HOUSE OF ASSEMBLY

Thursday 29 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. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (10:32): I move:

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

Motion carried.

PARLIAMENTARY COMMITTEES (NATURAL DISASTERS COMMITTEE) AMENDMENT BILL

The Hon. I.F. EVANS (Davenport) (10:32): Obtained leave and introduced a bill for an act to amend the Parliamentary Committees Act 1991; and to make related amendments to the Parliamentary Remuneration Act 1990. Read a first time.

The Hon. I.F. EVANS (Davenport) (10:32): I move:

That this bill be now read a second time.

This is a reincarnation of a bill in a slightly different form. The house might recall that I previously moved to establish a parliamentary committee into bushfires. The Natural Resources Committee of the parliament, to its great credit, looked at the bushfire terms of reference, both before the election under the chairmanship of John Rau, the member for Enfield, and, after the election, under the excellent chairmanship of the member for Ashford, Steph Key. They have reported to the house, and I will not comment on that particular report other than to say that I gave evidence to that committee, at their invitation, for which I thank them.

This bill seeks to establish a parliamentary committee for not only bushfires but also natural disasters such as earthquakes, floods, etc. It is a similar concept to what I moved prior to the election. The reason I moved it in this form is that this is the form recommended by the parliamentary committee. They suggested that they supported the concept but thought it should be broader than bushfires, and the establishment of a parliamentary committee into natural disasters was actually unanimously and strongly supported by the bipartisan parliamentary committee.

It is a joint house committee. It is a committee that would be paid as per the normal parliamentary committees. I really do not need to speak a lot more than that, other than to say that I just remind the house that other parliaments have standing committees into things like road safety. My view is that the element of bushfire, in particular in South Australia, is worthy of a parliamentary committee to look at all the issues associated with it.

When you consider that some parts of Adelaide are on a fault line, and if you look at the potential of floods to areas like Unley and the western suburbs (in certain circumstances, they get flooding), there are other issues for the committee to look at; so, I am not opposed to the concept of looking at natural disasters per se. My focus personally is on bushfires because of where I live and the electorate I represent. I do thank the committee for its bipartisan and unanimous support for the concept, and I hope that the government will come on board and support the bill in due course.

Debate adjourned on motion of Mrs Geraghty.

CRIMINAL LAW CONSOLIDATION (MEDICAL DEFENCES—END OF LIFE ARRANGEMENTS) AMENDMENT BILL

In committee.

(Continued from 28 July 2011.)

Clause 2 passed.

Clause 3.

Mr GARDNER: I move:

Page 2, after line 23 [clause 3, inserted section 13B(1)]—After paragraph (b) insert:

(ba) the defendant referred the person to an independent medical practitioner (being a medical practitioner registered under a law of this state as a specialist in respect of the kind of illness, injury or other medical condition from which the person was suffering) who confirmed in writing the defendant's diagnosis that the person was suffering from a qualifying illness; and

(bb) the defendant referred the person to an independent medical practitioner (being a medical practitioner registered under a law of this state as a specialist in respect of mental health) who advised the defendant in writing that, in his or her opinion—

(a) the person was not suffering from depression; or

(b) if the person was suffering from depression, that fact alone did not cause the person to request the conduct to which the charge relates; and

Very briefly, during my second reading contribution on this bill I made it very clear that I could not support this bill without some significant changes, and, on that basis, I asked parliamentary counsel to prepare some amendments dealing with the issues that I identified. I might just go through them briefly once now, if that is all right, and then I can just refer members to this contribution and my second reading speech in future amendments.

The three significant aspects that I thought were most unfortunately lacking from the original presentation of this bill were, first, a clear determination that a request had been made by the patient. The amendments seek to require that that be in writing in the presence of an adult witness who is not the defendant or an employee of the defendant.

The second significant amendment that I propose, as I outlined in my second reading contribution—which I felt was a significant absence in the original bill—relates to the fact that I feel that it is important that a second opinion be provided. The amendment requires that the defendant (that is, the doctor) referred the person to an independent medical practitioner being a medical practitioner registered under a law of this state as a specialist in respect of the kind of illness, injury or other medical condition from which the person was suffering who confirmed in writing the defendant's diagnosis that the person was suffering from a qualifying illness.

For anybody who was seeking to go down this path, it would be an absolute travesty if they were wrongly diagnosed in the first place, and that is the reason for this safeguard being sought. The third major lack in the original bill, which I described as a litmus test issue, was a requirement for a psychological assessment. Therefore, the amendment I have proposed provides:

(bb) the defendant referred the person to an independent medical practitioner (being a medical practitioner registered under a law of this State as a specialist in respect of mental health) who advised the defendant in writing that, in his or her opinion—

(a) the person was not suffering from depression; or

(b) if the person was suffering from depression, that fact alone did not cause the person to request the conduct to which the charge relates;

For members, or anyone else who may be interested, I refer them to my second reading speech for more background—that is the basis on which I move the amendments today.

The Hon. S.W. KEY: I thank the member for Morialta. He has been quite consistent in his view about the need for these particular safeguards. I say 'consistent' because, in the negotiations I have had since the start of the year on this bill, there seems to have been different views about whether or not there was a need for a second opinion. I must say that people in the medical profession initially were opposed to the concept I had raised in discussion about whether or not there needs to be a second opinion and whether there needs to be more than presumably the case notes that I understand a doctor, and certainly the health staff who are supporting the patient, would normally keep.

On that basis, when I had the bill drafted, I did not include those safeguards because the view just before the bill was drafted was that, in fact, they were not necessary. However, on reflection, and certainly from the feedback I have had from the community, it seems to me that the member for Morialta's amendments are warranted, and I certainly support them.

Members may notice that, on the basis of the feedback I have had most recently, including from the AMA, I might add, I have also tabled some proposed amendments that are very similar to the member for Morialta's amendments. However, I defer to him, and I would be more than happy to support the amendments the member for Morialta has put forward. I think they are well thought out, and I think they will work in the situation we are dealing with. On that basis, I will be withdrawing the amendments I have put forward, which are listed as 88(2) under my name.

The Hon. R.B. SUCH: I welcome these amendments. Without taking anything away from the member for Ashford, who I know is committed to people's wellbeing and quality of life, some people have called the original bill as presented to parliament a voluntary euthanasia bill. I do not believe it ever was or would have been in that format. It focuses on the medical defence aspect. I am not against that; I am just saying that I think it is wrong to call that original bill a voluntary euthanasia bill.

I think people need to remember that, when we are talking about voluntary euthanasia, we are talking about voluntary euthanasia, not euthanasia without the voluntary component. It is important that people's wishes and desires are respected and that we do not simply have a mechanical process which allows a medical officer to end someone's life simply on the basis of their own judgement.

The reality is, of course, that every day in South Australia medical people are making decisions about ending someone's life, either through increasing pain relief, or maybe even involving things like chemotherapy, to a point where it will ultimately bring about the end of that person's life. I think people who suggest that it is not happening are kidding themselves, but you are not going to get doctors coming out and saying, 'I helped end someone's life today,' because they do not want be put in court and run the risk of prosecution. It is a reality—even recently someone said to me that their relative was dying and that they hoped that the process could be speeded up so they put pressure on the medical officers to end the life sooner rather than later.

I commend the member for Morialta for his amendments. I think they are reasonable and sensible, and I notice that the member for Ashford is willing to accept them. I think they put some useful safeguards into this bill and ensure that it moves from simply being a bill defending the actions of a medical officer to ensuring that it is focused on the wishes of the person whose life is coming to an end. I welcome these amendments.

Amendment carried.

Mr GARDNER: I move:

Page 2, line 26 [clause 3, inserted section 13B(1)(c)]—After 'person' insert:

, such request having been made in writing and in the presence of an adult witness (not being the defendant or an employee of the defendant)

As I said before, all the amendments were outlined in my earlier contribution. Amendment No. 2 is the one specifically requiring that requests be made in writing and in the presence of an adult witness who is not the defendant or an employee of the defendant.

Amendment carried.

Mr GARDNER: I move:

Page 3, after line 14 [clause 3, inserted section 13B(2)]—After paragraph (b) insert:

(ba) the defendant referred the person to an independent medical practitioner (being a medical practitioner registered under a law of this state as a specialist in respect of the kind of illness, injury or other medical condition from which the person was suffering) who confirmed in writing the defendant's diagnosis that the person was suffering from a qualifying illness; and

(bb) the defendant referred the person to an independent medical practitioner (being a medical practitioner registered under a law of this State as a specialist in respect of mental health) who advised the defendant in writing that, in his or her opinion—

(a) the person was not suffering from depression; or

(b) if the person was suffering from depression, that fact alone did not cause the person to request the conduct to which the charge relates; and

Amendment No. 3 is very similar to amendment No. 1; in the drafting of a bill sometimes things need to be written twice obviously.

Amendment carried.

Mr GARDNER: I move:

Page 3, line 16 [clause 3, inserted section 13B(2)(c)]—Delete:

'request (whether express or implied) of the person' and substitute:

> express request of the person, such request having been made in writing and in the presence of an adult witness (not being the defendant or an employee of the defendant)

Amendment No. 4 is very similar to amendment No. 2—similar text but in a different part of the bill.

Amendment carried.

Mr WILLIAMS: I have a couple of questions on the clause I want to ask the proponent of the bill. The bill seeks to insert into the Criminal Law Consolidation Act new section 13B, supposedly to correct or right a wrong, or to correct something that is missing.

This part of the act, where we are inserting this new section, is about offences against the person, namely murder, conspiring or soliciting to commit murder, causing death by an intentional act of violence, manslaughter, criminal liability in relation to suicide, criminal neglect, defence of life and property, defence of property, etc. My question is: how many people in the history of this state have been charged under part 3 of the Criminal Law Consolidation Act whose charge would fall within the ambit of this proposal or proposed new section 13B?

The Hon. S.W. KEY: I thank the deputy leader for his question. My understanding from both the AMA and the Law Society is that in fact this defence has not been warranted for quite some time. There has been some case law that has changed the situation, though, in that it is now possible under certain circumstances for a patient to refuse treatment and it is also possible for a patient to refuse to eat or have any sustenance, but I do not know what other members in the chamber think.

It seems to me that they are pretty extreme measures that a person would have to take to have their choice of ending their life under certain circumstances made possible. It seems to me that while people, as I understand it, have not been charged in the way that the deputy leader has described, things have moved on to the point where that defence—and certainly people in the medical profession have said to me that they believe that this defence should be made available to them.

Mr WILLIAMS: I thank the member for her answer. The other question I have comes up in both 13B(1)(a) and (b) and the same in 13B(2)(a) and (b) where we are talking about the defendant as follows:

> (a) the defendant was, at the time of the conduct to which the charge relates, a treating practitioner of the person; and

The second part in (b) provides:

> (b) the defendant believed on reasonable grounds that the person was an adult person of sound mind who was suffering from an illness, injury or other medical condition that irreversibly impaired the person's quality of life so that life had become intolerable to that person...

My question relates to the words 'a treating practitioner'. Is it the intention that that treating practitioner is the person or the doctor, I presume, who has been treating that particular illness or is it somebody else who has come in for another purpose?

The Hon. S.W. KEY: I think that is a really important question. If you look on page 4 of the bill, a medical practitioner is described as:

> a person registered under the *Health Practitioner Regulation National Law* to practise in the medical profession (other than as a student);

Then there is a definition of 'treating practitioner':

> of a person, means a medical practitioner—
>
> (a) who is currently treating the person for his or her qualifying illness; or
>
> (b) who is currently responsible (whether solely or otherwise) for the primary care of the person.

With the contribution and the passing of the amendments by the member for Morialta, we now have other health professionals involved in the process. As the member for Morialta has actually moved, and we have agreed to, that would include a person who is an independent medical practitioner—so we have now introduced that person into the process—and also, where necessary, an independent medical practitioner being registered under the law of this state as a specialist in respect of mental health as well as, as you know, the amendments seeking documentation that would support the request from the patient.

Mr PICCOLO: I will ask a couple of questions, if I could, similar to the questions raised by the Deputy Leader of the Opposition. In new section 13B—and this is one of the issues that seems to be sending out a mixed message, even though it is not intended—are the words 'if the death resulted, or was intended to result'. A lot of people have read that as given approval or seeking to allow doctors to undertake euthanasia with a patient. Can I perhaps get an answer about what the purpose of the wording in that section is?

The Hon. S.W. KEY: I would like to thank the member for Light for his question. The reason that has been put into the legislation, as I understand it, is to make sure that there is a comprehensive defence, and that would include conspiracy for murder. So we wanted to make sure that, through the legislation, we have put forward a defence that is as good as it can be. Obviously the defendant would still need to argue their case, they would still need to justify the process that they went through, but it was felt that that needed to be in there as well.

Mr PICCOLO: In clause 9 of its position statement dated 18 May 2011 the Australian Medical Association of SA states:

> For reason of clarity the AMA(SA) considers it necessary for there to be a statement at the beginning of the Bill to the effect that the intention of the amendment is not to legalise euthanasia.

Could this clause be amended to clarify that?

The Hon. S.W. KEY: Members would have heard, when I was discussing the amendments that are being proposed by the member for Morialta, that as with any bill there has been a series of discussions about what should be in or out of the bill; what amendments need to be there. It has certainly been a moving feast with regard to the Australian Medical Association's position on what should be in and what should be out.

At the meeting I had with them last Thursday, despite all the work that had been done (not only by our parliamentary draftsperson but by different council members of the AMA), I decided that that was not necessary as an amendment. It is very clear that this is not a euthanasia bill; this is a defence for a medical practitioner who accedes to their patient's request under certain conditions for murder, manslaughter and assisting in suicide.

This is not a euthanasia bill and I think members in this house understand that, although they may have some concerns with the bill itself. But I think that has been established and I do not think it is necessary in this bill.

Mr PICCOLO: In clause 8 of the same position statement the AMA(SA), when they talk about clause 13B, state that clause 13B should be changed to omit the palliative care reference in 13B(5) and amended to the following. I will read the quote because I think it is very important because I will be seeking the members' response to their suggestion:

> Parliament intends that conduct bringing about the end of a prescribed person's life is a reasonable response to such suffering in exceptional circumstances—

and this is the bit they add—

> including where the prescribed person's suffering cannot be effectively relieved other than with treatment that has the effect of shortening life.

Does that clause, in effect, widen, if you like, the intention of the bill to actually legalise euthanasia?

The Hon. S.W. KEY: Not being a lawyer I am not really sure how to answer that specifically except to say, along with what I have said in the past, that the discussions with the AMA were quite lengthy and ongoing and on balance I did not see the need for that particular amendment. Talking about palliative care I need to emphasise that like many members in this house I am a big supporter of palliative care. Like many of you, I have done fundraising in the area and I think that it is a really important part of our health system.

In saying that I am also aware of the number of people in the community who have argued—particularly the medical profession—that palliative care does not always work; it is not always the answer—depending on who you talk to. I refer to the recent opinion piece by Dr Roger Hunt in the *The Advertiser* where he says:

> ...despite optimal palliative care, and 5-10 per cent persistently ask clinicians to hasten their dying. Patients have a right to the relief of suffering, and doctors have a duty to relieve it.

So it is an area that certainly is of concern to many doctors, but I did not see why we needed to take out the reference to palliative care and decided not to.

Mr PICCOLO: I apologise if this question has already been asked prior to my entering the chamber. Can the member also just clarify why this proposed section 13B seeks to amend the Criminal Law Consolidation Act and not the palliative care act?

The Hon. S.W. KEY: The reason I would give, member for Light, is that this is not a voluntary euthanasia bill, although I have a bill on the *Notice Paper*, as members know, that amends the Consent to Medical Treatment and Palliative Care Act which is where I believe the voluntary euthanasia provision concerning the choice of voluntary euthanasia should be. This is a different attempt to look at defending the medical profession and the people who work with them if they are charged with a particular criminal offence.

The Hon. R.B. SUCH: Can the member for Ashford advise what legal or other advice she has had that suggested that the provision of her bill and these clauses would clarify and codify the criminal law to a point where it removes any ambiguity or vagueness or black hole, if you like, in the provisions of the law? Has she had any legal advice or advice from practising medical officers indicating that this bill and these particular clauses will clarify the law and codify it to a point where doctors will no longer be operating in an area that is subject to vagueness and possible misinterpretation?

The Hon. S.W. KEY: I thank the member for Fisher for the question. I have had considerable advice. I have relied very strongly, obviously, on our parliamentary draftspeople who, as far as I am concerned, are the experts in our lawmaking, but I have also sought advice from people whom I know operate in the criminal law area, as well as a number of doctors who practice in the end-of-life part of medicine and have raised with me the need.

As I said, things have changed particularly recently with the understanding that a patient can actually take action of their own accord and refuse to have sustenance, refuse to have treatment, and obviously die a very unpleasant death in many cases. Doctors—certainly the ones who I deal with and have talked to—are very concerned about that option for their patients and feel that they should be able, under certain conditions and obviously with proper safeguards, to accede to their patient's wish.

Mr PEGLER: I just have one question on the treating practitioner. If, for example, I was in hospital and somebody in my family has power-of-attorney, can they change my treating practitioner? Can that treating practitioner then proceed down this course of euthanasia?

The Hon. S.W. KEY: My understanding of the state of play with regard to advanced care directives is that depending on—are you talking about a medical power-of-attorney, for example?

Mr PEGLER: Yes.

The Hon. S.W. KEY: My understanding would be that, if you are giving your rights as a patient to someone else to act on your behalf, there would need to be some discussion with obviously the person who has your medical power-of-attorney but, at the moment, voluntary euthanasia is illegal, so I cannot see how someone who has medical power-of-attorney could make that decision.

This bill is very specific about the patient themselves, so I am not seeing anybody else being able to make that request. They have to be of sound mind and they have to qualify by having basically an irreversible condition, illness or injury, so that it does not look like they are going to get better any time soon and their situation is intolerable. It really is centred around the doctor-patient relationship, and it is centred around the patient in this particular defence.

Mr VAN HOLST PELLEKAAN: Member for Ashford, keeping away from the issues of whether euthanasia is appropriate or not appropriate, and sticking really to what the substance of your bill is about, as I understand it—that is, the medical defence aspect—are there any other examples you can give where there is a parallel in legislation?

By way of example, there is a legal defence for police officers against speeding if they are speeding in the course of their work, but it is not a legal defence against speeding purely for the purpose of speeding, so I do not consider that as a parallel. Are there any other parallels where this would be a legal defence that a doctor could use if necessary, if charged, to avoid criminal prosecution for ending a person's life, when the purpose of what they were doing was actually to end the person's life?

The Hon. S.W. KEY: While I understand that is a very good question, I do not know if I can give you a legal response; I am not a lawyer. The only defence that I think is probably closest to what I am talking about in this bill is the defence of provocation.

I think most people have heard of the 'battered woman syndrome', which I think is an unfortunate term. If someone in a domestic violence situation kills their partner or spouse and can argue that they have actually been provoked to do so, and there is a history of reasons why it has ended in the way it has, then there is a defence that is taken on board. I cannot give you any other legal precedents because I am not in a position to be able to do that as a non-lawyer.

Mr VAN HOLST PELLEKAAN: I respect that, and I am not a lawyer either, so I was not really looking for a legal answer but more of a community parallel. This is suggesting to offer a legal defence to a doctor who may or may not have committed what is technically a crime, when the intention of what they were doing was to commit the crime.

As I said, it is a different thing with speeding because the legal defence is that you would not be prosecuted for speeding because your purpose was not to speed; your purpose was to speed to achieve something else. I understand what you are saying about the 'battered wife syndrome'—and I agree, it is an unfortunate choice of words, but it is one that we would all understand. Is there any other way you could describe this bill, other than a legal defence, if charged for an action that was taken when the intent was specifically take that action and no other intent?

The Hon. S.W. KEY: I am not quite sure if I understand the question precisely, but basically what this bill seeks to do is provide a defence under certain circumstances. As I was saying earlier, the crucial thing for me is that there is a request made—and now, with the amendments that the member for Morialta has put up, it is a very clear request. There is a witness to the request, there is written documentation to the request, and there is also an independent doctor and, where necessary, a doctor with mental health expertise, as part of that process.

I think the trigger is that the request comes from the patient under certain conditions, and the next part is that there are checks and balances in place to make sure that the request is one that has come from the patient and that it is a serious request.

Mr PENGILLY: The question I put to the member for Ashford (and I have the utmost respect for the member for Ashford; I am not into platitudes, but she is a very good member and a very good lady), but the nagging doubt in my mind at all times with this type of legislation is that you have the absolute villain (or villains) like Dr Patel. There is no question that, overwhelmingly, the vast majority of doctors are wonderful people and do the right thing.

However, if you have a Dr Patel, a wolf in sheep's clothing, and another one of similar views—a psychiatrist, mental health expert or whatever—there is no provision to pull up these people and find them out. If this legislation were to go through they can use the defence mechanism via the legislation to get themselves out of trouble. I have this great nagging doubt in my mind that you cannot always be sure that everybody will act in the right way.

I am dreadfully concerned, member for Ashford, that there are evil conspiratorial people in this world and this nation, and that is the way it is. I cannot be sure that that may not happen; therefore I cannot support the bill, but I would like the honourable member's response to my concerns.

The Hon. S.W. KEY: I thank the member for Finniss for raising what is a very serious concern. My view would be that, whether or not this bill was around, there are people with evil intent. I am not sure that it really makes any difference one way or the other. The only thing I would say is that, because we have now shone a light on what is actually happening in many of our health areas, certainly people are aware that a proper case needs to be put.

Also, we have a whole lot of tests we have in this legislation that would need to be put forward for someone to be acquitted of a very serious crime, whether or not the patient actually dies. I share the view that there are evil people out there, member for Finniss, but I do not think this bill, if it passes, will either ensure that it does or does not happen. That is about the best answer I can give.

The Hon. R.B. SUCH: On my understanding, the actions of someone like Dr Patel would not qualify under this bill, and certainly not with the amendments moved by the member for Morialta. Neither would this legislation meet the criteria with the behaviour of Dr Shipman, who was even more notorious in the UK. As I indicated earlier in committee, doctors generally do not come

out and say, 'Look, today I ended five lives.' Has the member for Ashford had any strong indication that doctors are doing this anyway, and doing it under the umbrella of a very grey area?

They are not sure that what they are doing is potentially a criminal act, and the fact that very few people have been brought before the court does not negate what I believe is the fact that, every day in South Australia, people are having their lives ended by doctors. I guess the issue is the intent: they do not intend to kill them, but they know full well that what they are doing will kill them, through pain relief or sometimes chemotherapy.

The Hon. S.W. KEY: I thank the member for Fisher for his question. Many doctors and people who come into the electorate office have talked to me about those situations that the honourable member has just mentioned. It is interesting that in one of the public articles put forward by a palliative care doctor that he says:

> Commonly the only way to relieve suffering is with treatments that can hasten death, like continuous terminal sedation, accepted by palliative medicine specialists and the AMA.

I think that answers the member for Fisher's question; it is well known and publicly acknowledged.

In my second reading speech, I talked about the AMA policy and code with regard to relieving suffering and pain. It is obvious that in some cases that medication also hastens death. When I answered a question from the member for Finniss, I mentioned that part of what this bill will do if it does become law is make it a lot clearer about what really goes on.

I have had personal experience, as have my constituents and people out there in the community. Hundreds of people have written to me about their own or their family's circumstances, where they really wanted their doctor to shorten their life because of serious health issues that they or their family member experienced.

My understanding is that it does happen at the moment. I mentioned earlier the changes that have occurred over time regarding the rights of patients. I think we should be prepared to make sure that 99.9 per cent of our medical doctors and health staff are actually supported and have a defence.

Mr BROCK: First, I understand the member for Ashford's passion for this matter, and I compliment her for bringing it up. However, from my observation, this bill was for medical defences of a specialist who may bring forward the end of a life through whatever it may be. Unfortunately, it has now become very confusing in the public arena. We have two other bills going before this house: one from the Hon. Bob Such and also one on palliative care. The media is calling this a euthanasia bill, and that is where it is getting confused in the public arena. I think that is one of the things that needs to be clarified: this bill is about a medical defence for the medical practitioner.

The member for Mount Gambier's question was: if I have medical power of attorney for my parents, or whoever it may be, and the specialist attending my family will not go forward and accelerate the end of life or suffering for that particular person, what stops me from then going to another doctor who may be a bit more receptive to going in that direction? Have we thought of that?

The Hon. S.W. KEY: I guess there are two things about this bill that I would point out in particular. There is the definition I read out earlier of the medical practitioner and the treating practitioner, about who they are. The treating practitioner of a person means the medical practitioner who is currently treating the person for his or her qualifying illness, and who is currently responsible, whether solely or otherwise, for the primary care of that person. With the amendments that the member for Morialta has successfully incorporated into this clause, we also now have an independent medical practitioner, and, where necessary, a medical practitioner who has expertise in mental health.

We have an independent witness and we also have documentation. I think they are all important things to take on board. Just getting back to the substance of your question and also the question that the member for Mount Gambier asked me, regarding the person who makes the request, clause 13B(1) of the bill provides:

> (b) the defendant believed on reasonable grounds that the person was an adult person of sound mind who was suffering from an illness, injury or other medical condition that irreversibly impaired the person's quality of life so that life had become intolerable to that person (the qualifying illness);

It is specifically talking about the patient-doctor relationship and the request of the patient. So, I think that answers your question.

Mr BROCK: Thank you, member for Ashford. That is on the *Hansard* now, and I can explain it to my constituents. I have had nearly 2,000 or more people write to my office—

An honourable member: Is that all?

Mr BROCK: That is a lot for my area; and 65 per cent of them are urging me to vote against this bill. So there is a lot of confusion out there—

Ms Chapman: It is only 10 per cent of your electorate.

Mr BROCK: It is only 10 per cent of my electorate, that's right. However, it is very confusing for the general public to understand where we are trying to go with this bill. Now that I have a bit of clarity on it I will go back to my people.

The Hon. S.W. KEY: Just in response to that, the member for Frome has been quite thorough in making sure that people in the electorate of Frome are clear about information, and I compliment him on that. He has, like a lot of us, been trying to make sure that not only does he stick up for his own principles but that he also listens to what the electorate says. So, congratulations.

