy to go down there and dive in amongst these beautiful trees. Of course, not only do we have the trees but we also have the birds and everything to go with it. It is a wonderful thing. I look back to my past and, yes, maybe people like me needed to be reminded and educated as to what was required.

But, as the member for Hammond has just said, we still do have these disputes, which are regrettable. We all have them. I have had a couple that I have had to deal with, particularly in the Adelaide Hills or the northern Barossa Ranges. A farmer has a nice little piece of river and he was told he had to fence it, which he could not do because of the rocks. They then bulldozed the natural spring that was in the river.

There are these disputes where officers come onto the property. All these people are older people and I just do not understand why they should be interfered with. I went and inspected his property and it was in very good condition. He did value the land. The stock were not causing degradation on the side of the river. I do not know what happened but he got very cross, and I could not help him and he got cross with me, too. But I have not given up on that.

Today we all value native vegetation and, as the member for Hammond said, we have areas of conflict where we have these over-zealous authorised officers. Over the years much has been said about the power of authorised officers in this place, and I suppose it will still be so. Nobody minds an authorised officer if they are reasonable and constructive and they make the phone call first and there are no surprises and people realise what is going to happen—particularly now when you are talking about this bill with the eye in the sky where they can see from above what is happening. I do recognise that is an area in which we can still do some work.

Even though the Hon. Graham Gunn is not here any more, I can hear right now what he would say about this particular bill. He was a great support to me and I supported him on these matters. The two amendments he always attempted to pass the last time we discussed this issue were about particularly the definition of burning. I can be accused because in the old days I had a chain saw in one hand and a packet of matches in the other, and I believed that was good land management and that, to keep things in order and control fires, the only way you could do that was to light a fire and keep it under control—particularly on roadsides.



We have a lot of problems with fires and when you drive along the road that is the only decent firebreak you are going to get. You have the width of the road and then right alongside the road you have this massive amount of vegetation growing there.

A truck goes past, hits a stone and the fire starts in that vegetation, so you must have the ability to clear or at least remove some of that risk. The Hon. Graham Gunn certainly said that the definition of burning as a form of clearing is the way to go. I do not think that we are going to encourage the raping and pillaging of all our roadsides, no. I regularly slash all our roadsides. That is my job on our farm. I do the slashing and make it like a lawn. Yes, I go around the wattle trees and a few things like that, but a lot of them have gone out and slashed it over the years because I found that it was too hard to control the rest of the weeds if I did not remove that.

In the meantime I would have planted 200 or 300 wattle trees on the property where they were not going to be in the road. I certainly hope that we are able later in this legislation to include this amendment because I think that it is correct. The Hon. Graham Gunn had a huge amount of experience in this matter. The other matter which is commonsense is to allow farms and particularly graziers the ability to put in more water points. It is a nonsense to think that they would not allow you to put in more points because the land would carry more stock which would therefore denigrate the land. Nothing could be further from the truth.

What actually happens, and I have seen it often, is that it causes very intense grazing around your water points. You end up with dust bowls around your water points; and out about four or five kilometres there is nothing because the stock will not go that far to come back to water. They overgraze the water point and out the back there is nothing. You are better to have water points and graze the whole area evenly so that there is not this degradation. It is better protection because when the sheep get hungry they eat everything. They prune the trees and everything else. Also, a lot of this country has got wild goats; well, there is nothing worse than a wild goat for denigration of native vegetation. You really keep them out there, too. You spread them out so that they are not intensely hanging around the water points. So, I certainly agree with that.

Over the years this has been quite a contentious issue. I do note the increase in expiation fines for illegal clearance. I have no problem with that. I know that there have been a few people, not so much in my electorate but certainly in the member for MacKillop's (he has few cowboys down there), who have done a few things that really should not have been done. I think that \$750 is still not exorbitant.

We are supporting the bill. I think that it is certainly a sign of the times, and I commend the minister and certainly the shadow minister for presenting the case here today, as well as my colleagues' contributions. Certainly this area, I think, is quite a memorial to the Hon. Graham Gunn. His memory lives on. We are doing it for him. I support the bill.

**The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (17:32):** I will be very brief. I thank the members for their—

*Mr Williams interjecting:*

**The Hon. P. CAICA:** —that's right—contributions and, in fact, in the main their thoughtful contributions to the debate on this particular bill. What I will say is that, with respect to the amendments that are being flagged for introduction in the upper house, of course I will have a look at those and consider those. One thing just as a point is that, in visiting Kangaroo Island and looking at the work that has been done over there jointly between the council, the CFS, the NRM board and DENR with some roadside burning and burning at different temperatures, the benefits that accrued with respect to that vegetation was quite astounding.

Seed banks that had not had any action or seen any action for up to 70 years was a sight to behold. With respect to pastoral properties, again, I will have a look at the amendments that are made up there. We all know that pastoral land in South Australia is managed better than any other place in Australia. That quite simply is a fact. We do have inspections that are done, and I am sure that if not within this act then certain matters should be able to be done to address what could be done to improve the environmental way by which the pastoralists continue to operate in the context of ensuring that we continue to be the standout in regard to how we manage our pastoral lands and rangelands here in Australia.

What I can flag for the benefit of the opposition is that I am contemplating—and some work has been done—on what essentially would be third party offsets. It is not ready to be introduced now. There is still some more work to be done, and I have explained that to the deputy leader. In

particular, we will ask how we will operate within a regulatory framework for that to occur in the most efficient, transparent and fair way. There is still some work being done in that regard. I will continue to talk with the deputy leader and shadow spokesperson in another place about that particular matter.

I must admit that I was a little bit concerned when I heard about the Gunn amendments, but I will still have a good look at those, as you would expect me to do, and get a bit more information about what the member for Bragg spoke about in relation to dams and water and what the former member for Stuart had previously put up in regards to that. I am not familiar with that aspect of what he had proposed previously.

In closing, I again thank members of the opposition for the contributions that were made. I thank them for their indication of support for this bill in its current format and thank them for the advice that they will be seeking some amendments in the upper house which I will, of course, closely look at.

Bill read a second time.

Bill taken through committee without amendment.

**The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (17:36):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

#### **CASINO (ENCLOSED AREA) AMENDMENT BILL**

Received from the Legislative Council and read a first time.

#### **EVIDENCE (DISCREDITABLE CONDUCT) AMENDMENT BILL**

The Legislative Council agreed to the bill without any amendment.

#### **DEVELOPMENT (BUILDING RULES CONSENT—DISABILITY ACCESS) AMENDMENT BILL**

The Legislative Council agreed to the bill without any amendment.

#### **STATUTES AMENDMENT (DIRECTORS' LIABILITY) BILL**

The Legislative Council agreed to the bill without any amendment.

At 17:40 the council adjourned until Tuesday 27 September 2011 at 11:00.