Can I also say that I think there has been some deliberate mischief that has happened with this debate. It serves the purpose of people who do not support voluntary euthanasia to argue that this is a voluntary euthanasia bill, but I guess the interesting feedback on all of that is that people in South Australia actually support voluntary euthanasia on the whole. Although there have been a few people in Ashford who have said to me that they do not support the amendment to the Consent to Medical Treatment and Palliative Care Act I have on the *Notice Paper*, very few people have said that they do not support the medical defence bill.

Once you explain that this is a medical defence bill—it does not mean that the person is going to get off, it does not mean that this will be a fail-safe way to start killing patients—then they feel quite comfortable with it. Obviously, if something gets into a law court you still have to argue your case. The only difference this will make is that parliament, if it accepts this bill and it becomes an act, will make it clear to the courts that we have considered, under certain conditions, the request of a patient to their doctor and that we are emphasising that doctor-patient relationship, with safeguards.

Mr WILLIAMS: I am somewhat confused at the member of the Ashford's claim that this is simply a medical defence bill and not a voluntary euthanasia bill. Let me explain. My understanding of voluntary euthanasia is that if someone wishes to end their life, by and large in this world, we would ask a medical practitioner to aid us in that wont. If that came to pass, we would have been through the process of voluntary euthanasia. That is my understanding; I might be completely wrong in that.

The member for Ashford's bill proposes that, as part of the medical defence, the defendant has to prove, on the balance of probabilities, that (and I am quoting from new 13B(1)(c)) 'the conduct to which the charge relates occurred at the express request of the person'. I am pretty sure I heard the honourable member say (because I wrote a note to myself) that it has to be proved that they are acceding to the patient's wish, and it certainly seems to comply with that.

I think the member for Light asked a question earlier about why the honourable member did not put a clause in this bill that expressly says this is not about voluntary euthanasia. I must admit that I am very confused. I think I understand what you are trying to do. I think you are trying to provide a defence for a doctor who is providing, I guess in most cases, palliative care—and probably extreme palliative care—but the doctor knows that it is going to bring about the death of the patient. Notwithstanding that, the doctor is doing exactly what he or she has been trained to do, and that is their role, but when you introduce subclause 13B(1)(c), which I read out—that is, 'the conduct to which the charge relates occurred at the express request of the person' involved—I think it brings a whole new element and, in fact, does make this a de facto voluntary euthanasia bill.

The Hon. S.W. KEY: I guess we are going to have to agree to disagree on whether this is a voluntary euthanasia bill or not. In my view, I am a supporter of voluntary euthanasia as a choice. I think it is best placed in the bill that I have before parliament, which is amending the Consent to Medical Treatment and Palliative Care Act. I think that is the place where the choice for those cases of people who cannot be dealt with, with regard to palliative care, needs to be.

I guess I have a more radical view about voluntary euthanasia as well, in that I think that there needs to be a lot of thought put into the patient's request. I am more interested in the patient's request and their view about what is intolerable than what the community view might be or what other people's views might be. Obviously, that needs to be qualified with proper medical advice and support, but that is the view that I have.

This bill, should it become law, will only provide a defence should someone—the treating doctor and the associated medical staff—be charged with murder, manslaughter or assisting suicide. You read the relevant section from the Criminal Law Consolidation Act, so I do not need to tell you about that. It is just to provide a defence under certain circumstances. That is what the bill is about; it is not a voluntary euthanasia bill. The AMA has its view, and I think the member for Light asked me that question. On balance, I did not see the need to put that in there.

The ACTING CHAIR (Ms Bedford): I am mindful of the fact that we can only really have three contributions from each member. This is your third.

Mr PICCOLO: Yes, this is my third.

An honourable member: He has lost count.

Mr PICCOLO: I haven't lost count. My question to the member for Ashford is as follows. I just want to clarify because some of the language being used this morning, whether by accident or intention, is starting to really blur this issue. I think I understand what this bill is intending. My question is: irrespective of who makes the request to actually end a life, if the doctor, for either the sole or primary intention, was to end a person's life, would this bill provide a defence?

The ACTING CHAIR: Do we understand that question?

The Hon. S.W. KEY: I am not sure if I do, Madam Chair. I need to report progress first of all, as I understand it.

Progress reported; committee to sit again.

SITTINGS AND BUSINESS

The Hon. S.W. KEY (Ashford) (11:29): I move:

That the time for consideration of the Private Members Business, Bills, Orders of the Day No. 1 take precedence over Private Members Business, Other Motions.

The ACTING SPEAKER (Ms Bedford): Is that seconded?

An honourable member: No.

The Hon. S.W. KEY: I seek to do that to finish the clause that we are on.

The ACTING SPEAKER (Ms Bedford): The Speaker has come back, so perhaps we will pass to the Speaker.

The Hon. R.B. SUCH: Madam Acting Speaker, there was no time limit given on that, was there?

The ACTING SPEAKER (Ms Bedford): With the indulgence of the house, we are trying to work through this very sensitively this morning.

The Hon. S.W. KEY: What I am seeking to do is at least finish this clause and then adjourn the business in committee for next time. I will clarify that what I am seeking to do is to extend the time, not to eat into other people's private members time but to basically finish this clause, and then it would be my view that we would adjourn until next time and continue on in committee the next time we get to it.

The SPEAKER: The member has moved that way, so is that seconded?

Ms CHAPMAN: Point of clarification.

The SPEAKER: Point of clarification, member for Bragg.

Ms CHAPMAN: I think this is clause 3 and that is the last clause of the bill. So, I just want to be clear that that is understood. I want it to be clear on *Hansard* that we are not going to be completing clause 3 because there are a number of other amendments to come through.

The Hon. S.W. KEY: What I am hoping to do, Madam Speaker, is to deal with the legislation up to 13B(4).

The SPEAKER: And then you are looking to adjourn?

The Hon. S.W. KEY: Yes, ma'am.

Ms CHAPMAN: That also raises the question, Madam Speaker, just to be clear, I have received a notice of amendment to be inserted after 13B(1), so if we are going to close off up to 13B(4) then it would have to be recommitted. The difficulty in this instance is that clause 3, of course, is just one clause but it covers a number of aspects. I want to make sure that we do not make a mistake on this. It is an important and sensitive matter. So, that we are clear that other amendments can still be incorporated into clause 3 even though we will be up to—as far as the mover of the bill is concerned—13B(4).

The SPEAKER: After careful consultation with the Clerk, my understanding is that we have to pass clause 3 as amended, and then we can come back and consider the new amendments. There is another schedule of amendments that has been produced on clause 3. So, we need to pass clause 3.

Ms CHAPMAN: Can I perhaps clarify the situation. I am not sure whether you have a copy of the bill in front of you, but clause 3 is the clause that is currently open in the committee. The member for Morialta has moved some amendments to it and has been progressing the discussion on it. There has also been circulated a number of other amendments by another member of the house which also relate to clause 3.

I am not quite sure why it is necessary to pass clause 3 as amended with the amendments of the member for Morialta and then it would only be able to be recommitted if other amendments were to be received. The house is very clearly on notice that there are other amendments there to be considered. They have been tabled. In my view, it would be inappropriate to vote on clause 3 until we conclude the debate—

The SPEAKER: Thank you, member for Bragg, you put it perfectly into words. However, I will again consult with the Clerk to find out why we are doing that.

The Hon. S.W. KEY: Madam Speaker, because there are some amendments that I have just received—I have seen them before—identified as 88(3), it may be appropriate to adjourn this matter while it is in committee. The points that the member for Bragg made are well-founded with this document now having been tabled.

The SPEAKER: Member for Ashford, I think that would be a good idea. I suggest you withdraw that motion and then we can look at it and sort it out.

By leave, motion withdrawn.

RESIDENTIAL SPEED LIMITS

The Hon. R.B. SUCH (Fisher) (11:36): I move:

That this House requests the State Government in conjunction with the relevant Councils to implement a 50kph speed limit in lieu of the 40kph speed limit which still exists in some residential precincts.

I was a supporter of the 50 km/h default scheme, even though, in my view, with the way it has been introduced there have been some—and they still exist—anomalies in some of the streets that have been designated as 50 km/h. Some people may think I am a speedster. I point out for the record that, prior to the allegation of speeding in January 2008, which I still dispute, I have never had a speeding ticket, a camera fine or an accident in my life, and I have been driving since the day I turned 16.

What we have at the moment is an unnecessary mixture of speed limits across the metropolitan area. We have the City of Unley with its 40 km/h zone, and parts of Charles Sturt and Mitcham. There may be others, but they are the ones I know about. I think it is no longer acceptable to have those precinct-wide 40 km/h zones. We have an established Australian Road Rules standard relating to the 50 km/h default system. Yet, in South Australia, because the department of transport and the government have been unable to bring about that standard approach, what we have is a mixture of these speed zones.

You can travel from one side of Cross Road to the other and go from an identical situation where it is 50 km/h, cross the road (60 metres or whatever it is) and then you have 40 km/h. I do not believe it is warranted. In parts of Blackwood we have 40 km/h zones, and that was done at the behest of some of those residents who wanted a special speed zone in their area. When I raised it with one of the councillors I said, 'Look, I'd like to have a 10 km/h speed limit in my street.' She said

to me, 'Look, if you don't work in that 40 km/h zone and you don't have to visit there, don't go there.' Well, that's a silly answer.

I think what we have is a very unsatisfactory situation. We have a standard which applies to genuinely residential areas and streets, which is designed to protect people reversing out of their driveways, kids on bikes coming out and all that sort of thing, which I think we should stick to as a general principle. I don't have a problem with exceptions for shopping centres or community events, and obviously there will be provisions in car parks, etc., where it is signposted, but why not have the standard which applies and should apply as a result of the Australian Road Rules?

In the City of Unley, when they analysed the offenders—people who were exceeding the 40 km/h limit—the figure that came up was that 40 per cent of the speeding notices issued by police in Unley were from people who lived in Unley. So the main offenders—if you like, the largest single group of offenders—were the actual local residents offending against their own 40 km/h limit.

What we have now is the City of Adelaide wanting to introduce 40 km/h speed limits in streets in the city. As I say, I think you can make a case for certain shopping areas where there is higher pedestrian traffic, but the City of Adelaide wanted to put a 40 km/h speed limit in Hutt Street and it has also recently raised the possibility of putting it in other streets. I think it is absolutely unacceptable. It leads to confusion.

Motorists are trying to drive safely and are watching the car in front to keep a safe distance from it, and they also have to look for signs. What we have now is this mishmash. In fact, in 2004, minister Trish White (and I think she was the minister at the time that the 50 km/h default system came in) stated: 'There is a view that there is a reduced need for 40 km/h speed limited areas.' She made that comment after the introduction of the 50 km/h urban limit in March 2003.

I put this challenge to the government: does it have the spine to insist, through the Department for Transport, Energy and Infrastructure, that councils get rid of these blanket 40 km/h zones which are done for local parochial political reasons and have little to do with much else? If the 40 km/h is so good in residential areas, why do we not have them in all residential areas? No: what we have is privileged treatment for some people, special treatment for some people and not others. I do not believe that is acceptable. What we have, as I said at the start, is a mishmash of speed limits which are confusing and lead to unnecessary problems for drivers and others.

I think it is time that the government moved, in conjunction with those councils, and do what a responsible sensible council like the City of Onkaparinga did; that is, get rid of the 40 km/h zones and only have those zones lower than the 50 km/h where there is a demonstrated and justifiable need—for example, in car parks. I do not know whether members realise that in car parks the speed limit is 50 km/h unless there is a sign to the contrary; likewise on a cycleway or anywhere like that it is 50 km/h unless there is a sign to the contrary.

What we need is clarity, simplicity and consistency across the board and not this plethora of speed zones and speed limits which does not do anything other than confuse the motorist and boost the state government's coffers.

Debate adjourned on motion of Mrs Geraghty.

HEALTH CHECKS, SCHOOLCHILDREN

The Hon. R.B. SUCH (Fisher) (11:43): I move:

That this house calls on the state government to introduce comprehensive health checks for all primary and secondary school children.

I am not suggesting that there needs to be a health check every year at junior primary, primary or secondary school level, but certainly throughout those stages there should be some health checks. We used to do it as a community. The government, years ago did it, and I believe it was very productive in terms of reducing long-term suffering and medical problems for citizens. I will give some examples: young people used to be checked for scoliosis, and they were checked for hearing and things like hernias. Subsequently, when that program was disbanded, people who were not picked up by the system simply slipped through the net, and it is time that health checks at primary and secondary school level were introduced.

Throughout Australia, we have a mixed bag: the Northern Territory has a program in the early years, Victoria has a primary school nursing program, New South Wales does not, nor do Western Australia, Queensland or Tasmania. However, other places in the world do: in Singapore, all secondary school students are screened for vision, spinal screening and a whole range of other

aspects; in parts of the UK and in Scandinavian countries, they have extensive health checks as well.

I think the emphasis should be on what is sometimes called 'preventative health or wellbeing' because if we do not address some of these issues now there is no way in the future that we will be able to cope with the medical demands on our system and hospitalisation. I appreciate that the government has been supporting the OPAL program to try to bring about a healthier population, and some of the focus of programs which are directed at early signs of obesity are good, but I think they should be part of a more comprehensive health check. It would be less likely to cause distress to a child if it were a total health assessment, rather than focusing on the single issue of obesity.

The checks can be done in a way which respects the privacy and dignity of the child. The argument that is sometimes trotted out is that parents can take their children to the local doctor. The reality is that not everyone does, and sometimes medical issues are not picked up. Someone might take their child to the doctor for a particular thing like flu or something like that, but it does not mean the doctor is going to check them for a whole range of other possible conditions.

One of the good things that former minister for health, Lea Stevens, brought in was checks for newborns and those in the early infant years. I think that was an excellent initiative, but it needs to be extended because we should be seeing what is happening in terms of the physical and mental development of children over a wider span than that. Children, particularly at the early secondary years, should be checked out for possible psychological and mental health issues.

If that was done, I could just about guarantee that you would have fewer problems with truancy and behavioural issues in schools, and there would be fewer problems for the police and others dealing with young people, particularly those in their teen years, many of whom are exhibiting early signs of mental illness. But you will not pick up those children with the current ad hoc arrangement—you may, but there is no guarantee that you will pick them up without a coordinated approach.

Sure, a scheme of health checks will cost money. Diagnosis is one thing, treatment is another, but it you do not diagnose, and you do not treat, then ultimately you will wear the consequences down the system. The individual will, and so will the system as a whole, and the community and the taxpayer will increasingly be forced to pay for a health system which is going to dramatically rise in cost over time. If you got onto some of those issues earlier and dealt with some of the aspects which affect learning and behaviour generally, and certainly lifestyle and wellbeing, the benefits that would accrue to the individual and the community would be enormous.

As I have mentioned in here, some companies and councils offer health checks to their staff, and I think that is fantastic. The City of Onkaparinga do it, Marion do it, I believe the ANZ bank do it, and others as well. I pose the question: why is it that Scandinavian countries and Singapore can have health checks at various stages through school years, but we cannot or do not and do not want to do it? To me it is a good investment. As I say, apart from saving money down the track in terms of hospitalisation and medical treatment, more importantly to me is that you improve the wellbeing of individuals.

I know of cases of people with serious physical impairments, where those issues have been picked up in the school system, and others where they did not have a school screening system and those individuals have suffered throughout their life. I know of someone who is unable to have children now, because of a very simple process that could have identified a problem, was not identified; therefore, no remedial action was taken. That person as an adult cannot have children, when, if it had been picked up as a child it could have been addressed, and that person might have had the pleasure and the privilege of being able to have children.

That is just one example. There are many others relating to hearing, sight and behaviour that could and should have been picked up. So, the emphasis in my view should be on what is called preventative health, with health checks through the school system, not every year, but every few years at junior primary, primary and at the secondary level.

Mrs VLAHOS (Taylor) (11:52): I rise to oppose the motion. South Australia has a long and strong commitment to early childhood development, and parents are supported in a range of ways along a child's developmental journey. I know this first-hand, being the mother of a five year old and a seven year old, who has gone through many of these screening processes over the recent years, with screening for development issues on a regular basis as part of the component for a preventative health-care strategy for very young children in our state.

All South Australian families are provided with a copy of My Health Record (the blue book) when a child is born. Following the birth, this provides advice on safety and positive parenting advice for children, and as it serves as the parents' first guide to the child's development. The Universal Contact Visit, which the member for Fisher mentioned, was introduced by the Hon. Lea Stevens (who used to be a member in this place), and offers all parents the opportunity to have this first contact visit and have contact with a nurse. Introduced as a result of the Every Chance for Every Child framework in 2003, it includes a one to four week health/development check.

Hearing screening is also offered to all families through the Universal Neonatal Hearing Screening program. Often, that happens when you have the birth of your child in hospital. Families can also access, via their general practitioner and obstetrician, a six-week maternal and baby health check that goes in line with the blue book. Targeted screening for developmental delay is carried out at a six to nine month and at a 18 to 24 month period, with screening also provided around the age of four years when children go to see a child and family health services nurse in preparation for preschool. Again, the issues that the member for Fisher raised are dealt with at those checks.

Aboriginal children can access annual health checks through their general practitioner or Aboriginal Community Controlled Health Centre. Children who are under the guardianship of the minister have access to the rapid response health checks as they need them. All children can access their general practitioner to have the issues raised in the health checks, including developmental things such as ongoing asthma care plans, dealt with on a regular basis through the federal government health program.

The member for Fisher raised the many other health-care systems outside of Australia, and each one varies in its own complexity. Just because something works in another country it does not mean that it applies and is relevant for our state or country. We used to provide milk to children in schools. We no longer do that, for a variety of reasons. That does not mean that we go back to the old ways of having health checks, as he recommends.

The National Health and Medical Research Council Review's report, Child Health Screening and Surveillance: a Critical Review of the Evidence (2002), concludes that for conditions such as scoliosis there is no evidence for the benefits of introducing new screening programs or for the continuation of existing programs that would assess this thing. In relation to hearing screening for such conditions as otitis media in older children, there is strong evidence that the benefits are minimal given the fluctuating nature of these conditions. Therefore, a general practitioner on a child's presentation, if they know there is a hearing problem, will monitor this as an ongoing program, just as asthma is monitored.

The evidence from medical research over the past decade indicates that there is limited health gain to be obtained by one-off screening of children on a particular day for specific conditions. The focus of health care surveillance and screening has therefore moved to prevention, early detection and early intervention for preschoolers rather than identifying problems once children commence school randomly on a particular day, as proposed by the member for Fisher.

Debate adjourned on motion of Mr Pederick.

NUFFIELD SCHOLARSHIPS

Mr TRELOAR (Flinders) (11:55): I move:

That this house congratulates—

(a) Nuffield Australia on the 60th anniversary of its first Nuffield farming scholar; and

(b) Nuffield International on holding its triennial international conference in South Australia in September this year.

It is very timely that I rise to move this motion today because the conference itself is going on this very week here in South Australia and international representatives have gathered in rural South Australia during the week, and particularly in Adelaide tomorrow, for the conference day.

The Nuffield scholarship scheme had its beginnings in the early days following the Second World War when Lord Nuffield, an industrialist and philanthropist from England, initiated a travelling scholarship scheme, initially for British farmers but the scheme was extended to include other farmers from around the empire, as it was in those days, in recognition of their efforts in feeding the nation through the war.

Lord Nuffield had made his money from fairly humble beginnings, I guess—in the first instance, making and repairing bicycles for the students at Oxford university. He went on to begin manufacturing motor cars—Morris Oxford cars—and the member for Fisher has specifically asked me not to mention Nuffield tractors. I am thinking he must have had a bad experience somewhere in his life. The general opinion of the house, Madam Speaker, is that they were terrible tractors. All the same, Lord Nuffield, from his factory in the Midlands of England, manufactured the first universal English tractor, I guess.

The intention of the scholarship scheme was to advance best agricultural practices, and in 1947 Jane Kenyon and Edward Stokes from the UK were awarded their scholarships. They travelled overseas and paved the way for scholars, from the commonwealth countries, probably 1,500 over the ensuing 50 years or so. In 1951, which is 60 years this year, Neil McNeill from Western Australia and Bert Kelly from South Australia were—

Mr Pengilly: The modest member.

Mr TRELOAR: —the modest member, indeed: thank you, member for Finniss—became the first Australian scholars. Bert Kelly, of course, came from South Australia and was, in fact, the Liberal member for the federal seat of Wakefield from 1958 to 1977, some 19 years. During that time, he was a regular contributor to many rural newspapers as the 'modest member' and, upon retirement from politics, continued to contribute media articles as the 'modest farmer'. Bert Kelly, of course, was from the Lower North here in South Australia and the family is well known in agricultural circles.

Funnily enough, Neil McNeill, the other inaugural Australian scholar, was from Western Australia and he also became a member of parliament at both federal and state level, serving one term in the federal parliament and then spending a long time as a member of the upper house in Western Australia. In those days, only two scholarships were awarded each year in Australia, and it was on a rotational basis between the states. Over the last 15 years or so, the organisation has worked very hard to increase the number of scholarships on offer, and that has been made available due to extensive sponsorship. Currently, I believe, Australia is sending about 20 scholars overseas annually, and these scholars have the opportunity to choose a subject of study of their liking and spend up to eight months travelling the world studying and reporting back, initially to the association itself.

They bring back many skills and findings and really return to their own businesses upskilled, as well as making a contribution to the broader agricultural community and industry itself. The scholarship scheme really involves farmers now from the UK, Wales, Scotland, England, New Zealand, Canada, France, Ireland, Zimbabwe and, of course, Australia. There are around 50 scholarships a year, and those scholars become part of an extraordinary worldwide network.

I was fortunate enough to be awarded a Nuffield Scholarship in 2001, and I remember my final national interview particularly because it was here in Adelaide and it was the day after the September 11 attack on the Twin Towers in the United States; so, that really stuck in my mind. Within a few weeks I was informed that I had been successful, and what ensued during 2002 was a tremendous experience and extensive travel—just a wonderful time, and time spent with people who are now colleagues and friends.

I will make particular mention of another Eyre Peninsula farmer who travelled with me at that time, Tim Van Loon from Warramboo; another South Australian farmer, Lynton Arney from Strathalbyn; and a Western Australian farmer, Murray Gmeiner, who is here in Adelaide this week. I have caught up with him again, and it is great to see him. The other Australian I travelled with in 2002 was Willy Ellison from the Northern Territory; and, rather sadly, he was killed in a light plane accident some two years later. That is very sad, but it was a joy to know him and he was a valuable part of my experience that year.

The tri-annual conference is being held in Australia this year, as I have said. Much work and effort goes into the organisation of a conference such as that, and I congratulate Brendan Smart (a farmer from Keith here in South Australia who has been in charge of the organising committee) on the fact that he has managed to pull this together and get so many delegates from around the world.

The conference began last weekend with a presentation day in Adelaide, which involves the announcement of the new scholars—those who will be travelling in 2012 (and there is much excitement and anticipation about that), as well as a report from the scholars who are just completing their studies. The returning scholars are obliged to make a presentation to the

association, and they are also obliged to make a written report on their findings. They are then quite at liberty to return to their businesses, and almost invariably they go on to make a further contribution both to agriculture and to the wider community.

In South Australia we have seen three regional tours, as well as the visit to the capital city. Over this last week those regional tours, the breakaway groups, I guess, have visited the Mid North, the South-East and Eyre Peninsula. I was fortunate enough on Tuesday to join those groups on Eyre Peninsula, beginning in Port Lincoln and touring the countryside with them. We were particularly looking at agriculture that day but I know that, on the following day, they were looking at the seafood industry in and around Port Lincoln.

Of course, the scholarship scheme of recent years has expanded to include a seafood scholarship. It is something that I was very keen to get up. At the time the board agreed that it was something we could support, and now, I think, we have three, maybe four, seafood farming scholars out of Eyre Peninsula. They are very involved in their own industry, particularly aquaculture and also prawns. I am sure that those visitors—the delegates everywhere—would have had a good look at rural South Australia. I was particularly pleased to show some of the international visitors the part of the world I come from.

There are many challenges for agriculture currently and in the coming years, not the least of which will be supplying a rapidly-increasing demand for food—and that really will be one of the challenges. Australia is well placed to meet that demand, but it must be kept in mind that we need to be abreast of all the innovations that come along and we must be prepared to embrace them, and we must be prepared to invest in human capital.

One thing the Nuffield agricultural scheme does so well is investing in the human capital that is required in agriculture. Any industry, I guess, requires human capital, but agriculture, in particular, has seen a decline in investment in human capital, and Nuffield is looking to take that up. In fact, it is possibly the greatest barrier that faces agriculture in the West.

Another concern of mine is the reduction in the spending in research and development. I was talking about innovation and the implementation of those developments, and I think that governments right across Australia, for whatever reason, have seen fit to reduce their investment in research and development, and that is a great shame.

We talk a lot about the increasing demand for food around the world and the fact that the world's population is set to increase by some 3 billion people over the next 45 years, and the efforts that will need to be made by the world's agricultural producers to meet the increased demand. I am not a supporter of the Malthusian predictions that come along from time to time. I suspect that we do, as a planet, have the capability to continue to feed the world. I think that much is made these days of food security as an issue; I think that food supply is a better terminology.

It is interesting to note that here in the Western World we can waste up to 30 per cent of the food that is produced—anywhere from the field at harvest time, where there are some losses, obviously, to those that are rejected along the production line. You have only to think of all the food halls, restaurants and even supermarkets around Australia and the rest of the Western World where food is thrown away each and every day. So, there is certainly capacity there to improve the delivery and distribution of food.

There are many people, particularly in Africa and South East Asia, who are malnourished and undernourished. Up to a billion people every day go to bed at night hungry, but I would suggest that it is not a lack of food that is causing that hunger; it is because they are poor. There are broader issues; it is not just about the production of food. With that investment in human capital that Nuffield has been so willing to commit to, I believe we can address all of these needs and ensure that agriculture has a bright and rosy future and that the world, in the years to come, despite a burgeoning population, is a better place.

So, congratulations to Nuffield—60 years on from the first Australian scholars, one of whom was a South Australian. It is very fitting, I think, that the Triennial International Conference is being held this year in South Australia.

Mr VENNING (Schubert) (12:09): I will speak briefly in support of the motion by the member for Flinders that recognises the fantastic work done over many years by the Nuffield Foundation. I am very aware of the activity of this group. In fact, I was a candidate myself once, many years ago, before the—

Mr Pengilly interjecting:

Mr VENNING: Actually national service got in the road. I was called up to serve the country. Then I got married, and then the age gap excluded me. But I do very much recognise what this organisation has done in the provision of rural leadership across our state for all these years.

Back in those days, of course, we had Rural Youth, which we were all very active within. It had similar things in relation to providing leadership incentive schemes for young people, particularly the awards. The P&O award, the trip to the United Kingdom, was but one. My brother was one of the successful applicants for that many years ago. There were many other bursaries across many other countries, including the IFYE from America, a trip every two years to the United States for about four or five months fully funded. Most of the people who got those trips are very prominent members in the rural community today.

The Nuffield scholarship stood as the paramount scholarship. If you were a Nuffield scholar you could almost tack it on to the end of your name. If you got one, you could always say, 'Peter Treloar NF, or NA, because it does stick with you for the rest of your life. The member for Flinders did list them today and I again thank him for that. All these people, I find, have been very successful in leadership positions in our rural industries and also our rural communities. Bert Kelly, as was mentioned, was one. Bert was a very different sort of fellow. He came from Tarlee; he became a Nuffield scholar and a famous sort of bloke. He was elected to federal parliament and certainly he was always a strong advocate for the Nuffield scholarship.

I think today we need the Nuffield scholarship more than we did back when it was first formed 60 years ago. I think it is more important now because people are not stepping forward voluntarily into these leadership positions. This new generation, my sons included, are not looking to step forward into these leadership positions because they are all too busy at home on the farm trying to keep their business viable.

Mr Pengilly: Trying to make a quid.

Mr VENNING: Trying to make a quid; exactly right, as the member for Finniss says. Exactly right, but we need them to step out. We have to have them stepping out. You cannot leave it to old blokes like me, and even John Lush and others, to do it, because we need to keep our industries in young hands. Several members I know have been Nuffield scholars. We certainly need the Nuffield scholarship to be successful today, and I congratulate the member for Flinders on being a successful applicant for that and also for bringing it here today, and all those members who have been successful over those years.

Finally, the Nuffield tractor was not all that bad. I do not have one in my collection—not yet anyway—so if anybody knows of one, let me know. Lord Nuffield was very prominent, and also had a fair bit to do with the Ferguson tractor, which, of course, revolutionised agriculture across the world with its hydraulics. He was a credible person in his own right. I support the motion and commend the member for Flinders and congratulate the Nuffield Scholarship.

Mr PENGILLY (Finniss) (12:13): I wish to make a brief contribution to support the motion by the member for Flinders. The Nuffield scholarship has been a noble institution for many years. Just recently, two members of my electorate—there may be more, but two that I know of—Mr Ben Tyley last year and Mr Andrew Heinrich (formerly of Yorke Peninsula), a couple of years ago, have won scholarships. Andrew Heinrich is very much an innovator in his farming business on the island, a leader in sheep production and crop production and a very successful operator. I believe that he is also farming some of the family land up round Bute as well.

It does present opportunities. There are far too few opportunities for rural people to have a crack, have a go and learn more. The Nuffield scholarship has been there for a long time—60 years, as mentioned by the member for Flinders. It has proved a great boon for the people who have been successful. I am sorry the member for Schubert never got one, but perhaps in a couple of years he might apply again.

Mr Venning: A bit late, mate.

Mr PENGILLY: However, I do not seek to detract from the motion in any way, shape or form because I hope that this continues for a long time. It is worthy of note that the conference is here in South Australia—at the moment, I think, the member for Flinders said. The very fact that it has come to South Australia is a good thing. As I said, the opportunity is for rural people around South Australia to have a crack and do the homework and then to go away.

I know that in Andrew Heinrich's case he went to many parts of the world, but I believe he particularly enjoyed the American experience. I think he went up into Canada. Indeed, he has just

returned from another jaunt over there—this time taking his wife, Tracey. From the reports that were coming through on Facebook, they had a wonderful time. Andrew has certainly come back and imparted his knowledge to rural producers in South Australia. Even today in this week's edition of *The Stock Journal*, Andrew is in there promoting good stock management. He is a very good sheep man and stock man. I have great pleasure in supporting the motion.

Mr VAN HOLST PELLEKAAN (Stuart) (12:16): I will say a few quick words in support of the member for Flinders. I certainly do support his motion. I congratulate Nuffield Australia as part of a worldwide organisation. I would really like to highlight the importance of this scholarship, not only for the people who participate and the worthy scholars, but of course for the industry itself and our state, as well as Australia.

Agriculture still is the most important industry we have in South Australia. Everyone in this house should be very supportive of the other important industries such as manufacturing, retail, tourism, mining and others, but agriculture is still our most important industry—not only in terms of the wealth it creates for us but also with regard to the hundreds of communities across the state that are sustained by it.

I suppose we are all optimistic that mining may well take over from agriculture in coming years with regard to commercial contribution, but my point here is that in future when mining grows and takes over in a commercial sense, we should not let agriculture go. We should continue to support agriculture to grow, as mining and hopefully all other industries grow as well.

This Nuffield scholarship is really about providing the opportunity for Australians, and in our case South Australian farmers, to go overseas, gain experience, access technology, find out what people are doing on the other side of the world, and that can allow them to bring home some of the very best ideas and apply them here. It can also allow them to confirm some of the things we are doing here so that we continue with the deserving name of world's best practice, as we are in many ways in dryland farming.

We have to continue to support agriculture. I commend the sponsors of the Nuffield scholarship, primarily the volunteers who work to support it. I highlight the fact that the government has actually continued to reduce its funding, particularly in research and development, to PIRSA throughout this state, and I think that is a great shame. You cannot leave the valuable work to others whenever you find others who will contribute. The government's responsibility is to do the very best it can hand-in-hand with the others who will and can contribute. A hallmark of this government is that when you find segments of the community who will take responsibility, the government is quite happy to let their responsibilities go, and I think that is highlighted in agriculture in South Australia.

Again, congratulations to Nuffield. I think that it is a credit to my very good friend the member for Flinders to put this motion forward. Probably even better than the motion that he has put forward, he is a tremendous personal advertisement for the Nuffield organisation. I think the fact that our Governor-General Quentin Bryce is the patron for Nuffield Australia again establishes what a fine organisation this must be. I wholeheartedly support the motion.

The Hon. R.B. SUCH (Fisher) (12:19): I commend the member for Flinders for this motion. Members may not know that, in my youth, I was a member of Rural Youth; I think that is what the Deputy Speaker was alluding to. It was a long time ago. I have always been particularly passionate about horticulture, and I tried my hand at agriculture at Alford, but fate intervened. In the days of my youth, Blackwood had a Rural Youth branch; I came across the badge only the other day, and I will wear it in here one day to get the member for Schubert excited.

Nuffield Tractors had a chequered career. I do not think it ever reached the level of others like Case and John Deere. This is not a personal attack on Lord Nuffield, but when my sister was appointed to be in charge of the hospital at Karoonda she bought a Morris Minor which had a massive 850 cc capacity. I do not want to offend the Nuffield family, or the Nuffield organisation, but, when I was a teenager, because that Morris Minor was unable to transport the family up Upper Sturt Road I had to stay at home. That has had a big impact on my mental wellbeing—being rejected as a result of Lord Nuffield, but I will put that aside.

The Nuffield scholarship is a great thing. As the member for Stuart pointed out, what we have seen in recent times, unfortunately and regrettably, is a cut-back in research by state and federal governments. Research should be increased, not cut back, to ensure that our farming practices (by 'farming' I include horticulture and the whole caboodle) continue to improve. Australia and South Australia have led the world in many aspects of agriculture, not only in what has been

developed and used here but also by people going overseas and sharing with others their expertise in areas such as dryland farming. The member for Bragg's late father was instrumental in giving information and advice in other parts of the world about dryland farming techniques.

We have pioneered a lot of things here such as new techniques for seeding and minimal tillage and, in horticulture, Tatura trellising, the V-shaped trellising that came out of Victoria but was adopted here. We have pioneered and developed a lot of things in Australia and South Australia, but in recent years we have seen a lack of understanding and commitment by state and federal governments to support research and development in agriculture and horticulture, with some of the research stations either being shut down or going to be shut down, and I think that is regrettable.

This means that scholarships such as the Nuffield scholarship are even more important to allow progressive farmers—young farmers, in particular—to find out what is happening elsewhere and to take their expertise and share it with others around the world. Anyone who takes an interest in world affairs knows that the pressure is going to be on over the next few decades to feed the world's population.

We are in an important position to help, but that will only be possible if we keep up with the science and the research, and that includes sending agricultural young people overseas to improve their skills and knowledge and share it with others around the world. I commend this motion—despite the fact that Lord Nuffield or his company denied me the opportunity to travel to Karoonda in his underpowered Morris Minor all those years ago.

The Hon. S.W. KEY (Ashford) (12:24): I rise to support the motion congratulating Nuffield Australia on the 60th anniversary of its first Nuffield farming scholar. I would like to begin by referring to what is essentially the mission statement of the Nuffield scholarship and what role the scholarship plays in South Australia's vast agricultural sector.

The long-term capacity of Australian agriculture to compete and succeed internationally will be determined by the ability of Australian farmers to recognise changing consumer preferences, adopt new technologies and production practices, and maintain the sustainability of their operations by protecting their production environment. I should just say that, on hearing the speakers before me, this is obviously something that many members in this house, particularly in the opposition, understand well.

They need to increase their confidence levels in order to support their instinctive judgement and adaptations necessary to grow, and providing young farmers with this knowledge and confidence is the very core of what the Nuffield Australia Farming Scholarship program offers to our farming community. I have to make a pronouncement here that I have never been a member of Rural Youth, so I am very sad that I have not had that opportunity.

Mr Pederick: It would have made you a better person.

The Hon. S.W. KEY: And it probably shows. As the member for Hammond says, it would probably have made me a better person, but there you go.

Mr Pederick: You might have even come over to this side.

The Hon. S.W. KEY: I think that's a bit radical. The member says I might have come over to that side. I don't think so, although there are a number of agrarian socialists, as I understand it. I don't know about over that side; there might be. Nuffield scholars have continuously demonstrated that they have the skills and passion required to learn about international agricultural markets. These scholarships allow the recipients to better manage their operations for the future growth of their business and share their success with the community and industry.

The Nuffield Farming Scholarship program is very targeted and a proven way of investing directly in the advancement of Australian agriculture. The benefits of the Nuffield scholarship do not cease on the scholar's return to Australia, and we have already heard testaments about that. Rather, as a consequence of his or her experience, the scholar is generally committed to lifelong involvement in the international Nuffield network driven by a thirst for continued learning.

Nuffield Australia Farming Scholars is a non-profit organisation administered professionally but supported by voluntary contributions made by its membership. The government also congratulates Nuffield Australia on the 60th anniversary of its first farming scholar. South Australia has been a very strong supporter of Nuffield scholarships with many very high profile people travelling around the world to study new farming practices and bringing these back to Australia.

It is an excellent opportunity for South Australian agriculture to gain firsthand experience on what is happening overseas. We are increasingly being exposed to global competition and the main way our agricultural sector will remain profitable, competitive and sustainable will be to ensure that our farming systems and enterprises remain ahead of the global pack.

I congratulate the member for Flinders—a very fine member—on his success in being awarded the Nuffield scholarship in 2002. His project was 'Investigation of value-adding opportunities and the study of grain industry structures' through a study trip to Canada and the US. I also congratulate Andrew Johnson, a leading Upper South-East livestock producer, who is currently a member of the board.

There have been many past recipients of the scholarship, with the list reading like the *Who's Who* of South Australian agriculture. Names such as Bert Kelly, Neil Andrew, Brett Roberts, Lynton Arney, Neil Smith, Trevor Day and Mark Modra come to mind. That also raises for me whether there have been any women who have received the Nuffield scholarship. I am sure the member for Flinders covered that in his contribution. I congratulate the organisation on reaching 60 years of supporting South Australian agriculture and all the recipients of the scholarship. I therefore commend the motion to be supported.

Mr PEDERICK (Hammond) (12:29): I too wish to support the motion by the member for Flinders that this house congratulates both Nuffield Australia on the 60th anniversary of its first Nuffield farming scholar, and Nuffield International on holding its triennial international conference in South Australia in September this year. Nuffield is about scholarships for Australian primary producers, and Nuffield Australia—

An honourable member: Young ones.

Mr PEDERICK: Yes, young ones—is part of a unique global network of farmers. Nuffield Australia Farming Scholars provides a scholarship scheme for the benefit of the Australian farming community, and through the adoption of local and international best practice and continuous development of a network of industry leaders and innovators, the scholarship scheme promotes excellence in all aspects of Australian agricultural production, distribution and management. A Nuffield farming scholarship is a world experience, and a continuing benefit to past and present scholars.

I would just like to say that it does promote excellence in our farming colleagues. I congratulate the member for Flinders (Peter Treloar) on conducting a trip in 2002 to study the grain industry, and just having a brief look at the executive summary of his report, he certainly makes some apt considerations about the ownership of grain companies across the world.

I notice that, at the end of the report, he talks about farmers keeping control of their companies. I note that this was a report filed in 2004; how much the world has changed in that time. Sadly, we see that here in South Australia we have, as farmers, lost control over some of our grain handling companies. We certainly see, in Western Australia, with co-operative bulk handling, that the farmers in the west have fought to keep control of that structure, and I applaud them for that.

I would also like to acknowledge Andrew Johnson, who is a colleague and friend of mine from Tintinara and who is very much involved in the pig industry. He is another Nuffield scholar who has been and will continue to be an excellent contributor to agriculture, always striving for excellence. I note a couple of the scholars from this year: Linda Eldredge—who I think is from around the Clare region, and I am pretty sure I knew her in Rural Youth many years ago—and Robin Schaefer from the Mallee. I have heard Robin Schaefer—

Mr Whetstone: Old girlfriend?

Mr PEDERICK: Robin is a male and no, Linda is not an ex-girlfriend, I can assure you; she would probably be appalled!

The Hon. R.B. Such: We've only got half an hour.

Mr PEDERICK: I would like to absolutely congratulate Robin Schaefer on his success in becoming a Nuffield scholar. I have had the opportunity to hear Robin speak on a couple of occasions about setting up his practice for no-till farming. He is a Mallee farmer and he knows he has to extract not just every dollar, but every cent out of his soil, and do it sustainably. He is a really switched-on farmer, and I really do congratulate him on winning this scholarship.

The Nuffield program, as I have said before, promotes excellence in Australia and also through overseas connections, and I note that the triennial conference is here in Adelaide this week. I fully congratulate the organisation for that, because anything we can do to promote agriculture is a good thing, especially in times where we see the state government here take so much money away from primary industries, as we have seen in recent years. Sadly, the agriculture industry is learning more and more that it has to stand on its own feet without much government support.

I would like to congratulate Nuffield International, and also Nuffield Australia, as I think they do great work. It promotes lifelong friendships that will go on forever, with people who meet from across the world. It promotes networks of excellence in agriculture that can only benefit the agriculture scene, not just in this country but right across the world. I commend the motion.

Mr WHETSTONE (Chaffey) (12:34): I too rise to support the motion by the member for Flinders. He is obviously an outstanding primary producer over on the Eyre Peninsula. Again, the Nuffield scholarship has been an institution right around the country not only with food but also with techniques and the way that we here in South Australia farm. It really is about bringing the regions in the agriculture sector to the forefront of excellence.

Nuffield scholars all seem to have similar characteristics: they have an R&D bent and also a huge amount of passion for the industry that surrounds them. In many senses it is about a lifestyle. Many farmers today do not want to talk about a lifestyle of farming because it is a very serious business. The Nuffield scholarships presented to primary producers really are recognition for their contribution to the industry. They are also recognition that they are prepared to embrace innovation and new techniques, but most of all they are about excellence within primary production and moving their industry forward.

Being given a scholarship means they are given an opportunity to travel, and in many cases they travel the world to look at how they can improve on what they do and, more importantly, bring back the message to their fellow farmers and be a conduit in that they can actually portray that there are better techniques and better ways out there to help their fellow farmers to compete on the world stage. Today, it is a very competitive world we live in with the production of the primary industry, but it is about survival: if you do not have the latest techniques, latest methods and the will to change, you will be left behind.

I note that the good member for Flinders received the award in 2002 on the grain industry structure and, as the member for Hammond said, he was very vocal about the grain producers keeping ownership of their marketers, keeping ownership of the industry, which has sadly slipped through their fingers over the last few years. A constituent of mine, John Gladigau, up in the Mallee was awarded the Nuffield scholarship, and he too has brought back a lot of new advice. He has also brought back a lot of new techniques.

His speciality was collaborative farming. It is about a lot of the farmers who have been through tough times not being able to upgrade machinery, not being able to access new techniques and new information. It is about sharing the information, about going to your neighbour and working together. It is about sharing equipment, sharing information and technology and, essentially, it really is about embracing the local region you are a part of and pulling it through those not always tough times and making sure you lend a helping hand and, in some cases, a helping ear to the betterment of not only the industry but also your local community and economy.

Of those who have travelled, many have spoken to the wider farming and primary production industries, a little like the member for Flinders addressing the conference earlier this week in Adelaide. It is great to see that he can share some of the huge amount of knowledge and expertise he has. At the moment, one of the big issues that will confront not only South Australia and Australia but the world is food—food security and food production. We need to look at new techniques and new types of food. We need to embrace something outside the square, something other than that which has been traditionally embraced for centuries with the way we farm, the techniques we use and the methods we embrace.

The Nuffield scholarship program is a very worthy program and something that will move with the times. Again, it must be embraced by all sectors of the primary production industry. I commend the motion to the house.

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (12:40): I, too, support the motion moved by the member for Flinders, and congratulate him on him being a previous scholarship winner. I will not traverse the area that has been covered by my colleagues; I certainly

agree with everything that has been said. I think the member for Chaffey touched on something very important, which I want to bring to the attention of the house because it concerns us all and it concerns the future of the state, and that is our ability to continue to be very efficient agricultural producers and to continue to export agricultural product to the world.

We do not find ourselves in this position by accident. We find ourselves in this position because those who came here in the early days and started farming were innovative. I guess the old adage about necessity being the mother of invention applied greatly to those people, and, because of that innovation which started from the very outset of farming in this state, South Australia developed a number of institutions which put us at the forefront of innovation in agriculture, such as, our plant breeding centres. Most of that work has been done at the Waite for years, but we have now included at the Waite the Centre for Plant Functional Genomics, which is again something that should enable us to stay at the forefront.

The broad range of public research has historically been done in South Australia under the auspices of the Department of Agriculture and more recently PIRSA, SARDI and our universities. Unfortunately, the government funding going towards all of that research has been cut so much in recent years, you could be excused for believing that this government has no understanding of rural South Australia and particularly the part that agriculture plays in rural South Australia.

I make these comments because the Nuffield scholarship, to some extent, fills that void, because it allows young practising farmers to travel to other places to pick up ideas, look at what other innovative farmers are doing and bring that knowledge back, not only for their own enterprise but to disseminate that knowledge amongst the farming community. Again, it was the dissemination of knowledge which brought South Australian farmers to the level of efficiency that they have enjoyed in recent years; however, there has been a failure by the current government in South Australia to continue that practice.

PIRSA used to have a fantastic extension service. It is one thing to have knowledge and to do research and gain new knowledge, but it is absolutely useless if the practitioners in the field are unaware of it. It is absolutely useless if it is not demonstrated to those practitioners in the field the benefits of that new knowledge and how to apply it on their own properties, bearing in mind that the application of new technology varies greatly from one part of the state to another. There are different soils and different climates in the various regions.

The extension service provided by Primary Industries SA, combined with its own research centres, has played a huge role in ensuring that South Australian farmers stay at the forefront of their industry and can compete on world markets in a way that they are able to make a viable living off their farmland.

A significant part of the arable land in South Australia is probably the most inhospitable land farmed anywhere in the world, but we have developed fantastic systems to be able to farm that land in the climate that we have, and do it profitably. However, I would argue that unless the state understands this we stand a good chance, in the not too distant future, of losing the ability to compete on world markets simply because we do not even keep up with best practice and latest technology, or indeed be out in front of the pack. That is where we have been, that is where we need to remain, and that is where we should be.

It is no good saying that South Australia's future relies on the mining industry and the defence industry if we allow the traditional industries that have carried this state for so long to wither and disappear. We do need the mining industry, we do need the defence industry, but we also need those industries that have been here supporting South Australia, and helping to build the state, for the last 180 years. We need those industries to prosper not only to feed ourselves, but to make sure that we can export to the rest of the world and bring export dollars in, so that we can continue to build this state as a fantastic place to live, work and play.

I, too, add my congratulations to the Nuffield Foundation. The work it does is even more important today than it ever has been before, because there has been a void left by the government here in South Australia in recent times, a void that will undermine our economic prosperity as we go forward unless it is filled. The Nuffield Foundation is, unfortunately, unable to fill the whole of that void, but I think its importance is greater than it ever has been before. I congratulate all those involved and all those who have taken the opportunity to apply for scholarships, and particularly those who have subsequently been awarded scholarships and who have been able to bring back knowledge and disseminate that amongst their colleagues in their

various industries here in South Australia. That, at least, continues to help and aid our farming community to do what it does very well.

Mr TRELOAR (Flinders) (12:47): I would like to thank all the other members from both sides of the house for their contributions to and support of this motion. It would be remiss of me if I did not mention, in these closing remarks, the fact that Western Australia is also having one week of this triennial conference. So congratulations to them as well; they are also doing an equal amount of work in the week following this. From South Australia the international delegates travel across to Western Australia, some by plane and some by train—

Mr Venning: Are you going?

Mr TRELOAR: No, I am not; I do not have time to attend the whole conference, unfortunately, as much as I would love to. I think this motion has given us all the opportunity to highlight the value of agriculture and the importance of food production generally. I can assure the member for Ashford that we do have some female scholars on our books, and the numbers of female scholars are in fact growing year by year. I can assure the member of that, and I also thank her for her contribution.

Some members have made reference to both Morris cars and Nuffield tractors—and those mentions have not always been made fondly, I have to say. However, I am sure that as the years go on their memories will become fonder. Really, it is a credit to Lord Nuffield and his innovation in those very early days that such a foundation was able to come into existence.

As has been mentioned, particularly by the member for MacKillop in his remarks, we do have some challenges for agriculture here in Australia. There is falling investment in R&D, we farm in a particularly difficult landscape and environment in some cases, our climate often conspires against us, and the political environment for agriculture is not always easy. But we remain competitive, we remain productive, and we remain very conscious that we need to operate in a global marketplace. The Nuffield scholarship scheme gives that investment into human capital that will help us maintain that productivity and competitiveness. So, congratulations to Nuffield. With that, I commend the motion.

Motion carried.

CRIME STATISTICS

The Hon. R.B. SUCH (Fisher) (12:50): I move:

That this house calls upon the state government to provide readily available and up-to-date crime statistics.

The motion as read indicates two key things: that the statistics should be readily available and up-to-date. Well, that is not the case, sadly, unfortunately. South Australia has an Office of Crime Statistics and Research (sometimes called OCSAR), which was established within the Attorney-General's Department in 1978. However, it is not possible for members of parliament or, indeed, any member of the public, to readily access crime statistics post-2007. That is in spite of OCSAR having a relatively large professional staff: a manager and 13 professionals, including senior researchers, data analysts, evaluation officers and administrators.

If a member wants to access post-2007 crime statistics, they must write to the Attorney-General, the CEO of the Attorney-General's Department or OCSAR's manager to obtain permission to receive these statistics. One of my staff recently sought the post-2007 statistics, but was told they were unavailable because they had not been published yet. When my staff member inquired as to why they had not been published yet, she was told that the statistics were in a PDF document and that takes a long time to produce. My staff member was told to write an email to the manager, seeking access to post-2007 statistics. She persisted and asked, 'If not from OCSAR, where could a person find post-2007 crime statistics?' She was referred to SAPOL annual reports. This is unacceptable.

Before 2007, as I indicated, OCSAR readily provided crime statistics to members of parliament or, indeed, any public person. These statistics were detailed, comprehensive and extremely useful. They covered every imaginable aspect of crime, including crimes against people, and apprehensions for graffiti, arson and property offences. People were told, on inquiry, where the offences occurred—on a bus, train, tram, public or private school, university, etc.—the penalties received, duration of imprisonment and every possible angle of the crime issue. If you look at the SAPOL statistics, their annual report for 2009-10 on page 17, under the heading 'Crime Statistics', explains that:

SAPOL use two methods in presenting crime data: Two Stage and Traditional Formats. The Two Stage Format was developed—

it says—

by SAPOL to provide a clearer picture on the categories of victim reported offences and offences against public order.

A little further on the same page—that is, page 17 of the annual report of 2009-10—it says:

The compilation of the data used in the Two Stage Format varies slightly from the Traditional Format.

In that:

SAPOL does not count some associated offences in this format. For example, when an offence of serious criminal trespass is recorded, any associated offence of theft is excluded from the count.

Retired police and serving police have raised this issue with me. If someone breaks into your house, how many offences are committed? The way they are recorded is important because, clearly, if there is an assault, then that is one offence; if property is stolen, that is another. You can either end up with a very inflated figure or a deflated one.

In comparison to South Australia, in New South Wales they have BOCSAR, which is their bureau of statistics—Bureau of Crime Statistics and Research. It is a statistical and research agency within the New South Wales Department of Attorney General and Justice, established in 1969. The director is Dr Don Weatherburn. It conducts research into crime and criminal justice and evaluates initiatives designed to reduce crime and reoffending.

I think that is a very important role because politicians of all persuasions, as we know, love to get into the law and order issue, particularly at election time. So, you end up with an auction about who can flog people harder or who can hang them more frequently, or some other thing, when what we really want are statistics that are based on fact and that will guide sensible measures, first of all to help reduce offending and to sensibly deal with issues arising from offending.

All of the New South Wales Bureau of Crime Statistics and Research data is available to members of the public. The information is stored in their databases and can be used to answer many questions about crime and justice in New South Wales. It includes information in the databases of crimes reported to police and it includes details such as the type of offence and when and where it is committed.

The information in the database of criminal court appearances include such details as: age, gender, type of offence or offences, the plea, outcome of court appearance and penalty for persons who appear before the courts charged with criminal offences. This is the type of crime statistic that South Australia once produced through the Office of Crime Statistics and Research. So, we have a model, and the government should return to the original model that we had here, which accords more with the practice in New South Wales.

I am not advocating beating the law and order drum. I think that is unhelpful and it ends up distorting public policy because in some cases you get an overreaction, or an inappropriate reaction to offending in the community. But if you do not have the statistics, if you cannot access them, then it is hard to look at trends and emerging areas that need to be tackled in relation to criminal behaviour.

The validity and accuracy of our state police statistics has a bearing on the statistics produced by the Australian Bureau of Statistics. The ABS collects crime statistics itself with national crime and safety surveys and it also collects data on crime from the police, criminal courts and corrections agencies in each Australian state and territory, and it does run a quality assurance program to try to ensure that its data is accurate and appropriate.

What I am advocating is that the state government simply gets back to what it used to do through the Office of Crime Statistics and Research and make sure that the statistics are readily available to members of parliament and the community without any attempt to make it difficult to access those statistics.

I am not suggesting that the government or the police have manipulated statistics, I am not suggesting that at all, but it does create a perception in the mind of observers if it is hard to get crime statistics promptly, particularly those post 2007. The immediate question is: why is it difficult to get those statistics? I am not suggesting there has been any malpractice but I think it does lead

to a perception in the community, and certainly amongst some MPs, that there is something not quite right in the system.

So, I call on the Attorney, in his program of reform, to have a look at the way statistics are issued and ensure that, for members of parliament, the public and the media, they are readily available without the artificial restrictions and difficulties which currently exist stopping that genuine knowledge being available to the wider community.

Ms CHAPMAN (Bragg) (12:58): I rise to support the motion and seek leave to continue my remarks.

Leave granted; debate adjourned.

[Sitting suspended from 12:59 to 14:00]

VISITORS

The SPEAKER: Members, I draw your attention today to the presence in the gallery of a group of students from Woodville High School, years 11 and 12, who are guests of the Minister for Education. Welcome; it is lovely to see you here. Also, I understand we have a group up the top there from SCOSA, who are guests of the member for Florey. It is lovely to see you here today, and we hope you enjoy your time here.

PAPERS

The following papers were laid on the table:

By the Speaker—

Ombudsman SA—Annual Report 2010-11—Ordered to be published
Police Complaints Authority—Annual Report 2010-11—Ordered to be published

ANSWERS TO QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard*.

HEALTH CARE

In reply to **Dr McFETRIDGE (Morphett)** (22 July 2010).

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): I am advised:

The 2009-10 net unfavourable operating result was $105.5 million. This unfavourable result was primarily attributable to:

- growth in in-patient activity above funded levels
- increased employee expenses predominantly attributable to additional nurses and medical graduates
- additional minor equipment and maintenance expenses
- additional training costs due to the payment of Medical Officer Professional Development in accordance with the Medical Officer Enterprise Agreement
- additional miscellaneous costs, including higher than budgeted Patient Assistance Transport Scheme charges and additional uniform charges and cleaning costs for the SA Ambulance Service.

ROYAL ADELAIDE HOSPITAL

In reply to **Mrs REDMOND (Heysen—Leader of the Opposition)** (9 June 2011).

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): I am advised:

1. The $3.2 billion figure in the question is incorrect. Otherwise, the government has spent $21.5 million on contracted advisers for the new Royal Adelaide Hospital leading to financial close.

A further $10.3 million is projected to be spent on contracted advisers throughout the design and construction phase of the project, totalling $31.8 million.

QUESTION TIME

SOLAR FEED-IN SCHEME

Mrs REDMOND (Heysen—Leader of the Opposition) (14:02): My question, unsurprisingly perhaps, is to the Minister for Energy. Which of the minister's stated increases in electricity prices because of the government's solar feed-in scheme is correct? Is it 1.67 per cent, 2.7 per cent, 3 per cent, 8 per cent, none of the above, or even the 2.2 per cent that was suggested by the minister to the media at lunch time; and is it true that the government's policy to increase the feed-in tariff to 54¢ would have caused electricity prices to rise even further?

The Hon. M.F. O'BRIEN (Napier—Minister for Agriculture and Fisheries, Minister for Forests, Minister for Energy, Minister for the Northern Suburbs) (14:03): I thank the—

Members interjecting:

The SPEAKER: Order!

The Hon. M.F. O'BRIEN: —leader for the question. I think it is probably apparent to the house that the deputy leader has been taken out of the equation, given his two—

Members interjecting:

The SPEAKER: Order!

The Hon. M.F. O'BRIEN: —absolutely woeful performances on radio this morning, and the member for Norwood actually—

Members interjecting:

The SPEAKER: Order! I can't hear the minister's response. There is too much across the chamber. Dreadful behaviour.

The Hon. M.F. O'BRIEN: —having to come to the assistance of the beleaguered deputy leader with a—

An honourable member: He hollered for a marshal, did he?

The Hon. M.F. O'BRIEN: Yes, hollered—

Members interjecting:

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

The Hon. M.F. O'BRIEN: He hollered for a marshal, but that didn't help, because he was as flat as a tack.

An honourable member: How long did you practise that in the mirror?

The Hon. M.F. O'BRIEN: No, that just came to me. I was confronted last night with a media statement from the deputy leader claiming that I had said that there was going to be an 8 per cent increase, which kind of horrified me at the time, given the fact that I thought he would realise that that was way outside the ballpark, and I was actually—

Members interjecting:

The SPEAKER: Order, members on my left!

The Hon. M.F. O'BRIEN: I stated on three occasions in question time that I would return with the figure. So, I will work through it, and if the deputy leader wants me to work my way back I am more than happy to do it. We will start with the figure of 8 per cent that I said I would check on and come back to the house. ESCOSA's standing contract was set on 1 August. The deputy leader has some awareness of ESCOSA. He asked me whether ESCOSA could check on the modelling that the opposition was putting up in relation to the feed-in tariff.

From 1 August, ESCOSA set the standing contract, which is the fallback position for people who don't want to go into the marketplace, and it was an agreement that came out of the whole privatisation process so that if the competition mechanism did not work successfully, and people felt that they were being ripped off, they could have a price set by a government authority.

ESCOSA sets the standing contract. I think everybody has a degree of surety with the process. They determined that the standing contract from 1 August should rise by 17.44 per cent. Network prices, which account for 40 per cent of the typical residential bill, constituted 14 per cent of this 17.44 per cent. This was in large part due to calls by ElectraNet and ETSA for substantial—

Members interjecting:

The SPEAKER: Order!

The Hon. M.F. O'BRIEN: If the complexity is getting away from you, just let me know. With regard to the increase of 17.44 per cent, 80.2 per cent of that increase was due to the increase in transmission charges. Our calculations, which I sought to confirm—hence my undertaking to return to the house with a firm figure—set the contribution of solar feed-in tariff at 8 per cent of this increase.

The calculation runs as follows: the ESCOSA standing contract increase on medium usage of 5,000 kilowatts annually is $226.12. At the end of July, installed capacity was around 100 megawatts. The cost of the scheme at 100 megawatts is calculated at $19.73 for medium usage. I will table this because I am going to come back to it a little later. This is where it might get a little—

Members interjecting:

The SPEAKER: Order! There is too much noise in the chamber. I can't hear the minister.

The Hon. M.F. O'BRIEN: This is where it may get a little demanding. You divide—

Mr Goldsworthy interjecting:

The SPEAKER: The member for Kavel, you are warned.

The Hon. M.F. O'BRIEN: Dividing the $19.73, which is the cost of the feed-in tariff over a year, by the $226.12 increase in the standing contract—that is, the feed-in component of the increase in electricity prices by the total increase—comes in at 8.7 per cent. That is where the figure came from. That is one way—

Mr Marshall interjecting:

The SPEAKER: Member for Norwood!

The Hon. M.F. O'BRIEN: I'm not hollering for a marshal.

Mr Marshall interjecting:

The SPEAKER: The member for Norwood, you are warned. You will have an opportunity to ask a question later. Minister, have you finished your answer?

The Hon. M.F. O'BRIEN: No. That is one way of dealing with it. It quite surprised me that the deputy leader did not comprehend because—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. M.F. O'BRIEN: I would expect the deputy leader to be across his portfolio area. I am now tabling the install capacity, the qualifying capacity and the impact. At 130 megawatts of installed capacity, which is the figure as of a week ago, the contribution is $25.62 a year increase in electricity charges, which is 1.67 per cent. In addition to the 130 megawatts of installed capacity, there is an additional 80 that has been booked. ETSA has signed off on these applications.

Members interjecting:

The Hon. M.F. O'BRIEN: This is serious; you really want to get an understanding? So, at 210, assuming that everybody who has applied to put panels on their roofs as of approximately a week ago—if they all have the panels put on their roofs—the increase to the average consumer will be $41.30, which is 2.7 per cent. So, there are three figures in play. The 8 per cent to which I referred yesterday—

Members interjecting:

The SPEAKER: Order!

The Hon. M.F. O'BRIEN: —and I will table the table for the edification of the opposition.

Members interjecting:

The SPEAKER: Order! I know it is Thursday and we are breaking for two weeks. If you don't want to be here this afternoon, please leave now before I throw you out. You are being very bad today.

TOURISM COMMISSION BOARD

Mrs GERAGHTY (Torrens) (14:11): My question is to the Minister for Tourism. Can the minister inform the house about new appointments to the board of the SA Tourism Commission?

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) (14:11): I thank the member for Torrens for her question. I am very pleased to announce that experienced businesswoman, Jane Jeffreys, has today been appointed the new Chair of the South Australian Tourism Commission. I'm also pleased to announce the appointment of three new board members, all of whom will bring vast experience and new skills to the board, guiding tourism in South Australia. Ms Jeffreys, until today the deputy chair of the tourism commission, is the natural successor to previous chair, Bob Foord who, I might add—

Ms Chapman interjecting:

The SPEAKER: Order, member for Bragg!

The Hon. J.R. RAU: —served with considerable distinction in that role. She is an experienced company director, Chair of the Adelaide Convention Centre, and a former director of Tourism Australia and the Port Adelaide Football Club. That, however, was not the reason for her selection. It was because she was the best person for the job. She is a clear thinker who will help us capitalise on the rejuvenation of the City of Adelaide, and our new approaches to marketing South Australia as a whole.

Three new members will also join the board as from today: Jan Turbill is an experienced marketing and advertising professional and current member of the SA Motorsport Board; Brian Hayes is South Australia's Special Envoy to India and a planning and environmental law expert, and brings his expertise to the board; and John Irving is the Chair of the State Theatre Company and has a strong background in business and accounting. I am also pleased to announce the reappointment to the board of businessman Michael Tilley.

Mr Pengilly interjecting:

The SPEAKER: Order! The member for Finniss will behave.

The Hon. J.R. RAU: I would like also to extend my thanks to outgoing board members, Kerry Lehman, Michael Abbott AO QC, and former chairman Bob Foord, for their contribution to the SATC. Tourism in South Australia is in good shape and, with the new board members, I am sure it will continue to grow and go from strength to strength.

SOLAR FEED-IN SCHEME

Mrs REDMOND (Heysen—Leader of the Opposition) (14:14): My question is again to the Minister for Energy. Given that electricity prices have already gone up by 75 per cent under this government, how much extra does the government's modelling show the average household will pay because of the solar feed-in scheme and the carbon tax?

The Hon. M.F. O'BRIEN (Napier—Minister for Agriculture and Fisheries, Minister for Forests, Minister for Energy, Minister for the Northern Suburbs) (14:14): I had a quick look at the ESCOSA modelling that was done for the deputy leader and I think that issue was covered in the deputy leader's briefing, but I will confirm that and, if it wasn't, I will return with an answer. What you lose sight of when you say 'under this government' is that it is actually a privatised market run by the national energy regulator. Those price determinations are made by and large at a national level. Hence, we have ESCOSA in place to do the standing contract to make sure that South Australian consumers are not harshly done by in the national market outcomes.

Members interjecting:

The SPEAKER: Order! The member for Bright.

TEACHERS, PUBLIC SCHOOLS

Ms FOX (Bright) (14:16): My question is to the Minister for Education. Can the minister advise the house of reforms aimed at improving the performance and esteem of teachers in our public schools?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development, Minister for Science and Information Economy) (14:16): I thank the honourable member for her question. She, of course, as a former teacher appreciates the significance of the quality of teaching. It is the single most important factor that makes a difference in our schools for our children's learning. I am pleased to announce to the house today that the government has released a new performance development and management policy aimed at ensuring the highest standards within our teaching profession within our public schools.

The policy is directed at those two matters: obviously, lifting performance, making sure that we take the performance that exists in our schools and make it the best it can be, but it is also a policy concerning the management of poor performance, which is equally important. The new policy will ensure a culture of performance development in our schools, but it will also make it easier for principals to address any concerns with underperforming staff. The single most important way of addressing performance in any workplace, but certainly in schools, is to make sure that the feedback is regular, informal and based on quality data. That is the way you lift performance in any organisation, and that is what we are doing in our schools.

The new policy provides for better planning for teacher development, more tailored personal learning, and more feedback for teachers about their performance. We know that the overwhelming majority of our teachers do a great job inspiring our children and students to stretch themselves, but by providing a more systematic performance development process to support them we can do better. We know that in the past classrooms certainly became very private places where teachers were really left to carry on with their students without the guidance that I think is really appropriate for lifting performance.

As we have now gone down this path of having more detailed discussions about how children learn and the performances that make a difference to students are drawn to the attention of teachers, we can see that this is an incredibly powerful way of enthusing our teaching workforce. Many teachers who have been doing wonderful things for years are being recognised. Other teachers who for a long time have been doing the same thing that has not been working are being given assistance to lift their performance.

The new policy provides for greater flexibility so that interventions can be tailored to individual circumstances. One of the things that we had in the old system was a performance management process that was way too long. Not only was it debilitating for the principal seeking to use it but it was equally debilitating for the teachers who were subjected to it, so that was in no-one's interest. It certainly meant that often we were left with underperforming teachers in schools, which simply detracted from the morale of our schools, and we also found that it was very difficult for principals to operate in that environment.

What they did, of course, was to use the 10-year rule to simply empty those teachers out into the central placement pool. What people knew, then, about the central placement pool was that that was the place where you might find a teacher who was not up to scratch, so nobody would advertise, and people were put on a series of short-term contracts. That is why we got rid of the 10-year rule, because it had a very important relationship to this question of performance management.

We do now have a much better performance management process. Of course, it builds in natural justice (as you would expect) for those teachers. It removes the requirement for a panel of observers, recognising that the principal is the educational leader in the school setting and so should have the discretion on how best to identify performance and address that performance in a particular case, and to make sure that we do these two very important things, that is, lift good performance and turn it into outstanding performance but also have an intolerance for poor performance.

SOLAR FEED-IN SCHEME

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (14:20): My question is to the Minister for Energy. Can the minister inform the house how many concession cardholders do

not have solar panels on their roofs and therefore are subsidising the government's solar feed-in scheme, and how many concession cardholders do have solar panels on their roofs and therefore are beneficiaries of the scheme?

The Hon. M.F. O'BRIEN (Napier—Minister for Agriculture and Fisheries, Minister for Forests, Minister for Energy, Minister for the Northern Suburbs) (14:20): I will take that on notice—

Members interjecting:

The SPEAKER: Order!

The Hon. M.F. O'BRIEN: All this information emanates from ETSA, which does all this work. It is a private corporation and—

Mr Williams interjecting:

The Hon. M.F. O'BRIEN: The deputy leader rang ETSA—

Mr Williams interjecting:

The SPEAKER: Order! The deputy leader, you are warned.

The Hon. M.F. O'BRIEN: —yesterday or the day before, he informed me. Well, why didn't you ask when you rang?

Mr Williams: You're the one who made the claim on the radio this morning, Michael.

The SPEAKER: Order!

Mr Williams interjecting:

The SPEAKER: Order! Deputy leader, you have asked the question.

The Hon. M.F. O'BRIEN: I will take that on notice. Given the resources required by ETSA, it may take some time.

The SPEAKER: I remind people in the gallery with cameras to film only the people who are actually on their feet. We seem to have a profusion of cameras today. The member for Ashford.

RECYCLING

The Hon. S.W. KEY (Ashford) (14:21): My question is directed to the Minister for Environment and Conservation. What is the government doing to ensure that South Australia's community continues to lead the nation in recycling activity?

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (14:21): Thank you—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: Thank you very much, Madam Speaker, and I thank the member for her question; and, of course, I also acknowledge the great numbers of people she sends through to my office on matters that relate to recycling, and I very much appreciate that.

I can advise the house that the latest South Australian recycling industry figure shows that 2.76 million tonnes of material was diverted during 2009-10. During this time waste accepted by South Australian landfills decreased to 1.04 million tonnes. These factors have combined to increase the diversion rate for South Australia to 72.7 per cent, up from 70.4 per cent in the previous year—the highest value recorded—

Members interjecting:

The SPEAKER: Order! Members on my left, be quiet!

The Hon. P. CAICA: —by this recycling activity survey since it commenced in 2003-04. The total estimated greenhouse gas savings from recycling in South Australia during 2009-10 is about one million tonnes of carbon dioxide. That is a greenhouse gas saving of approximately 1.5 million trees that would have had to be planted to absorb the same amount of carbon dioxide.

The Hon. I.F. Evans: How much methane is associated with it?

The Hon. P. CAICA: The more that we divert with respect to organics, mate—are you one of those who say that we should be putting organics into landfill? Sorry, Madam Speaker, I apologise for my unruliness. However, Madam Speaker—

An honourable member interjecting:

The Hon. P. CAICA: Well, I have. I have apologised, which you should try to do more often. Against these excellent figures, the placement of unsuitable materials in our recycling and green organics bins remains a problem for many councils' recycling and composting facilities. To help address this issue, the South Australian government is helping to enhance householders' awareness and understanding of recycling at the kerbside.

The Recycle Right campaign will help to improve householders' knowledge and remind them of what is and what is not suitable to be placed into the kerbside recycling and green organics. I will say this: this campaign will also provide information on the correct preparation of items before they are placed in the recycling bin, for example, rinsing containers, removing lids from bottles and scraping food remnants from pizza boxes—very important.

Members interjecting:

The Hon. P. CAICA: So you don't support these initiatives?

Members interjecting:

The Hon. P. CAICA: No, what you do is recycle deputy leaders.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: The first stage of the Recycle Right campaign—we could learn from the opposition about recycling, there's no doubt about it—during October will focus on messages to improve householder use and reduce contamination in the green organics bin. The second stage of this campaign will focus on the recycling bin during December to tie in with increased packaging in the lead-up to Christmas.

The Recycle Right campaign has been developed in collaboration with the Local Government Association of South Australia, Visy recycling and waste industry stakeholders, including, of course, Compost SA and will be important to supplement and improve current recycling knowledge and behaviour leading to even further improvements in this important area in our state. Despite some of the heckling from members of the opposition, I know that they understand that South Australia is a leader in all matters of recycling and reuse.

Ms Chapman: In radioactive waste!

The Hon. P. CAICA: The last time I remember—and it was a debate back in 2005 or thereabouts—it was the opposition that was arguing in support of prime minister Howard's location of a radioactive waste dump here in South Australia.

Members interjecting:

The SPEAKER: Order! If members want to have a conversation, they can go outside the chamber. Member for Little Para.

SBC-ME PROGRAM

Mr ODENWALDER (Little Para) (14:26): My question is to the Minister for Correctional Services. Can the minister inform the house of the newly developed behavioural program for imprisoned sex offenders?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Mineral Resources Development, Minister for Industry and Trade, Minister for Small Business, Minister for Correctional Services) (14:26): I would like to thank the honourable member for his question and his keen interest in all things corrections. I am pleased to inform the house of a new program that has been developed by the staff of the rehabilitation programs branch of the Department for Correctional Services. The sexual behaviour clinic 'me' program was developed in response to staff recognition of the need to address sex offending amongst prisoners with cognitive deficits.

Prisoners with intellectual and learning disabilities are considered unsuitable for the standardised sexual behaviour clinic program. This new program, SBC-me, will be piloted at Mount

Gambier Prison from this week. SBC-me is a 14-month treatment program for adult male sexual offenders. The overall—

The Hon. R.B. Such interjecting:

The Hon. A. KOUTSANTONIS: No, he certainly does not. He is an upstanding member of the Mount Gambier community. The overall aim of the program is to reduce reoffending rates by assisting offenders to understand their offending cycle and by teaching them skills to cease offending behaviour. Offenders who are identified as having a mild to borderline level of intellectual intelligence and have been assessed as being at moderate to high risk of sexual reoffending will be eligible to participate in the SBC-me program. Program groups will contain a maximum of eight participants.

This program will be delivered by a Department for Correctional Services senior clinician, together with Disability SA staff members. With these staff, offenders will work through a series of eight modules designed to assist them to recognise the reasons for their offending, learn about the impact of sexual abuse on victims and teach them, most importantly, self-management skills to prevent future reoffending.

SBC-me is just another example of this government's commitment to rehabilitating the community's worst offenders. I remind the house that it was this Labor government which introduced the sexual behaviour clinic in 2005. It is this Labor government which has boosted spending on rehabilitation programs to $32.4 million in the recent budget and achieved the lowest reoffend rate in the nation, lower than the West Australian Liberal government, lower than the Victorian Liberal government, and lower than the New South Wales Liberal government at a 30.2 per cent rate.

The Hon. I.F. Evans: It has been there six months!

The Hon. A. KOUTSANTONIS: We have had this record for a period of years. It is this government which will continue to support the implementation of new programs as they are developed. The development of programs such as this proves the calibre of the staff we have in the Department for Correctional Services. They identified a need within the system and have developed a program to fulfil that need. I want to take this opportunity to commend the staff for their efforts and thank them for their commitment to the rehabilitation of offenders and the safety of the South Australian community.

HOSPITALS

Mrs REDMOND (Heysen—Leader of the Opposition) (14:29): My question is to the Minister for Health. Why after almost 10 years in office is the minister having to apologise to the South Australian people for the state of the health system? I will briefly explain. On 3 February 2002 the then opposition leader Mike Rann, in promising to fix the state's health system, said:

> People...are scared they will end up on a trolley in a hospital corridor waiting frantically for 24 hours or more to be admitted. Or in an ambulance being driven all over town in search of a hospital somewhere, for an emergency ward, with a bed.

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) (14:30): I thank the member for her question. The facts are that South Australia has an excellent healthcare system; it is one of the very best in the world. We as a government have continued to invest resources in that healthcare system—

Mr Marshall interjecting:

The SPEAKER: Order! Member for Norwood, you are warned for the second time.

The Hon. J.D. HILL: —to meet the demand of the public of our state which, as members would know, is ageing, and as you age you are more likely to need healthcare services, so we have invested in them. I went through the figures over the last couple of days: a huge increase in the number of doctors; a huge increase in the number of nurses; a huge increase in the number of allied health workers; and 260 additional beds with 250 beds on the way. Over the course of this term of government we have invested hundreds of millions of dollars into extra capacity in our healthcare system, including and in particular at the Flinders Medical Centre—in particular at the emergency department of the Flinders Medical Centre.

The reality is that if you are to do building work on an operational hospital site it does cause restrictions in the supply. I made that point publicly a year ago when I announced that the building

works were to begin. I said that you can expect to see some issues here over the next 12 months or so while we go through the building works. Surprise, surprise: there have been issues at the Flinders Medical Centre.

I inspected the Flinders Medical Centre emergency department works last week, and I am pleased to say they are progressing well and we will start to see that extra capacity come online in October or November, which will address a lot of the capacity issues at the emergency department. There will still be several months while the waiting area where patients and families wait for services is being renovated.

Members interjecting:

The Hon. J.D. HILL: Madam Speaker, the opposition asked the question. I give, I think, a non-political answer with just factual information. They continue to interject. They have absolutely no ideas themselves. They have not made one positive suggestion in the entire 9½ years that they have been in opposition.

Members interjecting:

The Hon. J.D. HILL: Yes, I am the minister, and I am telling you what I am doing. The Flinders Medical Centre emergency department is under some pressure, as I have indicated. We are managing that pressure as best we can. There were a couple of occasions over recent months when a number of ambulances were waiting for patients to be taken out of ambulances to be put into the emergency department. We have a protocol in place where generally that is done within half an hour. There is always some time from when an ambulance arrives and the patient is taken in.

That is normally done within 20 minutes or half an hour and generally that has been working at Flinders. On a few occasions that has not happened. I apologised to the patients involved on the occasion of a week or so ago. As I told the media, when you go through and analyse the circumstances in each of the cases the patients probably should not have been taken to that place. That, as I said, was a system error which should not have happened, and I have asked my department to make sure that we do not go through that again.

For example, there was a patient transferred there from Noarlunga Hospital who needed some sort of test—I am not sure whether it was a blood test or another test. They should not have gone through the emergency department: they should have gone directly into the main part of the hospital. There was another patient who should have been taken to the Women's and Children's; that patient was eventually taken to that hospital and the service was provided.

Dr McFetridge interjecting:

The Hon. J.D. HILL: The shadow minister for health likes to make a lot of noise on this issue: I have yet to hear one positive suggestion as to what the opposition would do if they were in government to address these serious and complex issues.

Members interjecting:

The SPEAKER: Order!

HEALTH SYSTEM

Dr McFETRIDGE (Morphett) (14:34): My question is to the Minister for Health. I have one suggestion: he should resign.

Members interjecting:

The SPEAKER: Order!

Dr McFETRIDGE: After 10 years of Labor, will the minister tell South Australians why, when someone has an acute heart attack, they cannot get immediate hospital treatment and instead are diverted from one hospital to another because of overcrowding? Last weekend, a patient suffering an acute heart attack was being transported in an ambulance to the Lyell McEwin Hospital. The ambulance was then diverted to the Royal Adelaide Hospital because of severe overcrowding at the Lyell McEwin Hospital.

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) (14:35): We have a range of triage categories in our health system which are determined by doctors. We have a 100 per cent success rate in dealing immediately with patients who are in

category 1—100 per cent analysed by the AIHW, which is a national statistical measurement. We have a 100 per cent success rate in dealing with category 1 patients who are taken to the emergency department. The analysis, I would suspect, by the member for Morphett is flawed because category 1 patients are dealt with immediately.

Members interjecting:

The SPEAKER: Order! I cannot hear the minister.

The Hon. J.D. HILL: Category 1 patients are dealt with immediately and are taken to the emergency department that can provide the service that is appropriate. I will also say that we run a health system, not individual hospitals running themselves. We run a health system, so if one hospital is busy and has a lot of demand then we take patients to the next hospital that is available that is less busy. I would have thought that was the logical and smart thing to do.

When they were in government, it wasn't run in that way. They did not run a health system when they were in government: they ran hospitals with their own boards. Patients were taken to the hospitals, and they weren't diverted to other hospitals where there was capacity. They would have to wait at a busy hospital. If that is the system that South Australians want, that is the system that the opposition is promoting. I for one am opposed to it. I think any proper analysis would suggest that running a system-wide approach where you use the capacity in the best way you can, rather than clogging up a system with patients when there is already a huge demand, is a very unwise way of running a health system.

Members interjecting:

The SPEAKER: Order! The member for Kavel, you are warned for the second time.

HEALTH SYSTEM

Dr McFETRIDGE (Morphett) (14:37): My question is again to the Minister for Health. After 10 years of this government, why has the South Australian health system become so bad that a woman having a miscarriage was stuck in an ambulance outside Flinders Medical Centre for over two hours?

The Hon. P.F. CONLON: Point of order, Madam Speaker. I just point out that saying that this health system has become so bad is argument, is opinion, is comment and is out of order under standing order 97.

The SPEAKER: I uphold that point of order.

Members interjecting:

The SPEAKER: Order! I would suggest that the member for Morphett reword his question.

Dr McFETRIDGE: Minister, why has the South Australian health system got to the point where a woman is stuck in an ambulance for two hours outside the Flinders Medical Centre when she is having a miscarriage?

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order!

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) (14:38): Of course, the opposition has a ghoulish delight in pursuing personal histories and personal circumstances. They of course do it in a way—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —that is not necessarily based on the facts. Let me give you the facts as they have been given to me. It is the same occasion and, as I said, I apologised to the patients who were in ambulances at the Flinders Medical Centre on the day last week.

I think it is deeply regrettable because obviously this patient's and other patients' personal circumstances were splashed across the media, I think, unfairly. Obviously a miscarriage is a time

of great difficulty for a patient but, as I have mentioned in the media before, my understanding in relation to this woman is that the miscarriage had substantially occurred.

She called an ambulance. She said she wanted to go to the Flinders Medical Centre. The Flinders Medical Centre was very busy at the occasion. She was categorised I think as a category 3 triage patient, so it wasn't considered to be urgent. She was obviously very distressed, but as a clinical consideration she was in that kind of category level which meant that she didn't need to be seen immediately. Eventually, because the hospital was very busy, she was taken to the Women's and Children's Hospital where she was treated. That is where she should have gone, and that is why I said the system did not at work as well as it should have.

Often patients have a view about where they want to go, but that is not necessarily in their best interests. On this occasion, it would have been in her better interests if she had been taken immediately to the Women's and Children's Hospital where she would have been treated. That is exactly what happened.

NORTHERN HEALTH SERVICES

Mr PICCOLO (Light) (14:40): My question is to the Minister for Health. What health services are available to northern Adelaide residents and, in particular, emergency orthopaedic patients?

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) (14:40): I thank the member for Light for his question; I know he has a great deal of interest in the health services in his community. The Gawler *Bunyip* newspaper this week ran a sensational front-page story about a local woman's need for emergency orthopaedic surgery on Sunday 28 August. The article quoted the patient's treating doctor and alleges that that doctor made a number of claims about the state's public health system.

After discussions with my staff, *The Bunyip* forwarded questions to my office at 4.18pm on Monday 26 September. My staff provided oral advice on the same day and also detailed written responses at 12.44pm on Tuesday (the following day) that rebutted these claims. Despite advice from my office that much of the information was incorrect, *The Bunyip* did not include any advice from my office in the article published on the subsequent Wednesday (the 28th), saying it was not received before the deadline.

Let me tell the house what was substantially told to *The Bunyip*. *The Bunyip* claimed that the doctor called the Lyell McEwin Hospital and was told that they did not have an orthopaedic surgeon working on Sundays. I am surprised that the doctor made that call because, if he practised in the northern suburbs—which he does—he would have known that the Lyell McEwin Hospital did not have an orthopaedic surgeon working on Sundays because the emergency orthopaedic service in the northern suburbs is run through the Modbury Hospital, and there is an orthopaedic team available there 24 hours a day, seven days a week. A patient from the north could also access services at the Royal Adelaide or The Queen Elizabeth.

A second claim in *The Bunyip* was that the doctor allegedly called The Queen Elizabeth Hospital and was told that they did not have any beds. I am surprised if the doctor was told that but, if he was, I would ask him to provide information so we can investigate that, because The Queen Elizabeth Hospital does have a 24-hour service for orthopaedic surgery and would not turn away emergency patients who were in absolute need. In fact, I am told that, on that very same day, another orthopaedic patient from Gawler was treated at The QEH.

The Bunyip also claims that the doctor said the Royal Adelaide Hospital did not want the patient because it was too far and they had no capacity. We are unaware of who the doctor allegedly spoke to but, once again, I would be very pleased to investigate it if he would like to tell us. But, once again, there is a 24-hour, seven days a week orthopaedic surgical service at the Royal Adelaide Hospital.

The Bunyip alleges that the doctor claimed Modbury Hospital was not an option because it did not have an orthopaedic surgeon at all. That is the claim that most riles me. The doctor claims that the hospital did not have an orthopaedic surgeon. The fact is that Modbury Hospital has orthopaedic surgical cover 24 hours a day, seven-days-a-week. Modbury Hospital services the North East with orthopaedic surgery, performing a high volume of non-complex procedures.

I would expect that doctors working in that area would have known that. To make sure that they do, I have asked the Northern Adelaide Local Health Network to contact all doctors in the area

to remind them of emergency arrangements in public hospitals. Equally, I would have thought that before making such claims *The Bunyip,* as a reputable newspaper, would have checked its facts by contacting the hospital. They contacted us, we gave them the facts, they chose not to run them.

Another claim is that *The Bunyip* claims the doctor had no other choice but to call an ambulance and send the patient to Flinders Private Hospital. All our public metropolitan hospitals have emergency departments that accept and treat emergency patients. If a hospital is busy, as I have already informed the house, they are given alternatives. But to say there was no other choice does a great disservice to the hard-working staff of our public hospitals. Our public hospital departments will always take in urgent patients, but clinicians will determine the order in which they are treated.

I also note that the patient in question had private medical insurance, so it was perfectly reasonable for them to go to Flinders Private. One of the benefits, of course, of having private insurance is that you have a personal choice about which hospital you go to and, in this case, the patient exercised that choice. I hope she is recovering well. I also reject claims published in the article attributed to the failed former Liberal candidate for Light, Cosie Costa, that the plan to make the Lyell McEwin Hospital the hospital for the north is not working. He is wrong and he is telling untruths about our healthcare system.

This government is undertaking major works at the Lyell McEwin Hospital, with a total investment of $339 million. These works are steadily transforming that hospital into one of the state's major acute hospitals. The first two stages have been completed and include: new and upgraded inpatient wards; a new emergency department, including extended emergency care unit; medical imaging; an intensive care unit; a high dependency unit; a coronary care unit; state-of-the-art operating units; a women's health centre; extension of pathology and pharmacy services; enhanced day surgery services; enhanced oncology services; and research space.

There were 189 available overnight beds on average at the Lyell McEwin in the last year of the former Liberal government. This has increased to 291 beds under this government. That means there are 100 extra beds than existed under the former government. The redevelopment works currently underway will add another 100 beds to that hospital, expanding the neonatal service, commission three theatres and add a helipad to the hospital. Under this government, the Lyell McEwin will almost double in size and become a major emergency, teaching and research hospital.

As more services come online at the Lyell, we have also added more staff. The number of doctors, nurses and allied health professionals has increased. In fact, there are 158 more doctors, 91 more allied health workers and 671 more nurses at the Lyell McEwin than when we were in opposition. It is outrageous enough that the opposition here make up stories about our health system, trying to gain political points on the basis of untruths, but when their failed candidates do the same thing in untested interviews with local newspapers I must say something. Gawler residents—

Members interjecting:

The SPEAKER: Order, members on my left!

The Hon. J.D. HILL: —can also access public healthcare services, including surgical, at the Gawler Hospital, as well as the new Elizabeth GP Plus Health Care Centre—

Mr Pederick interjecting:

The SPEAKER: Member for Hammond, you are warned.

The Hon. J.D. HILL: —another initiative of this state government.

Members interjecting:

The SPEAKER: Order!

Mr Venning interjecting:

The SPEAKER: Member for Schubert, you are like a poor old soap opera today; you haven't shut up.

Mr Venning: Me?

The SPEAKER: You, yes.

Mr Venning: First time.

The SPEAKER: Continual dialogue in the background.

Members interjecting:

The SPEAKER: Order, members on my right also!

The Hon. K.O. Foley interjecting:

The SPEAKER: Minister for Defence Industries, behave. Member for Norwood.

OVERARCHING BILATERAL INDIGENOUS PLAN

Mr MARSHALL (Norwood) (14:47): My question is to the Minister for Aboriginal Affairs and Reconciliation. Will the minister advise the house on the progress of the South Australian Aboriginal Strategic Plan first announced by the previous minister, minister Weatherill, in 2006, and now referred to by the minister's department as the Overarching Bilateral Indigenous Plan? When will this plan be released and why has it taken more than five years to develop?

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) (14:48): I am very happy to bring back, for the benefit of the member, a detailed response.

Members interjecting:

The SPEAKER: Order!

Mr Williams interjecting:

The SPEAKER: Order, the deputy leader!

Members interjecting:

The SPEAKER: Order!

APY LANDS, HOUSING AUDIT

Mr MARSHALL (Norwood) (14:49): My question is to the Minister for Aboriginal Affairs and Reconciliation. Will the minister update the house on the progress of the housing audit begun by her department more than a year ago to deal with the lack of coordination with government housing on the APY lands; and will the minister also advise why, on a recent visit to the APY lands, I saw house after house after house unoccupied, many for more than 12 months, whilst families of up to 20 people are crammed into one small dwelling?

Members interjecting:

The SPEAKER: Order!

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) (14:49): I am very—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —happy to provide a response on this matter, because it became obvious when I became minister that there is an issue in relation to how accommodation for government housing is managed on the lands. As Minister for Aboriginal Affairs I initiated a housing audit. I believe the member asked me this question in estimates, and we are very vigorously undertaking an audit across government. We are having to deal with—

Mr Marshall interjecting:

The SPEAKER: Member for Norwood, you are on your second warning; you will go again soon, and you will go for three days. Listen to the answer; you asked the question.

The Hon. G. PORTOLESI: I advised him at the time that, in relation to coordinating government accommodation, we were having to deal with teachers who had contracts in relation to their accommodation and we also had to deal with SAPOL.

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: Often, the community had misperceptions about the housing that was available, just like the member for Norwood. For instance, something that appeared to be vacant often was not vacant. This is the reality of organising—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —accommodation on the lands. We need to work across government. I think, quite frankly, that we do need—

Mr Pengilly interjecting:

The SPEAKER: Member for Finniss, you are warned.

The Hon. G. PORTOLESI: I think that we do need a new regime and a new policy for organising government housing on the lands, and we are working towards that. I am hopeful that in the next couple of months we will be able to progress that policy through cabinet. I have to say, though, one thing that the Minister Assisting the Premier in the Arts (John Hill) and I were very pleased to announce earlier this year at the time of the budget was nearly half a million dollars for assistance for art centres.

Mr PENGILLY: Point of order, Madam Speaker.

The SPEAKER: Point of order: member for Finniss.

Mr PENGILLY: The minister referred to the Minister for Health as John Hill. He must be referred to by his title.

The SPEAKER: Thank you, member for Finniss. I didn't hear that with all the interjections; sorry. The minister will keep that in mind. Minister, back to your answer.

The Hon. G. PORTOLESI: I acknowledge that we need to do things differently in relation to housing on the lands. We are doing that, and I am hopeful that we will have a new model and plan in the next number of months.

Members interjecting:

The SPEAKER: Order!

FILM CLASSIFICATION

The Hon. M.J. ATKINSON (Croydon) (14:52): Can the Attorney-General—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: —and minister representing South Australia on the Council of Censorship Ministers tell the house why he has refused classification to the motion picture *A Serbian Film*?

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) (14:53): I thank the member for Croydon for his question, and I note in doing so that the member for Croydon, during his tenure in the office of attorney, spent considerable effort attending to the film aspect of his portfolio and did it very well. This is an example of something that I am sure the honourable member, when he was minister, would have done, as well.

In August I announced that the state government had refused classification of a film due for release in Adelaide. This film, titled *A Serbian Film*, contained numerous disturbing scenes of sexual violence and references to bestiality and paedophilia. I was first made aware of this film after a DVD store manager decided to refuse to stock the film in his store. He actually contacted my office and said words something along the lines of, 'Look, normally I'm into films that are a bit out there but even I found this film so revolting that you need to take a look at it.'

It was then referred to the South Australian Classification Council, which met to have a look at the film. The formal advice from the council was that the film should be refused classification because it has exploitative and offensive depictions of violence with a very high degree of impact; it

contains exploitative and offensive depictions of sexual violence; and it contains offensive depictions involving a person who appears to be a child under 18 years of age.

After receiving that advice, and viewing (I am pleased to say on fast forward only) the film myself, I became strongly of the view that *A Serbian Film* should not be released at all in Australia. I asked the federal government to take urgent action to reconsider its classification of the film. In response to an application by the Minister for Justice (Hon. Brendan O'Connor), the commonwealth Classification Review Board reviewed the restrictions of the classification board to classify the film R18.

The review board was unanimous in its decision to classify the film RC (Refused Classification). The review board was of the opinion that *A Serbian Film* could not be accommodated within the R18 classification as the level of depictions of sexual violence, themes of incest and depictions of child sexual abuse in the film has an impact which, naturally, was extremely high and not justified by context.

Films classified RC cannot be sold, hired, or advertised in Australia. I am very pleased with this result, and I know that the public supports this decision. While banning a film is a step not to be taken lightly, this film—described by one reviewer as 'morally irredeemable'—clearly breached our community standards. In this particular instance, South Australia and our film classification council led the way to having this terrible film reclassified at a national level.

CRIMINAL APPEALS

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (14:55): My question is to the Attorney-General. Given that a police officer advised the victim in the Malcolm Fox case that over the last 40 years they had never seen a teacher receive a suspended sentence for child sex offences, can the minister confirm that police requested that the DPP appeal the sentence in that case?

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) (14:56): I thought we dealt with this earlier in the week, but I think perhaps the deputy leader, in asking the question, is saying more about himself than the people he is asking about. Anyway, let me go back to the point I made previously.

We have in South Australia a person called the Director of Public Prosecutions. The Director of Public Prosecutions is an independent statutory officer. The director's job, amongst other things, is to consider whether or not there is sufficient evidence in a particular case to warrant prosecution and, if so, to launch that prosecution. In the case of a decision of the court which needs to be reviewed as to whether or not an appeal should be lodged, it is the director's discretion that is exercised in relation to that decision. I understand the particular case which the deputy leader keeps wanting to refer to, and I think I'm not puzzled as to why, and the wisdom of this I question but, anyway, I will keep going.

The situation is this: the Director of Public Prosecutions has considered this matter. The Director of Public Prosecutions has spoken, as I understand it, to the individual concerned (the complainant), and, I believe, the complainant's mother or other members of the complainant's family, although I was not present and therefore can't say exactly who was there. A full explanation, I believe, was given to those people. That is where my involvement in this matter begins and ends. Requests in relation to these matters do not come to me.

SAFE OCTOBER

Mrs VLAHOS (Taylor) (14:58): My question is to the Minister for Road Safety. Can the minister provide the house with the details of the Safe October road safety campaign?

The Hon. T.R. KENYON (Newland—Minister for Recreation, Sport and Racing, Minister for Road Safety, Minister for Veterans' Affairs, Minister Assisting the Premier with South Australia's Strategic Plan, Minister Assisting the Minister for Employment, Training and Further Education) (14:58): This morning, I was very pleased to be able to be present at the launch of Safe October. Safe October is a month of concentration on road safety in this state. It involves the Motor Accident Commission, the South Australian Police and the government in a number of items. It is brought about mainly by the fact that every now and then we have a terrible month in South Australia, and every now and then our figures spike up. If we can have a bad month, then it is possible for us to have a good month.

We are getting very close this year to exceeding last year's road toll, and that would be a bad result for the state, so police have decided that, for the month of October, they are going to enforce very heavily and visibly the 'fatal five': drink-driving or drink and drug driving, speeding, wearing of seatbelts, inattention or driver distraction—one of the chief causes of inattention is the use of mobile phones, both texting and for voice calls—so police will be targeting those very heavily. I particularly encourage them to target seatbelt wearing. If they do that, we would make a very large leap forward in our road safety outcomes.

Last year in October there were 12 fatalities and, obviously, the target this year is to get that much closer to the three that we had in September last year. It is an excellent initiative of the police. It has received excellent cooperation from the Motor Accident Commission. I will be launching in the next week or so a strategy on how the government is planning to improve road safety in the state. I look forward to doing that, and I look forward to the cooperation of all in the house who will hopefully be involved in that in a number of ways.

Tomorrow a lot of people will be travelling interstate and within the state for the long weekend. I take this opportunity to urge them to be patient, to be respectful to their fellow drivers, and to just take their time to get there safely over the weekend. There are two weeks of school holidays where people travel around a bit. Again, concentrating on road safety outcomes is a good way of ensuring that our road toll comes down. I would ask all members in this house to encourage their constituents to drive safely, especially over the next month, but also all the time.

CRIMINAL APPEALS

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:01): My question again is to the Attorney-General. Particularly given the answer to that previous question, why is it that with the Nemer case the government launched a media campaign and took court action to direct the DPP to appeal the sentence, but in the case of the convicted child sex offender Malcolm Fox the Attorney-General will not use same process?

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) (15:01): Perhaps I can answer this in terms that may make sense to the honourable deputy leader. There are things that grow on two different types of trees. One tree is called an apple tree and one tree is called an orange tree. You pick oranges off orange trees and apples off apple trees, you put them together, and they are not the same. That is the answer to your question.

REHABILITATION AND RETURN TO WORK

Ms BEDFORD (Florey) (15:02): My question is to the Minister for Workers Rehabilitation. Can the minister tell the house what the government is doing to recognise excellence in rehabilitation and return to work?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education, Minister for Workers Rehabilitation) (15:02): I would like to thank the member for Florey for her question. The government is ensuring that South Australian injured workers are supported to either remain at work if possible or, if not, to return to work quickly and safely. The longer someone is away from work the harder it is to return, so it is important that the government is doing what it can to support those who are returning to work. This is where the Recovery and Return to Work Awards play a very important role.

The awards, which are now in their sixth year, recognise the efforts and outstanding achievements of injured workers returning to work, as well as those who assist them. I had the privilege of attending this year's ceremony to present awards to some of the great success stories of those returning to work. After an extensive judging process, 30 finalists were nominated across eight categories. There was a total of 11 awards presented at the ceremony, together with five commendation awards.

Some of the highlights of the night included the joint winners of the Return to Work Achievement Award for workers in a large or self-insured company. This year that award went to probationary police officer Tung Tran and his partner Nathan Mulholland. The two officers faced a life-and-death situation in a shooting incident when on duty. They were ambushed and shot at during a routine domestic disturbance callout. They had shrapnel removed in hospital, but found that psychological injuries often take longer to heal than the physical ones. The support Nathan

and Tung received from their colleagues and injury managers at work, together with encouragement from their families, enabled them both to recover and return to work quickly.

Another great success story was the winner of the Small Employer Excellence Award, which was won by a Naracoorte-based company called Kenlen Seeds. As a small rural company, Kenlen Seeds went the extra mile to make sure one of their staff members returned to work after being run over by a harvester. It is often tough for small employers to design suitable things for injured workers to do. With just four staff, Tim and Bruce Schultz of Kenlen Seeds did not hesitate to do all they could to help their worker get back to work, including modifying equipment and duties to get him back in the driver's seat.

These are just a couple of the great stories that were told throughout the night, showcasing the great spirit of employers and workers working together. I would like to thank the sponsors of the Return to Work Awards program, including Business SA, Employers Mutual, Minter Ellison and the Self Insurers of South Australia. I encourage anyone to visit www.workcover.com to read stories from all award winners of the 2011 Recovery and Return to Work Awards.

HOSPITALS

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) (15:05): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: In question time today the member for Morphett asked me a question about a heart patient who was diverted from the Lyell McEwin to the Royal Adelaide Hospital. I have been given advice by my officers. They believe that they have found the heart patient the member referred to, and I am told that a 77-year-old man who was being taken to Lyell McEwin was then diverted to the Royal Adelaide Hospital, not because there was no available space at the Lyell McEwin but because his issues were much more serious than originally thought.

The patient had a ruptured aortic aneurysm and needed specialist care by the RAH cardiac team. He is in the ICU, and he has survived a potentially disastrous event because of the RAH team. I should point out to the house and to all members that patients are taken to the hospital which can provide them with the most likely chances of their survival. The Royal Adelaide Hospital has services that no other hospital has; and, if you need to be in that hospital, you will be taken to that hospital.

GRIEVANCE DEBATE

FAMILIES AND COMMUNITIES DEPARTMENT

Ms CHAPMAN (Bragg) (15:06): Today a senior journalist published a claim that 11 departmental officers of the Department for Families and Communities had been disciplined and/or dismissed as a result of downloading pornography while at work on their office computers. This is a most serious allegation. However, he further published that Joslene Mazel, CEO of the Department for Families and Communities, confirmed that, indeed, members of her staff had been the subject of a disciplinary process for misusing government resources and breaches of the South Australian Public Service Code of Ethics.

The allegation is that, over a sustained period of time this year, members of the department had been downloading and viewing pornography. This is a gross abuse of the Public Service resources and, indeed, of the time of these officers when they are supposed to be, as identified in the Families and Communities' mission statement, A Better Life for South Australians: 'attending to the poor, vulnerable, at risk of harm or the isolated to connect them to choices and opportunities'.

This very concerning allegation comes at a time when, whilst the departmental chief executive has been trotted out to give some explanation as to what has happened, indeed there is a further allegation revealing that, notwithstanding that the individual details of the cases have been answered, this information was being kept confidential by FACS and (a further allegation) by minister Jennifer Rankine. Well, members, and Madam Deputy Speaker, where is the minister—

The Hon. M.J. ATKINSON: Point of order.

The DEPUTY SPEAKER: Point of order, member for Croydon.

The Hon. M.J. ATKINSON: Point of order. As the member for Finniss earlier took a point on the same point, the member for Bragg should refer to ministers by the title of their department or by the name of their electorate, and not by their Christian and surname.

The DEPUTY SPEAKER: That was, indeed, the point of order that was raised by the member for Finniss, and I do uphold it, as, indeed, his point of order was upheld.

Ms CHAPMAN: Just for the benefit of the member for Croydon, I will repeat that quote in which the claim was made, and that was, '...are being kept confidential by FACS and the minister, Jennifer Rankine'. I go on to say: where is the minister today? Where is the minister on this important occasion when at least one senior officer in her own department has been dismissed for the use of pornography while at work? Where is she today? Well, she is in Victoria. Is she doing important ministerial business? No; she is attending the opening of an event by some other party for a housing project. Why is she not here? Could she have been here, having left yesterday? Of course she could have. When she became aware—

The DEPUTY SPEAKER: Member for Bragg, I would direct you, at least in this particular area, that I think it is convention in this parliament that we do not refer to the absence or otherwise of people who may or indeed may not be here. You are well aware of this convention.

Ms CHAPMAN: What I say is this: what is very important is that the Minister for Families and Communities—

The Hon. M.J. Atkinson: You didn't even ask a question about it.

Ms CHAPMAN: The interjection from the member for Croydon—and I want this on the record—is, 'You haven't even asked a question about it.' Where is she? Where is she to ask the question? Where is she?

The DEPUTY SPEAKER: Order, member for Bragg! Perhaps I have a very, very quiet voice and you did not hear me the first time, but it is a convention in this place that we do not discuss the whereabouts, or indeed the non-whereabouts, of a person who may or may not be here.

Ms CHAPMAN: Twice this week the minister has attended the parliament and answered questions about a number of matters and, indeed, given ministerial statements. Not once this week has the minister come into this house and said to the people of South Australia, 'This is what has happened in my department. I'm sorry for it. This is what I have done about it.'

Not once has she explained to the people of South Australia why this has happened, what she has done about it, what part of the department has been under fire in this regard, where and in what aspect of the finding out of this serious abuse in her department was she informed about it, why she had not explained to the people of South Australia what she had done about it, and why she did not inform this parliament immediately about what had happened about this.

No—absolute silence from the Minister for Families and Communities, no statement to the parliament, no press conference, no issue of a media statement, not a single word. Even today, when this has become a public matter in the arena, no mention from the Premier down to any one of these ministers to explain to the people of South Australia—

The DEPUTY SPEAKER: Order! Your time has expired.

Ms CHAPMAN: —what on earth is going on in that department and what they are doing about it.

The DEPUTY SPEAKER: Member for Bragg, your time has expired.

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Mitchell.

HEALTH SYSTEM

Mr SIBBONS (Mitchell) (15:11): On Thursday 15 September, some of you may have noticed that I was absent. Unfortunately, I was admitted to Flinders Medical Centre after having a severe allergic reaction to penicillin. My body swelled up to an alarming size and I looked like I had extreme sunburn. My skin blistered and I shed much of my skin on all of my body. My heart was tachy and I experienced alarming problems with my liver. At times over the past two weeks, I have been very unwell and very worried.

It had been some 25 years since I had been admitted to Flinders, when I had lifesaving surgery to remove my spleen after a car accident. My recent admission gave me an opportunity to see our much-maligned public health system up close, and I would like to share that experience. When I presented at the emergency department, it was very busy and efficient but not very inviting due to the upgrade construction work. Unfortunately, any construction work creates a less than ideal environment for staff and patients, and I acknowledge the tolerance of those affected. I simply cannot understand the policy of those opposite to rebuild the RAH around a working hospital.

After short wait, I was examined by emergency department staff, enabling medical staff to assess how quickly I needed to be seen by doctors and receive treatment. There was a wait before I received a thorough examination, during which time I was advised I would need to be admitted, and staff proceeded to organise it.

Was this process utterly seamless and perfect? No, but it was efficient and orderly, and I did receive the expert medical attention suited to the severity of my condition. The professionalism and expertise of the medical team was fantastic, and I wish to thank staff in emergency, the extended care unit, 6A ward, and the doctors from dermatology for their hard work and excellent care. I also wish to acknowledge the wonderful cleaning and catering staff for the great job they do, and I make special mention of the unsung heroes, the volunteers, who provide vital assistance to hospitals and patients.

During my five-day stay, there were times of peak demand during which every hand was needed on deck, and the system was stretched to accommodate this. System blockages are also apparent. For example, I was in a four-patient ward and one elderly gentleman was waiting to be moved to a rehabilitation facility, but there were no beds available. This reflects the genuine challenges facing our public health system, including an ageing population, the increasing burden of chronic disease, access to affordable GPs, a skills shortage in medical and nursing staff, ageing infrastructure, and the inefficiency of duplicated services.

That is why the government has committed, through its health plan, to upgrade Flinders and the Lyell McEwen and to build a new RAH. These will be our primary hospitals, with the QEH, Modbury and Noarlunga having an emphasis on rehabilitation, aged and palliative care, as well as general and elective surgery. In particular, the $163 million Flinders redevelopment, including the upgrade of the emergency department, will be completed by the end of next year.

Back in October 2010 and again today in question time, the Hon. John Hill made it very clear that some delays would be expected during this upgrade, but it is vital. Our emergency departments are also under pressure from the large number of people who do not need to be there. Coughs, colds, cuts and scrapes, and minor drug and alcohol-related injuries and illness, all impact on our emergency departments when these issues can often be treated elsewhere. We should encourage people to go to emergency when there is an emergency, and ensure people know how to access other services in their areas.

The 1800 022 222 is a free 24-hour telephone help advice line staffed by registered nurses to provide expert health advice. The line also provides access to GPs after hours if necessary. GPs who bulk-bill and numbers for locum services which provide after-hours home visits should be promoted, and all MPs should be getting this information out to their communities. After my experience I am grateful for the excellent care I received from our public health system and I am thankful to be on the road to recovery. I encourage everyone in this place to get behind our public hospitals and to support our health plan to ensure quality public health services into the future.

CRIMINAL APPEALS

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:17): Madam Deputy Speaker, during the course of this week I have asked three questions to the Attorney-General which go to the heart—

The DEPUTY SPEAKER: Member for MacKillop, just hang on. I'm not cross with you but if you are going to talk about what I think you are going to talk about then I think it is inappropriate that I be here.

Mr WILLIAMS: Fine.

The SPEAKER: Member for MacKillop.

Mr WILLIAMS: Madam Speaker, during the course of this week I have asked three questions of the Attorney-General about a case which has been before the courts in recent times.

Let me say from the outset that this has nothing to do with the member for Bright and she has my greatest sympathy for being caught up in this matter.

This is about something much, much more fundamental. This is about equality before the law. This is about South Australians expecting to be treated the same irrespective of who they are, who they are friendly with or whether the government of the day can see a political opportunity in making something more out of a case than is really there.

In 2004 the Nemer case, which is now a celebrated case in the state's history, was used, in my opinion, by this government to make a political point. It makes me ask the question: did Paul Nemer go to gaol because of his offence or did he go to gaol because the government of the day, the premier of the day, decided that it would win votes? It is a very serious question because at the subsequent election seats changed hands. The government was playing a very strong law and order campaign.

The Premier said at the time that he would do it again. He said his government would have no hesitation about intervening in future criminal cases if it were in the interests of justice and the public interest. Was it in the interests of justice and the public interest for Paul Nemer to go to gaol but for somebody convicted of a child sex offence to receive a suspended sentence when the government at the last election said that they were going to clamp down on suspended sentences in serious criminal cases?

I take no pleasure in having asked these questions. I also take no pleasure in living in a state where people are put in gaol as a political whim. I think everyone of us in this case abhors the idea that people are gaoled for political reasons. We know in many countries in the world people are gaoled for their political beliefs because they believe in something different than the ruling junta of the time. The question arises in South Australia: do we have political prisoners because it suits the political agenda of the government of the day?

The answer to that question in a South Australia that I want to live in should be no. The answer to that question in the South Australia that I find myself living in has a big question mark over it. There is no consistency between what this government did in the case of Paul Nemer and what it has done in the case of Malcolm Fox. I ask every member of this government to take a long, hard look at themselves because they have all supported this nonsense.

They have all supported this nonsense, and I did not see or hear the current Attorney-General raise one word of protest over the Nemer affair. It was a very sad and sorry day for the state. We still have prisoners in gaol who, but for decisions that are taken in secret—and there is no accountability for them—would have been released under our parole system. It is a very dangerous time when a government plays with the judicial outcomes of our courts.

CRIMINAL APPEALS

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) (15:22): I would very much prefer not to be here at this present time, nor to be occupying the time of another member on this side of the house who wants to say something constructive about the work that they are doing in their electorate and the work that their communities are doing or issues that are very important to them but, I consider that, having suffered the provocation in question time the other day from the Deputy Leader of the Opposition and again today, and having had it then—

Mr Williams interjecting:

The Hon. J.R. RAU: I listened to you in silence. Then today to have it made even worse by this miserable attempt at self-justification that we have just heard, I am left with no choice but to come in here and say a few words reluctantly about this distasteful topic. The first thing I need to make very clear, and I have said it already a couple of times in question time, is this: the Director of Public Prosecutions is the person who makes decisions about whether cases are prosecuted in this state and whether appeals are taken in respect of convictions obtained or not obtained in this state. That is point No.1.

Point No.2: to the best of my recollection, I do not recall—aside from the particular case mentioned by the deputy leader, namely the Nemer case—an attorney-general interfering in the prosecutorial discretion of the Director of Public Prosecutions. I do not recall it. At the very least, we have the Deputy Leader of the Opposition comparing a single event that has occurred in the last decade—incidentally, not one that has occurred during my tenure but, nevertheless, a single

event—to one particular case out of the hundreds if not thousands of other criminal cases that have been heard here in South Australia in the last decade. One single case!

What is it that is so particularly interesting about this one particular case? In the last six months we had a case where a young man was charged with the offence of murder and was given a non-parole period below the 20-year maximum, and there was public outcry about that. It went to the Director of Public Prosecutions. The director exercised his discretion and decided that no appeal was appropriate. What did they say about that? Nothing, not a word, not a single word.

We had another case here recently where a woman, apparently in a moment of great anger and frustration, killed her husband. I believe he was burned. There was much public outcry about that, a great deal of public outcry about that, and there were questions about whether she received the right sentence, which I believe might have been a suspended sentence. What did we hear from them about that case? Nothing, absolutely nothing. In that case, again, the director exercised his discretion. They did not complain about that. They did not ask me to review that.

There are hundreds if not thousands of other cases where the great legal mind of the deputy leader—having read something in *The Advertiser* which goes for two paragraphs—might have formed a different opinion to the opinion expressed by the judge, but what does he do? Nothing. We know what is going on here. It is transparent what is going on here, and it is a great shame to the deputy leader personally, and to the leader, who must have authorised this rubbish, that this parliament is being abused in this way.

I ask all those who sit behind this man: are you proud of what he is doing? Are you proud of the way he is misusing this chamber? Are you proud of a leader who is prepared to authorise and endorse this behaviour? All this talk about political prisoners—what a lot of rubbish! It is absolutely—

Mr Williams: Tell us what you think about Paul Nemer.

The SPEAKER: Order! Continue, Attorney.

The Hon. J.R. RAU: Madam Speaker, I could go on, but it is obviously futile.

Mr Williams: Not a word about the Nemer case.

Mrs Geraghty: Shame on you.

Mr Williams: That's what it is about, and you know it.

The SPEAKER: Order! Sometimes I wonder why I am here.

FINNISS ELECTORATE

Mr PENGILLY (Finniss) (15:28): You will be pleased to know, ma'am, that I wish to speak about something different. I draw to the attention of the house today a couple of issues. The first one is the intended amalgamation of the Victor Harbor R-7 School—totally contrary to any common sense, totally contrary to the wishes of the school, the parents and the governing council—at the behest of bloody-minded bureaucrats in Flinders Street who could not care less about schools and how they operate; all they want to do is save money.

A few weeks ago Ms Sharon Phillips, the Chair of the Governing Council of the R-7 school, came to see me. She was quite distressed about the fact that this was being thrust upon them and wanted to know where to turn. One of the worries of this business is that the intention is for the minister to make the final decision. Currently, the minister is the Hon. Jay Weatherill and, in 21 days, he will go on to become the premier of the state, and I am not sure where this will finish up.

However, let me put firmly on the record that this matter regarding the school is totally inappropriate. I do not wish to comment on other schools in the metropolitan area or around the state, but, in this particular case, leave it alone, because the community is in an uproar about it. It is creating major distress with the parents of the children and the staff, as I said. The staff are feeling bottled up because they cannot comment at the risk of some sort of retribution from the mandarins up in Flinders Street. It would appear that other people who have been sent down to do the dirty work are not all that happy about it either and want it to go away.

I simply say to the government that they should get their hands off this particular attempt at amalgamation and leave the school as it is. It is a brilliant school on a brilliant campus doing a

brilliant job, and it should not be messed around with to save a few dollars for a government in terminal decay through its budget process.

The second thing I want to talk about is the Vivonne Bay Surf Music Festival, which will take place in November, and you will remember that the Minister for Tourism announced this event a few weeks ago. I have never seen a more disgusting protest launched against anything than I have about this. A couple of weeks ago, Kangaroo Island Council organised a meeting so that Surfing SA could present its case, and the Department of Environment and Natural Resources, the CFS and some other people were able to answer questions.

There was a group of protesters there whose performance was nothing short of discourteous, rude and downright un-Australian as far as I am concerned.

Mr Pederick: Were they on the roll?

Mr PENGILLY: No; that is a good question the member for Hammond asks. When I checked up to see whether three of the people who appeared in the *Sunday Mail* out on the water at Vivonne Bay were indeed on the roll, two of them are not on my electoral roll at all; one is, but resident at Middleton. A whole lot of nonsense has been talked about this, and there have been attempts to incorporate and blame Sealink, for heaven's sake, which is just a sponsor. It just happens that some of the activities are on its property, and others are on the property of Mr Michael Bald, a nearby farmer.

The members of the community overwhelmingly support this event happening on Kangaroo Island at Vivonne Bay. My attendance at recent football and netball finals on three days (Saturday, Sunday and Saturday) has left me in absolutely no doubt about that. These people will not go away. They are putting all the nonsense in the world on websites. To say that they are playing with the truth would be something of a polite statement, quite frankly. The nonsense they are trying to perpetrate is unbelievable.

There are a couple of people who are actually genuine locals who are opposed to it, and I listened to what they had to say. I do not necessarily agree with them, but I listened to what they say. These feral people living down at Vivonne Bay making all the noise and creating all this disruption ought to pack up and leave if they do not like it because it is going to be a great success. On this, the government and I are at one, and I know my side of the house is as well. It is going to take families and children home to the island. It is seen as a reunion. It is going to be good for business. It is going to be good for the island. It will be a great event. Whether there is any surf remains to be seen, but the music will be fantastic.

The minister for the environment is well aware of what has been going on over there. I praise Mr Bill Haddrill, the local manager, who has done a great job. I praise Terry May, the local CFS chief. I praise the mayor of Kangaroo Island, Jane Bates, for holding the meeting. I have nothing but disdain for those who sought to disrupt, be discourteous and derail that meeting, which was for information only. I would happily pay their ticket off the island—one way.

NATIONAL POLICE REMEMBRANCE DAY

Mr ODENWALDER (Little Para) (15:33): Today marks the 22nd anniversary of National Police Remembrance Day in this country. Each year across Australia and the Pacific nations, National Police Remembrance Day is observed at services held on 29 September. National Police Remembrance Day is one of the most important days on the policing calendar. As most of us here know, it is a day set aside to reflect on the valuable and dangerous work that our police forces do and, more specifically, to remember those police officers who have lost their lives in the line of duty. It provides an opportunity to honour all police who have given their lives serving our community.

During my own admittedly short time with SAPOL, I was lucky enough not to lose a colleague in the line of duty, but I knew many who had. It was impressed upon us every day through our training, through our day-to-day experiences and through the war stories of more experienced officers just what a dangerous occupation it is, and that injury or death could arrive unexpectedly at any time.

Indeed, it was impressed upon us that it was the seemingly innocuous jobs—the random traffic stop, the minor disturbance at a suburban address—that had the most potential to go horribly wrong. It was timely today to hear from the Treasurer about the return-to-work achievement awards, which honoured Police Constable Tung Tran and his partner, Nathan Mulholland, in returning to work after some particularly horrific experiences.

National Police Remembrance Day is a time for serving and past members of SAPOL and for all members of our community to remember, honour and say thank you to the men and women who have died whilst on duty. I am advised that a total of 61 local police officers have lost their lives in the performance of their duty since 1838, when SAPOL was formed.

The National Police Memorial was established in 2006 with the names of over 700 fallen officers inscribed on brass plaques. Currently, the names of 749 police officers are inscribed on the National Police Memorial, the first name being that of Constable Joseph Luker who died in the line of duty in 1803 in Sydney.

National Police Remembrance Day was instigated in April 1989 during the Conference of Commissioners of the Police of Australasia and the South-West Pacific Region. It was unanimously agreed that the service would be held on 29 September, the Feast Day of St Michael, the patron saint of police. In addition to the many ceremonies held across the country, a memorial service is held at Fort Largs Police Academy each year. I understand that the Minister for Police laid a wreath this morning at the academy.

I am proud to have been a serving police officer in SAPOL and I have nothing but enormous respect for the work they do in keeping our community safe. I am also proud to say that this government has a great track record of supporting our police. There is a former minister for police sitting in front of me now, the member for Lee, who is responsible for a lot of this. We now have around 4,500 full-time equivalent police officers in South Australia. When Labor took office in 2002 there were only 3,700 police. This is an unprecedented investment in our front-line police and the government is well on track to meeting its target of 1,000 more police since taking office. There are hundreds of extra front-line police.

A recent report from the Productivity Commission shows that South Australia continues to have the highest number of police per capita of any state. At the time of this report South Australia had 312 operational police for every 100,000 persons. The next closest was Queensland with 293; Western Australia had 281; and Victoria and New South Wales fell far behind with just 236 and 234 per 100,000 respectively.

In addition to this, the latest SAPOL and ABS statistics show that the crime rate in South Australia has fallen by over 35 per cent since 2002, including a 3.5 per cent reduction in victim reported crime in 2009-10. Most pleasing, of course, is that these statistics show that in 2009-10 the biggest falls in crime occurred in offences against the person. Murders were down 23.1 per cent; attempted murders were down by 19.4 per cent; serious assaults were down by 10.8 per cent; and assaults on police officers were down by 6.7 per cent.

This simply means that South Australians are far less likely to become victims of violent crime. Despite what some would have you believe, we are a safer community through good policing and through this government's investment in front-line police resources.

I continue to be extremely proud of the good work that the South Australia Police do every day. They do it in an uncertain and unpredictable environment and they do it in the knowledge that, at any time, things could go horribly wrong. I know that this government will continue to support our front-line police and the good work that they do.

CORONERS (RECOMMENDATIONS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

NATURAL RESOURCES MANAGEMENT (COMMERCIAL FORESTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 July 2011.)

Mr PEGLER (Mount Gambier) (15:39): I rise to speak on the Natural Resources Management (Commercial Forests) Amendment Bill. The bill that we have before us is extremely important to the people, businesses, and the environment of Mt Gambier and the entire South-East. The implications of the ridiculous proposal by the state Labor government to sell our forests pale into insignificance compared to the importance of the passage of this bill.

This bill provides the necessary tools for the people of the South-East to enable them to develop long-term regulations, policies and plans to manage the water of the South-East in a sustainable manner for the benefit of all stakeholders, be they dryland farmers, forest growers, irrigators, urban users, businesses or the environment. My people have lived in the district since

the 1850s and in that time they have been farmers, irrigators, business owners and forest growers, so this bill is very important to me.

Over the past 15 years, I have consulted widely with all stakeholders in my community regarding the management of our water resources. The shadow minister for environment and conservation, Hon. Michelle Lensink MLC, put out a media release on 4 August claiming that I had been silent on this issue. I can assure her that my constituents and the stakeholders in the South-East do not concur with her sentiments.

She also says in her media release that, under the changes, any new plantation will be required to purchase a water licence. The fact of the matter is that all new plantations already require a water licence under the planning act in areas that are at or near full allocation, which is most of the South-East. In considering this bill it is important that we understand the resource that we are dealing with and what the present water balance of the aquifer is.

The member for MacKillop has given a very lengthy description of the history of water in the South-East. In summary, the South-East was originally a very wet landscape with much of the land being treeless and inundated with water for much of the year. Drainage was introduced and vast areas of land were then made available for improved pasture production, forestry and irrigated crops. This land has proven to be some of the most productive in the state.

The aquifer that this bill is aimed at is the upper unconfined aquifer of the Lower Limestone Coast Prescribed Wells Area. This aquifer is quite unique and robust. It principally relies on the rain that falls on the surface for recharge. The water in the aquifer is slow moving and the water that is not utilised eventually flows out to the sea through springs, creeks and drains. For the aquifer to remain robust, this outflow must occur as it takes the salt out of the landscape and holds the sea back from inundating the aquifer.

Because of our very low variability in rainfall (15 per cent in Mt Gambier which is one of the lowest in Australia) the recharge levels are fairly constant over the long term. This bill gives us the tools to develop management plans that give consideration to all significant activities that affect both the interception of recharge and the direct extraction of water by pumping, evaporation, discharge from springs and drains and direct extraction from the aquifer by plantation forestry.

The figures that I am about to quote come from the South-East Water Science Review, which was commissioned by the Lower Limestone Coast Taskforce to examine the science behind the water allocation process in the South-East region. The review was conducted by the Environment Institute at University of Adelaide and focused on the hydrological science, hydrogeological science, ecological science and aspects of the geographic information systems behind decision making in the South-East.

It also commissioned hydrogeological and economic modelling and conducted a land capability assessment and a review of water available in the drainage system. This paper is essential reading for all elected members of both houses of this parliament so that they can make decisions based on the best science and fact rather than hearsay. The acknowledgements on the last page of this report certainly give it credibility.

The inflows affecting the water balance are as follows: there is 78 per cent (1,256 gigalitres) recharge from rainfall, 19 per cent from rainfall on surface water bodies, and 1 per cent each from surface water inflows and drainage from flood irrigation. The outflows affecting the water balance are: 43 per cent from the evaporation from surface water bodies, 19 per cent from groundwater extraction for pumping, 14 per cent from interception of recharge from plantation forestry, 8 per cent from direct extraction from plantation forestry, 7 per cent each from discharge from springs and drains, and 1 per cent from stock and domestic use. In other words, forestry is responsible for 22 per cent of the water that is utilised over and above what a developed pasture would use.

Much has been said about the Border Groundwater Agreement, which is an agreement between Victoria and South Australia 20 kilometres either side of the border. My opinion is that all this agreement has achieved is that we now have four management areas instead of two, all of which have differing rules regarding water management. Only 26 per cent of the water allocated in the South-East falls within this zone, and 35 per cent of the 165,000 hectares of plantation forests are also in this zone.

In the mid-1990s, it was recognised that we had to manage our water resources in a better way, thus prescription and licensing were introduced. In the first place, permissible annual volumes

were determined by determining the recharge and assuming that there was no recharge under native and plantation forests. Once this recharge was determined, 90 per cent of it could be allocated for irrigation and the remaining 10 per cent set aside for the environment. Irrigation licences were then allocated as hectare equivalents, assuming about 4 megalitres per hectare to existing irrigators.

Applications for licences with irrigation management plans could be applied for by new irrigators. There may have been a few who did the wrong thing, but overall most people did the right thing. Once the area was fully allocated, that was it. It has been said that the vast majority of forest was planted to replace native vegetation. The truth of the matter is that, since 1982, 115,000 hectares out of the 165,000-hectare forestry estate was planted on existing grazing land and not on land under native forests. Most of the 50,000 hectares that were developed prior to 1982 were also planted on grazing land.

It must also be recognised that farmed forestry will have a much greater impact on water resources because of the introduced species of trees grown, the density that they are planted at, and the farming practices undertaken to ensure that these trees achieve maximum growth rates. Other introduced deep-rooted perennials, such as lucerne, have a similar effect on the water balance when compared with developed pastures because they are mostly dormant throughout the winter months, when the majority of rainfall occurs.

Some of those who are opposed to the bill would like us to go back to the beginning and allow every landowner to harvest or use all the rainfall that falls on their property. This philosophy is flawed in the aspect that, when water and land ownership were separated, property rights were given to water licence holders, and it would now be impossible and very costly to go back. This philosophy of water ownership being attached to the land would also have large implications for South Australia because it could mean that landowners in the catchment areas of the Murray River (Queensland, New South Wales and Victoria) could utilise all the water and we would see the river dry up in South Australia.

Much work, thought and consultation has occurred in the South-East on this matter. The Lower Limestone Coast Task Force was formed in early 2010. This task force was made up of all the government agencies that have an interest in water in the South-East, and they were given the task of reviewing all the science and research that is being done on this matter. They were also made responsible for developing an allocation plan policy issues discussion paper. Alongside this group a reference group was formed. This group's membership includes people from the South Australian Farmers' Federation, potato growers, vignerons, dairy farmers, dryland farmers, plantation foresters and environmentalists.

The State Liberal Party released its policy on this bill only a couple of days prior to the last state election—obviously they did not want any debate within our community leading up to the election. Their policy states that they will work with the federal and state governments to establish an overarching framework, enabling the states to introduce common legislation simultaneously.

This will guarantee the equal application of rules and maintain a level playing field for all states. One would have to be living in fairyland to believe that this will ever happen in the near future. It took over 90 years to reach agreement on management of the Great Artesian Basin, and the management of the Murray Darling system has been (and still is) debated by the state and federal governments ever since the time of federation.

When this bill was introduced to parliament in 2009 it was agreed to refer it to parliament's Natural Resources Committee, which I would have supported at that time. We have moved on since then, and the task force and the stakeholders' reference group have done all reviews necessary. I believe that referring this bill to the Natural Resources Committee is futile and only another time-stalling exercise.

If the water that forestry uses is licensed rather than permitted, it will give the forest growers much more surety into the future, and it will ensure that the water can be utilised to its maximum value. Forest growers must be able to develop long-term water management plans, and, if they are going to take any risks, they must also receive any benefits. Whilst allocations may be expressed in megalitres for all water users, these allocations must be a percentage of the permissible annual volume available for usage.

The member for MacKillop said in his address to this parliament that this bill has been driven by the vested interests of a greedy minority. This is far from the truth. I do not think that the

vignerons, potato growers, horticulturalists, dairy farmers, irrigators, environmentalists, urban users and others who support this bill would appreciate being referred to as a 'greedy minority'.

This bill is not about picking winners and losers, or pitting different industries against each other. It is not about rainfall taxes and water levies. It is not about volumetric conversions. This bill gives the people of the South-East the tools required to enable them to develop water management plans that take into account all significant water-affecting activities and are in the best interests of all who are reliant on water, be they dryland farmers, forest growers, irrigators, urban users, businesses and the environment. I urge all who have any empathy with any of these groups to support this bill.

Mr WHETSTONE (Chaffey) (15:54): I, too, rise to speak on the Natural Resources Management (Commercial Forests) Amendment Bill. Yes, the opposition would like to allow the passage of this bill through the house; however, it will be the opposition's intention to refer the bill to the NRM committee in the Legislative Council. I note the minister's reference in the *Hansard* (24 November 2010) to reducing water allocations and use, ensuring that the sustainability of water resources through their prescription, and the development of water application plans, and this is entirely laudable and in many cases essential.

However, the flexibility being allowed commercial forestry to reduce water use is substantially at odds with the conduct of the NRM boards and developing water allocation plans for other uses. The minister cites important differences between the commercial forestry water use and other licensed water, but let us examine this flexibility. The minister states:

> Under the forest water licensing system, the bill provides for the minister to approve schemes proposed by forest managers that set out how and when they will achieve reduced water use, or obtain extra water to offset any reductions to water allocation that are applied after clear-felling. For example, a forestry enterprise may seek the minister's approval for a scheme that proposes replanting an area that has been clear-felled, even though that clear-felling has triggered a reduction to the water allocation, and meeting the reduced water allocation by not replanting another area that will be clear-felled in future. Other schemes could involve changing plantation management practices, for example planting species that use less water, or increasing buffers between plantations and watercourses or wetlands. The minister will be open to a range of different schemes that may be proposed…
>
> The bill provides a high level of flexibility to the commercial forestry sector to manage their plantations in ways that optimise forestry outcomes…

Isn't that generous of the minister, Madam Speaker? The real question is whether or not the NRM boards developing water allocation plans will be anywhere near as generous. This minister, whose water portfolio continually threatens to drown him, is just a little too reliant on his NRM boards, and it is their rigidly inflexible approach to reduce water use that has so many South Australian landholders up in arms these days.

There is a constituent in Chaffey who, despite investing substantially in efficient irrigation and supporting prescription on his water resource, is going to be left with practically nothing if his water allocation plan is approved by the minister. When I spoke to the NRM board about this constituent and the inequity he is suffering, I was extremely disappointed in their inflexibility and their refusal to consider any measure by which this landholder could receive treatment equal to that of the other landholders utilising the same water resource.

The disregard for these individual landholders by NRM boards is quite appalling. I can only hope that the minister will rein in that sort of mindset. I can only hope the minister will apply the flexibility he is proposing to commercial forestry to other water users. This brings me, inevitably, to the Basin Plan. It always comes down to the Basin Plan, because there is no more important issue facing the state and its water users.

We see the Wentworth Group is still complaining about scientific justification for what we already know. The Murray-Darling system requires more water for the environment flows. Perhaps they should have kept working with the Murray-Darling Basin Authority on how to achieve those savings instead of quibbling over the numbers. The South-East drainage water that flows out to sea: up 180 gigalitres has flowed out to the sea in any one year, and the minister's energy would be better used to implement diversions into the Coorong. It is not easy, but it will help what man has done to the natural aquifer and waterways.

I would also like to reflect a little on the Murray-Darling Basin Plan, which I think reflects what we are seeing happen here in the South-East. What I would like to see in policies as a reflection from the Basin Plan into the South-East is the minister's energy better spent on addressing starting points for South Australia, for instance, an equitable baseline start point for South Australia. What we are seeing is that South Australia has been handicapped at the starting

point of a diversion cap from the mid-2000s. What we need is equity. What we need is for South Australia to have a starting point, like for instance in 1995, which we believe is an equitable starting point right across the Basin.

We would also like to see some quarantining of critical human needs and removal from these reductions. We look at what is happening in the ACT, in Canberra. They have been exempt from the SDLs in the plan. Why can't we have Adelaide's critical human needs removed from that process, again, being rewarded for responsible water policy and use? Over the last 40 years, South Australia has been an outstanding example of just what can be achieved. Today it appears that we are not being listened to. We have the minister here who needs to bat for South Australian water users. He needs to go in there and bat for us like never before. If he has to lose teeth, he has to lose teeth, but it is about fair and equitable treatment for all South Australian water users.

Within the Murray-Darling Basin, South Australia has held its head high. We have been responsible water users over the years because we have shown the rest of this nation exactly what efficiencies can be achieved. We look at delivery systems, the efficiencies that can be gained. We look at on-farm efficiencies, the water savings that can be achieved. It is not just about the water; it is about the sustainability of that water resource that will keep this precious commodity at bay. We do not want to see excessive water run out to sea at the expense of over-indulging the environment, at the expense of the economy, or at the expense of communities. There has to be a balance.

There need to be incentive programs to assist in investment. For instance, whether we are talking about the South-East, the Riverland or any irrigation district, we need incentive programs to assist investment in current vacant land. In particular, if we look at what has gone on with exiting in the Riverland, we see a significant patchwork effect up there where people have exited the industry. We have productive land that has the infrastructure in place, yet we are going to penalise the South Australian economy by leaving it almost as a ghost town. By leaving the patchwork effect, we still have the overheads, and we still have the costs of pumping. Those costs have to be met, yet we do not have the economic benefit coming our way from that productive land.

We have the infrastructure in place. The infrastructure is there. For instance, Loxton, one of the regions in my electorate, has the most modern infrastructure in Australia, yet we are seeing the patchwork effect in that area. We are seeing people exiting that area. We are seeing pipelines which were put in in the early 2000s now not being used. It beggars belief that we have invested in world's best practice, we are using technology, yet we are prepared to let it lie idle. The water minister has been briefed on this and is fully aware that we need him to show his hand, that he is there batting for every water user in this state, not just in the Riverland and not just in the South-East—every water user in this state.

We saw in the media yesterday some transportation of nuclear waste coming from New South Wales via South Australia to the Northern Territory. Are we prepared to put the watercourse of South Australia at risk to have nuclear waste travelling along it and crossing over it up to three times in my electorate? As I have said to the member for Mitchell, I am not opposed to the transportation of nuclear waste, but there have to be safe options. We have to have options that are not going to threaten the food bowl. There have to be options that are not going to threaten South Australia's water supply.

Again, I reiterate that we have to look at better and safer options and not look at using South Australia as a scapegoat. After all, we did hear that New South Wales was telling the federal government that they are not letting the waste go through their backyard, that is, 'Send it South Australia's way, but don't send it through the Blue Mountains.' It is outrageous that we will take the fall for New South Wales' waste.

I would like to display some formal recognition of the Murray Mouth. The Murray Mouth has been widely recognised right across the Murray-Darling Basin as South Australia's problem, 'When the Murray Mouth blocks up, that's your problem because you have inefficiencies in the Lower Lakes.' That is absolute rubbish. The Murray Mouth is part of the Murray-Darling Basin; the Murray Mouth is actually the Murray-Darling Basin's mouth.

I say that again because the Murray-Darling Basin's mouth is evidence that our river system is working; if we have water flowing out of that mouth, the river system is working. We do see drought. We do see times of shortage, but when we do see significant flows, we see the mouth working. We see the river system working.

We need to have a sustainable waterway, and whether it is water flowing through the forests in the South-East into the aquifers, out through the drainage systems and out to sea, whether it is the irrigators in the South-East wanting their share of the water through the aquifer, whether it is through their dams or their holding facilities, it has to be sustainable. Again, I just reflect that a lot of that water that does flow out to sea through the South-East, through the rehabilitated land, is flowing out to sea.

Why is that water flowing out to sea? Why can't we have the will? Why can't we have the means of going there and addressing the issue? It is about diverting freshwater flowing out to sea and putting it to environmental good use, and that is directing it to the Coorong, directing it to the lower end of the Murray-Darling Basin. It is about the South-East drainage scheme being able to assist, about being able to help with what the Murray-Darling Basin is sadly lacking, and that is water in times of drought.

Again, I would say to the minister that even though 20 October is coming along, and perhaps the current water and environment minister might not be there too much longer, he needs to set a legacy for the incoming (perhaps new) minister for those portfolios. The minister might look around and have a bit of a smile, but he has been there for a while; he has shown some worth; he has shown some ignorance; he has shown some good learning.

Mr Williams: When? Tell me the day.

Mr WHETSTONE: The member for MacKillop asks me when. Well, we are not all perfect but, having been very critical of the Minister for Water, I will continue to be critical while I do not see him batting for where I think he needs to be, but if he can show his worth or he can pass on a message to his successor then I will openly praise his worth.

It is all about the sustainability—again I come back to that word 'sustainability'—and it is about the balance. It is about whether we are going to allow water to flow out to sea to the detriment of other areas, whether we are going to have the South-East help the Murray-Darling Basin, whether we are going to have irrigators help the forest industry, whether we are going to have irrigators and the forest industry help the environment. I think there needs to be a working plan.

There needs to be a working relationship and today I see the states fighting between one another, and I see industries fighting for their share of what they consider theirs, all to the detriment of someone. Normally that someone is the person on the end of the chain, and whether it be the farmer, whether it be the state, whether it be the environment, there is an impact. Everywhere you look there is an impact. Someone is a loser; someone is a winner.

My call is for every South Australian to work together, for every South Australian to work and draw a balance. As the member for Mount Gambier has said, we have been trying to get that balance and fighting over water reform for over a hundred years, but I just need to say to the member for Mount Gambier that we cannot be in denial that what we have not achieved in a hundred years we cannot achieve in the next hundred. It is about having a crack and putting up the argument that what we need is reform.

We need someone there with the will to actually stand up and make a difference. Those people who have actually stood up and made a difference over history are those people who have actually gone down and are still there recognised as the great leaders, the people who are in the history books for their will, their determination, to get out there and make a difference and fight the fight. Whether it happens today or it happens next year, in 10 years, in 50 years, the process must be started. We need people to continue to drive the reform that is much needed.

We have been fighting for over 100 years, but can anyone here today tell me that that fight has not made a difference? People today say that we have achieved nothing, but have we achieved nothing? I would really like to think that, over that century of attempted reform, there has been some kind of reform that has gone unrecognised, and that we are here today because of the hope of those people who wish to make a difference, whether it is in parliament or whether it is the people on the ground, the people at the grassroots level. They are the people who give good advice to the decision-makers.

Again, those people on the ground, those people with some knowledge, history and generations of knowledge that has been passed down are the people who need to have a bigger and much more significant impact on the decision-makers. We cannot rely only on the bureaucrats coming in and advising ministers and ministers going out and doing a small amount of consultation.

Inevitably, it comes back to the bureaucrats in offices with glass windows looking out at the river, not knowing exactly what is going on and what reform will make a difference. It is all about using the theory of science, which gets blown out of the window regularly.

In relation to the last drought the Murray-Darling Basin has been through, the experts—the scientists, all the people sitting in glass houses—said that it would take 10, maybe 20 years to fix the Murray-Darling Basin. Yet we had significant rain, of biblical proportion, some might say; it took four months to restore the health of the lower end of the Murray-Darling Basin.

The catchments are over 90 per cent full, yet we still hear people argue that, because the catchments are full, we do not want to let any more water go down to the lower end of the river to continue to underpin the environment. I think it is just absurd that we continually have this fighting process which almost combats reform.

Reform is about good governance. It is about someone prepared to stand up and make a difference, someone who is actually prepared to put the bit between their teeth and say, 'This is what needs to happen and this is the path we are going to take.' As I said, it might have been 100 years of attempted reform that has many of us saying that nothing has happened, but I think we are here today because people have been prepared to stand up and initiate some form of reform, although we have not seen an outcome of completeness.

Again, whether we are addressing the South-East, whether we are addressing the Murray-Darling Basin, whether we are addressing history with the reform of our waterways, of our decision-makers, we need people to stand up and make a difference. We need people to implement good reform.

Mr VAN HOLST PELLEKAAN (Stuart) (16:13): The deputy leader has certainly put our perspective forward and commented on the amendments that we will propose. I do not believe that there is a better or more knowledgeable person in this house than the member for Chaffey when it comes to understanding water not only in the Riverland but certainly all over the state. He knows this issue inside out, as does our shadow minister for water. Living and working in the electorate of Chaffey, he has a particular knowledge and insight that the rest of us do not have.

The fact that water is a scarce resource is pretty obvious to everybody in this house and everybody outside as well. The fact that it needs to be managed is pretty obvious, as is the fact that there is probably never going to be enough to go around to meet everybody's wish list, whether it be people who would like everything to go to the environment or people who would like everything to go to commerce or, like most of us, people who think that there is going to have to be some sort of compromise, something in between. There will never be enough water to get to all the places that we would like it to go.

That then does lead us to looking at how we are going to deal with this scarce resource and dividing water use and the world as we know it up into various sectors. As we realise, at the moment we are talking about the forestry sector. There are two very important forests in the electorate of Stuart: Bundaleer and Wirrabara forests. I do not believe that either of them are draining the state of water. They are relatively small forests from a commercial perspective. They are both extremely important forests in other ways. In fact, part of their charter of existence has a strong heritage and community component, and they are both very important, but I do not think they are really the forests that people are concerned about over-using water.

Mr Whetstone: They are carbon farms.

Mr VAN HOLST PELLEKAAN: The member for Chaffey tells me that they are important carbon farms, supporting the universe as we know it. There are also other important categories of water use, and I think as time goes on we will realise that there are even more than we realise today. In the electorate of Stuart, different types of water users and different types of water supply are incredibly important. I would like to touch on those for a little while, because I think that a lot of the issues that are relevant to how water may or may not be used or how it may or may not be categorised, licensed, charged for, etc., primarily with regard to forests in the South-East, will apply to other areas, and particularly areas in the electorate of Stuart.

People have heard me talk about the water pricing for the six towns on the Barrier Highway and that if a household uses more than 328 litres per day of water, on average, then they get charged $11 a kilolitre for that water. I think that is a disgraceful situation. It is important to point out that those households do not get supply from the River Murray, but they still pay the River Murray levy, and that that $11-a-kilolitre water is non-potable water, so you cannot even drink it.

That brings me to an important point. I do suspect that a lot of the water that they receive you probably could drink but, in fairness, it is not possible for the government or SA Water to guarantee that it could always be drunk, so it has to be categorised as non-potable water and, if it is categorised that way, then you cannot take the chance. You cannot necessarily take a sample from your kitchen sink every time you want to have a drink and get it tested to see whether it is okay to drink, wash the vegetables in or potentially shower your kids in, and that sort of thing.

I would like to highlight that. Minister, I do not know this, but it has just come to me in the last few weeks—perhaps I am a little bit slow, but I suspect that the fact that the water is categorised as non-potable may well mean that it is excluded from what is called the 'postage stamping'. It may or may not be okay to drink, but if it is classified as not okay to drink then it does not have to have the same sort of common pricing.

If it is genuinely undrinkable water then it is outrageous to be getting charged that much money for it. If it is actually drinkable water, it is still outrageous to be getting charged that much money for it, but it is also possibly a bit sneaky to be putting it into the unpotable category so that the extra money can be charged. I do not know if that is the case or not. As I said, it has only occurred to me just lately that, if you look at the different ways water is supplied to some of those towns and the way the pricing is applied, that may or may not be the case.

There are also other towns off the Barrier Highway in the electorate of Stuart, like Melrose, Orroroo, Carrieton and others, and certainly plenty outside the electorate of Stuart, that are supplied water that I know you cannot drink, because I have seen it and it is cloudy, murky and just not appropriate. However, there are other categories of water use that I think may not have been considered yet. They are not directly part of this bill, so I am not saying that the minister or the government should have considered them, but I raise them to put on record the fact that I think they should be in future, as we all go further and further down the road of time looking at different types of categories of water.

Places like Roxby Downs, Woomera and Leigh Creek are, of course, all much smaller than Adelaide, but they are significant towns and significant water suppliers in their own right. Roxby Downs has its own system, and the whole town, in essence, is controlled by BHP Billiton. I believe that they receive desalinated water there. It is in the Speaker's electorate, of course, so she would know more about it than I do. However, I believe they receive desalinated water. Woomera gets River Murray water through a commonwealth supply.

There is a spur line from Port Augusta that goes up to Woomera and then on out into the rocket range, but not as far as Roxby Downs. It is the real deal: it is good River Murray water that goes down that pipeline and is supplied to the people of Woomera and some stations up there for stock use, and there is also a spur line from Woomera back down to Pimba. They receive water for commercial use, human consumption and stock use. The pastoralists there have the opportunity to get water from the pipeline if they choose.

Another interesting example is Leigh Creek, where the Aroona dam is the water supply. It is good water; nothing wrong with it whatsoever. As well as supplying into Leigh Creek, which is an Alinta owned and controlled town, they are good enough to pipe it on to the very small town of Copley, six kilometres away, where the Copley Progress Association (a volunteer not-for-profit organisation) then uses their own pipe network articulated system through Copley to supply their locals—and good on them for doing that. Members may remember that that was an important example for me when we were discussing the Safe Drinking Water Bill several months ago.

The member for Morialta tells me also that there is a water supply in the suburb of Skye, which I am not familiar with at all, and he may choose to comment on it. Apparently, that is certainly very much within metro barriers water that he says is poor quality—

Mrs Geraghty: I don't want to be rude, but what has this got to do with forests? Sorry, but out of curiosity.

Mr VAN HOLST PELLEKAAN: The member for Torrens asks what this has to do with forests and what this has to do with the bill, and I did actually address that at the beginning. This bill is very much about trying to deal with water as a scarce resource and, as we go down that path, we are going to start to categorise different types of water uses, different water uses and different destinations for water, licensing, metering, charging—potentially all these sorts of things will come into the spotlight as time goes on.

I would like to highlight this, so I am taking this opportunity to highlight that this house may well have to deal with some other very important different categories of water use, such as these others that occur a long way from Adelaide. However, I was just getting back to the one small one in Skye I was advised of by the member for Morialta.

I really want to make sure that these various uses—all the way through from South-Eastern forests potentially the Bundaleer Forest and potentially the Wirrabara Forest, and potentially these other categories of water use that I am talking about—are all treated fairly and squarely. That brings me back to the comments I made about the possibility that the water going out to the Barrier Highway is not getting treated fairly and squarely and the possibility that a technicality is being used to overcharge.

I would like to highlight the fact that non-potable water in small remote communities in outback South Australia is still a necessity because very much part of this argument is: what are the various necessary uses of water? Sure, if it comes straight to a tap, straight to a home in a suburb in Adelaide everyone considers that necessary. We move on, we have stock use, and people consider that necessary. We are now moving on to forestry use, and there is a debate about whether it is necessary and how it should be treated. I would like to highlight that, in coming months or years when that debate moves on further and further away from the city of Adelaide, the water use in those small, remote outback South Australian towns is necessary as well.

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (16:25): I thank the members of this house for their contributions. In particular I acknowledge the member for Mount Gambier for his very thoughtful and astute contribution that relates to his understanding of the practicalities of the electorate that he represents. In regard to the contributions of the member for Chaffey and the member for Stuart, I will not bother to address all the issues that were raised there, only to say that quite a few of them, whilst very important issues, have precious little to do with this actual bill. But it appears that we all agree that the plantation forestry industry and forest product sector provide economic benefits to South Australia.

It appears also that we agree that plantation forests have been shown to impact on the availability of water resources, although we share differing views on the absolute extent of that impact. We also agree that the sustainability of water resources that support the environment, industries, communities and regional centres across South Australia are important, and that is why I have introduced this bill.

The government released the statewide policy framework 'Managing the Water Resources of Plantation Forests' in June 2009 to provide clear and consistent policy guidelines on how best to manage the issue across the state. This statewide policy framework recognises that, based on the scientific evidence, both forest water licences and permits are appropriate legislative tools to manage the water resource impacts of plantation forests.

This bill is required to fully implement the statewide policy framework and deliberately creates the two legislative tools. This is because the water resource impacts of plantation forests vary across the state. Put simply, a one-size-fits-all approach would not be appropriate. Their applicability to specific situations will vary depending upon the condition of, and pressure on, water resources and the current and future extent of plantation forests relative to other water users.

The community will have a say on how they want forest water impacts to be managed through regional natural resource management boards, and their consultation on water allocation plans. We must not allow ourselves to get confused here. We must remember that this bill is about providing the tools. It is the regional planning processes that will determine the most appropriate one to be used.

Both legislative tools have the capacity to manage forest water impacts on an ongoing basis to protect the integrity and security of access to water resources for all water users, including the environment. The main difference between the two legislative tools is that forest water licences allow for tradeable volumetric water allocations to be allocated to existing plantation forests and prescribed areas, while permits provide an option to manage the expansion of plantation forests to levels that are sustainable for water resources across all areas, regardless of prescription.

In response to the question on who will own the water, the bill defines the 'forest manager' as the person or company with 'effective control of the forest vegetation'. This means the entity with legal authority to control or direct the planting, growing and harvesting of trees and consequently the water impacts of the forest. As with most other property rights owned by large commercial

enterprises, the business and investment structures of a particular company will determine the person or company with effective legal control of the plantation forest.

This bill is about moving towards a water planning and management system that treats all water users that have the potential to have a significant impact on water resources, in a consistent and equitable manner. It is clear from those members who have spoken on this bill that they will allow the passage of the bill through this house. However, the member for MacKillop and the member for Chaffey's preference is that the bill be referred to the Natural Resources Committee of parliament.

It is interesting to note that previous iterations of the Natural Resources Committee have investigated forest water impacts. In particular, the Natural Resources Committee inquiry into Deep Creek, which was tabled in this house on 19 June 2007. In this report, the committee recommended that:

> The Minister for Environment and Conservation include commercial forestry activities within the Deep Creek catchment as a prescribed water affecting activity pursuant to section 127(3)(f) of the Natural Resources Management Act 2004.

In recommending that commercial forestry and the Deep Creek catchment could be regulated under the act, the Natural Resources Committee recognised the significant impacts of commercial forests on water flows. Prescribing commercial forestry as proposed by this bill will simplify and improve the management of forestry's impact on water flows.

The government has been communicating with the Natural Resources Committee every step of the way on the development of policy and legislation in relation to forest water impacts and water planning and management. When the statewide policy framework was released in June 2009, the then presiding member of the Natural Resources Committee was provided with a statewide policy framework, and all members were invited to attend a briefing on the policy initiative at Parliament House on 15 July 2009.

In late 2009, the Natural Resources Committee was provided with a copy of the 2009 version of the bill and the 10 proposed government amendments. The then minister for environment and conservation requested that the Natural Resources Committee consider holding in inquiry into the bill. The committee postponed its decision until after the 2010 state election and, subsequently, after the elections decided not to hold an inquiry.

With respect to the South-East, the Natural Resources Committee was invited to attend a briefing on and make a submission to the draft Lower Limestone Coast Water Allocation Plan Policy Issues Discussion Paper. The Natural Resources Committee will also be provided with a copy of the draft Lower Limestone Coast Water Allocation Plan when drafted and ready for statutory consultation.

While on the South-East, it is clear that many of the environmental, economic and social implications in relation to the bill relate to its application, not the actual mechanism that is created by this bill. While this should not affect the passage of the bill, I would like to elaborate on this just briefly for the benefit of members. An interagency government task force has been working since early 2010 to support the development of the Lower Limestone Coast Water Allocation Plan through a review of the science, development of policy principles and consultation with key stakeholders.

In association with the task force, an industry stakeholder reference group has been established to engage key stakeholders on science and policy matters. The stakeholder reference group includes representatives from the potato growing, viticulture, dairy, forestry and dryland farming industries, as well as the South Australian Farmers Federation and the Conservation Council of South Australia.

The government task force, with the support of the stakeholder reference group, released the draft Lower Limestone Coast Water Allocation Plan Policy Issues Discussion Paper on 24 March 2010 for four weeks of public consultation. The feedback received from the community and stakeholders in the South-East on the discussion paper is currently being reviewed by the task force with input from the stakeholder reference group, and will help shape the policies to be applied within the Lower Limestone Coast Water Allocation Plan. The South-East Natural Resources Management Board will subsequently prepare a draft Lower Limestone Coast Water Allocation Plan for statutory consultation that is consistent with the final policy principles adopted.

In closing, it is important that any new tools to manage forest water impacts are designed to operate alongside existing tools for managing other water uses under the Natural Resources Management Act 2004. By creating both legislative tools—forest water licences and permits—the best and most appropriate mechanism to manage water resources in a particular region can be adopted in consultation with the local community. I thank members for their contribution and indicated support of this bill and acknowledge the member for MacKillop's comments that we should not take too long with this bill in the committee stage.

Bill read a second time.

In committee.

Clause 1.

Mr WILLIAMS: The bill has been presented to the parliament, as the minister said a few moments ago in his closing remarks and also in his opening remarks, to provide several tools to the government for the government to then develop policy. To be quite frank, we have been debating this issue well in excess of 10 years. We have been seriously debating it in the South-East; and I think that the minister said that the task force was set up sometime in early 2009. We have had very serious work done on this for at least a couple of years.

Is the minister any closer to informing the parliament which of those tools is going to be needed? Are we going to be moving to a permit system or are we going to be moving to a licence system? I know that the minister in his summing up comments just now tried to make the case that it is not necessary to take this to the Natural Resources Committee of the parliament, but unless the parliament can be given an indication—after all this time and all this work—which one of these tools is the preferred option, which one of these tools is going to be used, I am going to have to say to my colleagues in the other place, 'Yes, we do need some further parliamentary scrutiny,' because, as I said in my second reading contribution, I am not of a mind to give the minister a set of powers when the minister is not prepared to say which of those powers he needs—which ones he prefers to use.

The Hon. P. CAICA: I am assuming by answering this question that, with clause 1, we may be able to facilitate a speedy passage of the remainder of the bill. What I would say is that there are two tools, not several tools. The two tools are the tools that are in the toolbox to allow for forestry to be regarded as a water interception activity and then to be able, with those tools, either to license it or to extend the enhanced permit system.

I have said previously that part of the water allocation planning regime in this state is actually getting to a position where the community and the stakeholders themselves determine what is the best way by which the water allocation plan can be not only developed but also implemented and based on (as much as anything else, but most importantly) the sustainable use of that particular resource. For example, I met today with national representatives of the forestry industry. They met with me in my office today and, of course, they have an acute interest in this particular bill.

They are very pleased. I will not say what it was about, but they are not opposed to what is occurring at this stage. They are expressing some concerns, but not concerns about the tools that this bill will provide to the toolbox, but about what will be the implementation of the water allocation plan. I want to say, in a not too longwinded way, that it is not up to me and it is not up to this parliament to determine what is the most appropriate tool to use with respect to the water allocation plan that will be developed in the South-East and developed in consultation with the broader community and stakeholders.

It will be, I think, a matter for determination of that group after that consultation has occurred through the Natural Resources Management Board, and then the appropriate tool will be used and will be agreed to by, if you like, the majority of the people. Now, I have a preference, and I have told you, I think, what that preference is. I think that the most appropriate tool is a licence, but, again, it is going to be at the determination of the people through the consultation process.

People turn around and say that we do not consult. You said yourself that it is 10 years in the making. It has almost been a consultation by death for some of us who have been involved with it. Most certainly what I concluded when I became the Minister for Water after the 2010 election was that we needed to do a little bit more work to go through the establishment of the reference group to make sure that we got to the position today where there is, if not universal support, certainly significant support for the passage of a bill that allows the tools to be in the toolbox for the

Natural Resources Management Board, in consultation with stakeholders in the broader community, to implement what tool it is in the context of the water allocation plan that will be developed.

Mr WILLIAMS: Minister, you have not allayed my fears in the least. I will tell you why: I have had a lot of experience with the NRM board in the South-East and none of that experience could be referred to as being happy experience. By and large they have been unhappy experiences. You talked a few minutes ago in your summation of the second reading about the industry stakeholder group and you named some of the members of the industry stakeholder group. This has always been the problem, because these stakeholder groups—and this is not the first time—have always been set up and each of the irrigation activities has had a separate seat. So we have had the potato growers; they are irrigators. We have had the vignerons; they are irrigators. We have had the dairy farmers; they are irrigators.

We have had all these separate irrigation bodies get a seat on the stakeholder boards. In some of the early iterations we had two seats from the forestry sector, one from the hardwood and one from the softwood, because they could not get on together, could not get their act together at that stage. I think they have probably got their act together a little bit better now. Then one seat represented the rest of the stakeholders in the South-East, which is the rest of South-East community, the rest of the farming community in the South-East.

Minister, the reason we keep not getting this right is that the vast majority of the water in the South-East is used in what we call dryland farming. The vast majority of the water is used in dryland farming. It is much, much more than is used by the forestry industry, and it is much, much more than is used by the irrigation sector. Yet, those irrigators—and there are not a lot of them by number—get all of these seats around the table at stakeholder meetings, and the dryland farmers, who to be quite honest have been screwed over for years, get one seat if they're lucky.

In fact, there have been a number of meetings held in the South-East where they have no seats. This is why I have little faith in the process, Minister, and this is why I question this parliament giving you a range of powers. You hadn't mentioned before that you have a favouritism for a licensing regime, and can I tell you that that is my least favourite way forward, because once we start issuing a licence for what, for all intents and purposes, is dryland activity—and I know there is some debate about trees using water from the groundwater system. I am still yet to hear, minister, you and your departmental officers acknowledge that lucerne has the same impact.

If you had an understanding of why we had to start the whole Upper South-East drainage scheme, minister, you would understand the role of lucerne in the landscape in that area, and the change to the whole nature of the water balance if you have lucerne there, or if you haven't got lucerne there. It acts in a way not dissimilar to a plantation forest.

There is a whole range of plants growing in the South-East currently, and will be in the future, which have different impacts on the water balance, different impacts on the amount of water used, and yet we are picking on one small part of the industry base for the South-East. I don't accept that I should trust the NRM board in the South-East through its processes which to date, I have argued, have been flawed. I cannot trust that they will get it right, because they have a long record of getting it wrong.

Minister, can I mention one other thing at this juncture, which will save me getting up and asking another question. You have said that you have set up an interagency task force, and that you have set up an industry stakeholder reference group: what discussions have you had with your interstate colleagues—because this is the other problem.

Every time we put a barrier in front of somebody planting a tree in a plantation forest in South Australia and every time a tree does not get planted in South Australia it is very likely that that tree will be planted in Victoria. It is also very likely that that tree will be planted within the same water system, and it is absolute fact that it will be planted upstream of where you are purporting to solve the problem. What discussions have you had to ensure that, if we go down this path, whether it be the permitting system or the licensing system, it will be done in a bilateral way and that South Australia will not be disadvantaging itself with Victoria?

I cite the case with regard to the River Murray. We have done the right thing with regard to the River Murray in South Australia. Since the late 1960s and early 1970s we have capped our water use. We have done the right thing. We have increased our efficiencies and we have done everything right whilst we have watched the people in Victoria and New South Wales keep doing what we regard as the wrong thing about the River Murray.

Yet, now that there is a move to have some national rules, the stepping-off point is the year 2008, so all the good work that we have been patting ourselves on the back for, for all of those years—the last 40 years—counts for nothing. Why would we poke ourselves in the eye again and move unilaterally to disadvantage our forestry industry, which is a significant industry in the context of the South Australian economy? Why would we do that without an agreement that we are going to have a similar impost on that very same industry just across the border?

Minister, you and I both know that the chief problems we face in the South-East are within the border zone, within that 20-kilometre zone, which are influenced by what happens across the other side of the border; yet we seem intent on imposing restrictions which are going to affect the timber industry and the working mums and dads and family members in the South-East who rely on that timber industry in South Australia and which will have no impact on the same industry in Victoria. As a consequence we are going to do little to solve the problem in that 20-kilometre border zone. What have you done to try to drive a bilateral approach to this issue?

The Hon. P. CAICA: That was a very long question. I will try to get this right. I will leave the specific question amongst the 10 minutes of talk to last. I disagree with quite a few of the assertions made by the member for MacKillop in posing this question to me. I do not share his view about the Natural Resources Management Board. I am confident that the support and expertise that is provided by the department for water, and the advice that it can provide and bring in, will augur well for the Natural Resources Management Board doing a very good job. Of course, the role of the Natural Resources Management Board, amongst other things, is the interface with the broader community. That is why they are such a valuable resource in the context of natural resources management.

I also do not subscribe to the view that we are not getting this right. I believe we are getting this right by having this bill that provides the tools. Certainly, the National Water Commission's biennial report to the National Water Initiative highlights the leadership role being played by South Australia in relation to the development of this policy and the subsequent implementation of that policy that is contingent upon the passage of this bill.

In regard to dryland farming, with the establishment of the reference group we have had dryland farmers around the table in an interchangeable role. We have also had representatives of SAFF there, and certainly they were part of the group that recommended that the paper that was developed by the reference group (and in consultation with that group) be promulgated for broader discussion, and that is what has happened.

In relation to dryland farming, of course forestry will only be licensed for what they would use above what was and is a dryland farming activity but, notwithstanding that, in the context of another question that you asked about lucerne, for example, or other activities, there is the ability to regulate those activities if through expansion and intensity they become an activity that is further affecting the resource from which it is being drawn. Those powers, and a range of powers, already exist.

In relation to the member for MacKillop saying that for the first time he has heard me say that I support the licensing, I am not quite sure and I will check the record, but I will correct it here if I did say it incorrectly previously. I said that if I had a view to express on this and I was sitting down there in the South-East, and I happened to be a forestry person or indeed any other person who is a water user down there, I would support the use of a licence but, I will reinforce this point: it is not for me to decide and it is not for the member for MacKillop to decide.

It is about the tool in the toolbox and the people who are going to be impacted upon or be beneficiaries of a water allocation plan, because this is about actually providing security for forestry and the future and, again, I do not subscribe to the view expressed by the member for MacKillop that we are putting a barrier in front of the planting of trees. I do not subscribe to that view at all. This is about the security of all water users within the South-East, forestry being a very significant and important economic resource to the state and the nation. I do not subscribe to that view either.

In relation to the specific question about the dialogue that has occurred with interstate colleagues, what I would again reinforce is the work and the report that was done by the National Water Commission. Also the member for MacKillop knows that the departmental officers are in dialogue with their counterparts in Victoria as part of a process to review the Border Groundwater Agreement. It is also safe to say that it is not as easy a process as just demanding that aspects of it be reviewed, because it needs the agreement of both Victoria and South Australia.

I have certainly been in contact with my counterpart, who I am sure you are aware of—Mr Walsh—about speeding up that process of review of the groundwater agreement. I hope that that satisfies the concerns of the member for MacKillop.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

Mr WILLIAMS: Minister, again, this gets to the crux of the problem. We are singling out commercial forestry, and the definition is:

> …a forest plantation where the forest vegetation is grown or maintained so that it can be harvested or used for commercial purposes (including through the commercial exploitation of the carbon absorption capacity of the forest vegetation)

As I said earlier, the vast majority of the water used in the South-East is used by dryland farmers.

We are moving into a carbon-constrained world. We are not quite sure what we are going to be faced with in that carbon-constrained world in the not too distant future, but I think it is fair to guess that obligations are going to be put on all of us to lessen our carbon footprint. The farming community is recognised as having a relatively large carbon footprint, particularly livestock, and the vast majority of the land in the South-East of the state is used for livestock production.

It is envisaged by my constituents to whom I talk regularly on these matters that, at some time in the future, and probably in the not too distant future, they will be obliged to offset their carbon footprint in some way. One of the options open to them will be to plant trees on their farms. The fantastic thing about this is that it provides a win-win situation; it provides a whole host of other environmental benefits, so long as they do it properly. However, I would argue that, if they plant trees on their farms to offset their carbon footprint, they would do it in a way to enhance their farms, particularly by providing shelter breaks principally for livestock, but they are also very effective when cropping land.

This is why I lament the fact that dryland farmers have had such a small say in the stakeholder groups. I was not convinced by your answer, and this is why I have a mistrust, because of the long history of this. I saw some figures just recently which suggest that dryland farmers collectively would use well over half the water—I will not say any more than that, but it was considerably more than half of the total water in the South-East—but they have had very little say.

However, there will be an obligation on them in the very near future, I believe, to offset their carbon footprint. Will they be caught up in this definition of commercial forests if they choose to do that by planting trees around their farm, not to harvest at some stage but to offset their carbon footprint, and if they do not sell those carbon credits but use them as an on-farm offset?

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

The Hon. P. CAICA: The member for MacKillop spoke about the carbon footprint. The carbon footprint is not necessarily a matter that is being dealt with with respect to this particular bill which, of course, is providing the toolbox for forestry to be part of the Water Allocation Plan. However, I agree with his view. This was a matter I discussed with our agricultural sector when I was the agriculture minister, about the role that all aspects of primary production will play in the context of carbon offsets and reducing the carbon footprint.

I think there are some great advantages that might accrue to primary industries with respect to the money that is available through the commonwealth government for promoting offsets. There is a relationship to the farming sector in relation to the $960 million, for example, that is allowable for biodiversity, and that is its relationship with the land, not the 71 per cent of which is used for commercial purposes.

So, I think there are going to be some good things that will arise from that. People certainly know, in the context of primary production, that there is a significant role to be played by that sector and some advantage to accrue to that sector if the carbon tax is as I expect and a sophisticated carbon tax is developed by the federal government. That is not something that we can deal with in the context of this particular bill today.

In the example that was used by the member for MacKillop, if a farmer wanted to plant 10 per cent of his property or 20 hectares, or whatever it might be, as forestry or farm forestry in the context of what might be the ability to offset against a price on carbon, the exclusion of that activity would still be determined in the context of the water allocation plan. You would know, because I know you would, that the discussion paper that went out there provided for, in the context of dryland farming and farming forestry, 10 per cent of property or 20 hectares without it being regarded as part of a water allocation plan.

That was a discussion paper that was promoted before the development of the water allocation plan, and I expect that issue to be a matter of further discussion in the context of the water allocation plan. Of course, the discussion paper that went out there gave two scenarios: a 10 per cent or 20 hectares. I know that you are at one with your constituents down there and they know this is an issue, so I expect that there will be full stakeholder consultation that will include dryland farmers and others, through this process of developing a water allocation plan, and that that matter will be discussed. If it is not only discussed but agreed that the concept of exclusion for farming forestry should be part of the water allocation plan, that is what will happen.

Mr WILLIAMS: I will be very specific with the question because I am still not satisfied with the answer. If I need to get a carbon offset on my farm and I plant some trees to achieve that carbon offset, will that be captured by the definition of 'commercial exploitation of the carbon absorption capacity of the forest vegetation'?

The Hon. P. CAICA: I will try to make it very clear so that you do understand, and I am not in any way saying that to be disrespectful. The idea of the 10 per cent and 20 hectares in the context of what was the discussion paper that went out was about whether or not it is water affecting—

Mr WILLIAMS: It said 'a commercial farm'.

The Hon. P. CAICA: And then whether that commercial farming forest is a water intercepting activity and has an impact upon the water resource. That is when it will be determined in the context of the water allocation plan. Other than that, it will not have any impact at all in this process. This process is about forestry and the size and intensity of forestry in the context of whether or not it is a water-using activity. How big is your property; your vast tracts of land?

Mr WILLIAMS: It's big enough. It's not large.

The Hon. P. CAICA: There are probably several of them and, even when you put them all together, there are several of them. For example, say there is 1,000 hectares.

Mr Williams interjecting:

The Hon. P. CAICA: It doesn't matter. Say it is 500 hectares and you decide that you are going to plant that whole 500 hectares with forestry, not for commercial purposes but for the purpose of offsetting, if you like, carbon, and what you are actually doing is doing that as a financial incentive, because people from around the world might want to come and have trees planted there to offset their carbon footprint. Okay, are you with me?

Mr Williams interjecting:

The Hon. P. CAICA: All right. My view would be that, in the context of the water allocation plan in the South-East and your 500 hectares of forest, the size and intensity of that would certainly then be regarded as a water interception activity in the context of the water allocation plan. It depends on the scale and the intensity, and certainly the discussion paper talks about 10 per cent and 20 per cent, but if we drill down even further it is about whether or not that activity is going to have an impact on the water use within that particular region.

Mr WILLIAMS: I think, minister, you fail to understand the implications that we might be imposing. I have talked about the dairy farmers. We know that the dairy industry may well be under the pump under a carbon-constrained future, because dairy cows expel quite a bit of methane, which is a much worse greenhouse gas than carbon dioxide. The vast portion of the dairy country in the South-East does not have a lot of trees on it currently.

However, if those farmers are obliged to offset their carbon footprint in the future and they do that by planting trees on their farms—and it may well be more than 10 per cent—if they plant trees on their farms to offset the carbon footprint on that same farm (not sell the carbon credits to somebody else, just to offset their own carbon footprint), will that be considered as a commercial exploitation of the carbon absorption capacity of the forest vegetation? That is the crux of it. We

might have the absurd situation in the South-East where a dairy farmer, to offset his own carbon footprint on his own farm, is prevented from planting enough trees to do that and has to go and buy some trees being planted in India, for God's sake!

The Hon. P. CAICA: I do not want to sound like a broken record but, in the context of the discussion paper, it was 10 per cent or 20 hectares. You are quite right to say that the majority of land down there (as you would know better than I) that is involved with dairy does not have a lot of trees. Indeed, cows do produce methane, and I applaud the work being done by Adelaide University at Waite to look at ways by which they can reduce that enzyme (or whatever it is) that does that in their munching processes.

Mr Pisoni: Alka-Seltzer.

The Hon. P. CAICA: Beg your pardon?

Mr Pisoni: Alka-Seltzer.

The Hon. P. CAICA: Yes. I hope that advance in technology, research and science comes in quicker rather than later. In a pure sense, offsetting is alleviating a cost that would otherwise be imposed on them, and the argument is that it is a commercial decision to do that—and I know that you accept that. However, the answer—again, going back to the 10 per cent or 20 hectares that was part of the discussion paper and will be a matter of ongoing discussion and it still needs to be in the context of a water allocation plan for that water allocation plan to set exclusions—is that it has not been determined yet.

There are other ways by which it could be managed; that is, there is a water licence as well, is there not? The dairy farmers who irrigate (which they do, as I understand it) have a water licence. They can offset that water licence in the context of growing trees. There are ways by which it might be able to be done. It is hypothetical and speculative, and all I am saying is that, in the main, as a principle and a rule of thumb, if the size and intensity of the operations create a situation where they have an impact upon the existing water allocation plan or any activity in the extraction of water within that particular resource, it obviously would need to be considered by the Natural Resources Management Board.

In particular, the advice that I have received—or whoever my successor might be—is in the context of not just review but further measures that might be put into place. Really we could go around in circles on this, but I reinforce the point that the majority of these matters are going to be further developed in the context of the consultation that needs to be undertaken on the development of the water allocation plan.

Clause passed.

Clause 5.

Mr PEDERICK: Clause 5 relates to the preparation of water allocation plans. I note that the draft Lower Limestone Coast Water Allocation Plan has almost been in limbo for five or six years, and what concerns me is whether you and your department have it in limbo on a supposition that forestry is going to be noted as a water user under this legislation before that moves forward. It has been so long now, and I think it is quite out of order if that is the supposition that the department has been making, that is, of legislation passing through both houses in this place.

The Hon. P. CAICA: I thank the honourable member for his question and, of course, it does seems like it has been in limbo for a period of time and, quite simply, there is a water allocation plan in place. That water allocation plan has been, quite rightly, subject to review, and that is what happens to water allocation plans. The information that I have received, and that my predecessors have received—and it is something that has been on the boil, as the member for MacKillop said, for over 10 years—is what activity in the form of forestry should be in place to account for its water use?

In answer to your question, it is quite simple—that we were not going to implement another water allocation plan without forestry or, more importantly, without the tools being available for the NRM Board to include forestry as a water intercepting activity. I presume you would recall that when I was the forestry minister this was being discussed back in the previous term of this government. Now I have the role of water minister and we are progressing it to include, at least on this occasion, the tools for forestry to be regarded as a water interception activity and for its activity to be allocated in the context of the water allocation plan—so, yes.

Mr PEDERICK: In the light of that answer, minister, is it not a little arrogant of your department to think that this bill will pass and become an act when it is not even in legislation, yet they are holding up the relevant water allocation plan thinking that this legislation will proceed when it may well not?

The Hon. P. CAICA: I am not going to be rude to the member for Hammond, but you would realise, because I am sure you are not stupid, that there is an interim water allocation plan in place. Quite simply, it does include forestry, and the information that I have received from many within the South-East was that a tool to allow forestry to be included in a water allocation plan should be an objective.

It has been an objective of this government since 2002 when we were elected, and we are fulfilling that policy position and the commitment that I believe we have made to many people within the South-East in regard to forestry as an activity. In my view, and I know that the member for MacKillop and others might not agree with it, but I think this provides a greater security through all water users in the South-East by including forestry as a water intercepting activity and allocating it as such.

Mr PEDERICK: Thank you, minister, for that answer. In my mind, if the legislation gets chucked out of the parliament, so to speak, and does not proceed, we could be here for another five years rolling over past more and more times of the five-yearly review times because of this policy, this supposition. I think it is absurd, and I think it is arrogant to believe that this is already part of the plan when it is not. It is obviously what the department is planning for, and it has not even passed legislation. You have answered that question; I am just making the point.

The Hon. P. CAICA: I will respond to that if you give me the opportunity. There is a regulation in place, with respect to the existing water allocation plan, that allows for expansion. This is about making sure that all users of water have the ability to be included in the next water allocation plan. I will finish off by saying that I do not believe in any way that I am arrogant, but there is a difference between arrogance and ignorance.

Mr WILLIAMS: Minister, my colleague, the member for Hammond, has raised what is a very important point. I am not going to hold the house much longer, because I am now convinced that the best thing we can do with this legislation is to send it off to the parliamentary committee to have a good look at it. Let me make a point, minister, and expand on the point that the member for Hammond just made.

The water allocation plan in the South-East was due to be reviewed, with the new allocation plan to be put in place by 1 July 2006. I know we just changed the legislation to extend the review period from five years to 10 years but, under the legislation on which the NRM Board operates, it was duty-bound under the law to review its plan every five years. That five years of the existing plan that you are talking about expired on 30 June 2006.

In the meantime, in preparation for the new plan, which was going to be handed down and operational by 1 July 2006, there was an expectation that that plan would move the whole water licensing system in the South-East to a volumetric-based system, as opposed to an area-based system, and every irrigator in the South-East, including myself, was obliged to put a meter on every bore in the South-East. Minister, you might question why I make the statement that I do not trust these people.

This is a red hot reason why I do not trust these people. We have been waiting for five years, whilst this board has been acting outside the law as made by this parliament. It has been sitting around navel-gazing for in excess of five years and drawing up plans which have been outside the law. In the meantime, it has imposed millions of dollars of expense on the irrigators in the South-East in the expectation that it would act within the law and have a new water plan available to begin operation on 1 July 2006.

Minister, that is why I say I do not trust these people; I just do not trust them. I am not enthused, minister, by your suggestion that with further input from your department they will get better at it. I suspect that that has been a fair bit of the problem in the past: the interference by the department here in Adelaide in the way that the NRM Board should operate, and that has been the conduit between the local community and policy decisions.

I know, just as you know, minister, that that is not the way that it operates in practice. I am not going to take any more of the time of the house today. I am convinced that this needs a lot

more scrutiny by the parliament, and that is the recommendation I will be making to my colleagues in the other place.

The Hon. P. CAICA: To finish off, I thank the honourable member for his comment that he will not keep the house any longer. Of course, he is aware that there is a review period of five years for the water allocation plan. The plan was the subject of a review, but he knows that the plan does not expire until it is rewritten. Of course, there has been a process undertaken. This is not the culmination: this is the bill where the tools for the toolbox will be provided ad nauseam. Look, I do not think that this bill needs to be referred or, indeed, should be referred. I would say that it would be ludicrous to send this bill through to the committee but, again, that would be a matter for determination in another place.

I would say, though, that I am certainly receptive, because I think that you could probably join the consultation process that has been going on, because you are at one with your constituency down there. Anyone who has a bad word to say about the representative in here and the department that has been undertaking this consultation process would be hard pressed to say that there has not been a level of engagement there.

I disagree and dispute the word 'interference'. What the department and what government agencies should be doing is providing access to sound advice for the best consideration of the Natural Resources Management Board and subsequent communication of that information to the broader community that the NRM Board represents. I thank the opposition for its support of this bill, and I look forward to its quick passage through the remainder of the clauses.

Clause passed.

Remaining clauses (6 to 24) and title passed.

Bill reported without amendment.

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (17:22): I move:

That this bill be now read a third time.

Bill read a third time and passed.

HOSPITALS

Dr McFETRIDGE (Morphett) (17:22): I seek leave to make a personal explanation.

Leave granted.

Dr McFETRIDGE: I am glad that the Minister for Health is in the house. During question time today I asked the Minister for Health about a patient who had suffered an acute myocardial infarction and who was to be admitted to the Lyell McEwin Hospital. That hospital was full and so the patient in the ambulance was diverted to the Royal Adelaide Hospital.

The minister came back and read from his iPhone about another patient, and I say 'another patient': a 77-year old man with an aortic aneurysm—whether that had ruptured or he had some other incident, I do not know. However, I was referring to a patient who had been diagnosed with a heart attack at Gawler. He was transferred by ambulance to the Lyell McEwin with the intent of being admitted and treated at the Lyell McEwin. The Coronary Care Unit at the Lyell McEwin was full. There were coronary care patients in the Emergency Department, and the Emergency Department was also full. The patient I am talking about is a separate patient from the one that the minister was referring to—

The Hon. J.D. HILL: Point of order.

Dr McFETRIDGE: —and so I was correct—

The DEPUTY SPEAKER: Order, member for Morphett!

The Hon. J.D. HILL: Point of order, Madam Deputy Speaker. The member is not making a personal explanation: he is in fact trying to ask another question, which is appropriate to question time.

Members interjecting:

The DEPUTY SPEAKER: Order! The Minister for Health is a quiet talker. I cannot hear him.

The Hon. J.D. HILL: Thank you, Madam Deputy Speaker. I would invite the member, if he has any, to provide further information, because he provided none in the question. I am happy to look into it. I tried to provide the house with information, and I said at the time that I believed it to be this person. I did not say that the member was wrong; I did not make any disparaging comments—

Mr PISONI: Point of order!

The DEPUTY SPEAKER: Order! You cannot interrupt someone while they are making a point of order, member for Unley.

Mr PISONI: Point of order!

The DEPUTY SPEAKER: Member for Unley, take your seat, please. Thank you. The Minister for Health was making a point of order.

The Hon. J.D. HILL: I just made the point that he is not making a personal explanation: he is debating a point. That is the point I make.

The DEPUTY SPEAKER: Let me think about that. I shall consult. Member for Morphett, it would appear that you were entering into debate, and the purpose of the personal explanation is to address something very specific, or indeed something specific about where you feel you have been misrepresented. Do you feel you have been misrepresented?

Dr McFETRIDGE: I do, ma'am.

The DEPUTY SPEAKER: Tell us why.

Dr McFETRIDGE: I was asking about a patient who had had an acute myocardial infarction; it was not a patient who had a condition associated with some thoracic incident, an aortic aneurysm. It was a completely different patient, and I need to make sure that it is on the record that I was correct.

The DEPUTY SPEAKER: You were correct, yes.

The Hon. J.R. RAU: Point of order.

The DEPUTY SPEAKER: Have you finished, member for Morphett?

Dr McFETRIDGE: Yes.

The DEPUTY SPEAKER: A point of order, Attorney. Let's hear it anyway.

The Hon. J.R. RAU: My point of order is—and I think maybe the member for Morphett can help me—that he used some very scientific terms, and I wonder if he could explain their meaning in terms that I can understand. I do not understand the difference between one complex Latin thing and another.

The DEPUTY SPEAKER: I did hear the member for Morphett say something about a cardigan; is that correct?

Dr McFETRIDGE: A cardiac incident, ma'am.

The DEPUTY SPEAKER: I am sorry, but you do speak quite quickly.

Dr McFETRIDGE: I am sure Hansard has managed to interpret it, and I invite the Deputy Premier to read it in *Hansard*.

The DEPUTY SPEAKER: Just for my own clarification, do me a favour, member for Morphett, and say it slowly. I heard 'cardigan'.

Dr McFETRIDGE: A myocardial infarction, not to be confused with—

The DEPUTY SPEAKER: I should point out, Attorney, that is not a cardigan from Myer. It may be a cardigan from David Jones; who can say?

The Hon. J.R. RAU: I think I was puzzled—

Members interjecting:

The DEPUTY SPEAKER: Order! I cannot hear the continuing point of order from the Attorney.

The Hon. J.R. RAU: —by the spelling of the last of those words and that confused me. I was writing them down, but I did not get them. Is it something to do with the heart?

The DEPUTY SPEAKER: Yes, absolutely.

Dr McFETRIDGE: Infarct, you spell it!

The DEPUTY SPEAKER: I see. That is quite funny because I thought the humour lay in the cardigan, but it does not; it lies in the other thing.

LEGAL SERVICES COMMISSION (CHARGES ON LAND) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

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) (17:28): Does that mean we do not have to do anything more here to give effect to the legal practitioners amendment bill, or does it mean that we have to do some considerations here?

The DEPUTY SPEAKER: Let me consult.

The Hon. J.R. RAU: I am simply inquiring whether it has been returned in such a form that it requires no further attention from this house.

The DEPUTY SPEAKER: Yes.

The Hon. J.R. RAU: Is the next step that the Governor will eventually look at it and we do not have to look at it any more? No amendments?

The DEPUTY SPEAKER: No, they do not have any amendments.

Ms Chapman: It goes straight to the Governor.

The Hon. J.R. RAU: Straight to the Governor, fantastic. He will be delighted.

The DEPUTY SPEAKER: He will be.

RADIATION PROTECTION AND CONTROL (LICENCES AND REGISTRATION) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

At 17:30 the house adjourned until Tuesday 18 October 2011 at 11:00.