

LEGISLATIVE COUNCIL

Tuesday 28 May 2002

The **PRESIDENT (Hon. R.R. Roberts)** took the chair at 2.15 p.m. and read prayers.

PAPERS TABLED

The following papers were laid on the table:

By the President—

District Council Report, 2000-2001—Cooper Pedy

By the Minister for Agriculture, Food and Fisheries (Hon. P. Holloway)—

SABOR Ltd.—Report, 2000-2001

Regulations under the following Acts—

Fees Regulation Act 1927—Government Schools

Southern State Superannuation Act 1994—Transferred Agreements

Superannuation Act 1988—Enterprise Agreements

Public Corporations Act 1993—Direction pursuant to Section 6

By the Minister for Aboriginal Affairs and Reconciliation (Hon. T.G. Roberts)—

Regulations under the following Acts—

City of Adelaide Act 1998—Declaration Form

Harbors and Navigation Act 1993—Breath Analysis

Liquor Licensing Act 1997—

Exemption—Lucindale School

Long Term Dry Areas—Mannum

Local Government (Elections) Act 1999—Declaration Form

Road Traffic Act 1961—Breath Analysis

Rules of Court—

District Court—District Court Act—Representation

Supreme Court—Supreme Court Act—

Admission Rules—Document Delivery

Criminal Rules—Representation

Interlocutory.

SOBCZAK, SENIOR CONSTABLE

The **Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries)**: I lay on the table a copy of a ministerial statement relating to the tragic death of Senior Constable 'Bob' Sobczak made today in another place by the Minister for Police.

MODBURY HOSPITAL

The **Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation)**: I lay on the table a copy of a ministerial statement relating to the Modbury Hospital contract.

REGIONAL IMPACT STATEMENTS

The **Hon. T.G. ROBERTS (Minister for Regional Affairs)**: I seek leave to make a ministerial statement.

Leave granted.

The **Hon. T.G. ROBERTS**: This ministerial statement will clear up any misunderstanding that members may have in relation to regional impact statements—

Members interjecting:

The **Hon. T.G. ROBERTS**: For members who were confused by reading *Hansard*—all those interjections and supplementary questions—I will clarify the matters that were raised in question time yesterday by making a ministerial

statement. The Hon. Carolyn Schaefer asked me a question about regional impact statements. Regional impact statements were introduced by this government to ensure that cabinet process has regard to the impact of government decisions on country communities.

Regional impact statements are not made public as they are a formal part of cabinet submissions. There is, however, a commitment to a consultation process which will ensure that there is necessary public input. The previous government did not have such a commitment to consult, although I understand it had a family impact statement similar to—

The Hon. A.J. Redford interjecting:

The **Hon. T.G. ROBERTS**: The previous government. Obviously, not all matters go to cabinet. However, I assure members that our strategies and plans for the future of the state are the subject of an agreement within cabinet and that regional airline policy is no exception. If any member is seeking information relating to the impact of particular decisions on regions, I am happy to forward that request to the minister with the portfolio responsibilities for that area, which is the offer I made yesterday.

DUNCAN, Dr G.

The **Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation)**: I table a copy of a ministerial statement relating to the death of Dr George Duncan made today in another place by the Attorney-General.

FLINDERS AND GAMMON RANGES

The **Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation)**: I seek leave to make a ministerial statement relating to some matters that members on both sides will be very happy with.

Leave granted.

The **Hon. T.G. ROBERTS**: I rise to outline some good news relating to the future development of the Northern Flinders and Gammon Ranges regions of our state. Recently, the Aboriginal Lands Trust convened a meeting at Port Augusta to sort out the differences between members of the Iga Warta community and the Nepabunna Community Council. At this meeting I was represented by a member of my personal staff. At issue was a proposal by Iga Warta to build safari tents and toilet facilities, but essentially both parties want to see an agreement on a broader range of issues and a commitment by government of support for the region.

The meeting resolved that the development would proceed subject to the formal approval process. This is a positive step, but of greater importance was the commitment to both parties to work towards improving relationships between the communities in the future. With the financial assistance of the South Australian Tourism Commission the new tents and toilet block at Iga Warta will be established following formal approval by the parties and the Development Assessment Commission.

In a recent meeting with the Aboriginal Lands Trust I expressed my sincere view that there must be economic opportunities for all communities in the Gammon Ranges area. In the first instance, differences between indigenous communities must be ironed out and, in the longer term, strategic relationships between all the players need to be established. When I was the shadow minister I was approached to play a role in defusing this dispute, so I was familiar with it. Indeed, at that time, I was asked by representatives

of the previous government to be involved. I understand that the leadership of the Liberal Party stopped this positive attempt to bring the parties together and show that bipartisanship was still alive when it came to issues affecting indigenous people. It is a great pity that former minister Kotz did not consider it to be an important part of her responsibilities to find solutions to disputes and look at the long-term issues of education, training and economic development.

It is my considered view that lack of forward thinking and positive action to improve relations with, in particular, indigenous communities has led to a number of serious problems in some regions. I do not want to dwell on this, but I think it is important to mention that this and a number of other community disputes have been allowed to fester under the directionless Liberals. Whilst in government they were prepared to play politics with Aboriginal affairs, and as has been shown in the past week they still want to do so. I use this statement as an opportunity to call for bipartisanship to be re-established as a cornerstone for dealing with problems within Aboriginal communities.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: This particular dispute has every chance of fading quickly into history. The potential for economic success and prosperity for individuals and their communities is very clear. Iga Warta is fast emerging as a key tourist facility for the region with accommodation, cultural awareness courses and ecotourism being the major focus. This has been recognised by the South Australian Tourism Commission. Nepabunna, which is just down the road, has been working on a massive environmental land improvement program which I understand has been the focus of international attention. There is also strong interest in Nepabunna to pursue ecotourism opportunities and to work with neighbouring communities including Iga Warta.

There are still points of disagreement, but these will need to be worked through, and I will do all that I can to ensure that the concerns of both communities are addressed. I will convene a special seminar in the Gammons in the near future to look at the long-term community and economic development of that region. I will ask my ministerial colleagues to support this important gathering by way of sending appropriate departmental representatives. I am also keen to work with other stakeholders such as the Northern Region Development Board and the Outback Areas Development Trust as well as adjacent communities.

It is important that this must be a team effort. In the longer term I envisage a zone plan being established which will contain a vision for the economic, social and environmental development of the Gammon Ranges communities. I have no doubt that the future of this region will be built around environmental and cultural tourism feeding into the existing success stories such as Parachilna and Arkaroola. There are also a number of key issues on the table for discussion relating to land use and infrastructure that will need to be discussed as a part of this plan.

A long-term approach has to take into account tourism possibilities, transport problems and the education and training opportunities for people in the Flinders and Gammon Ranges. In fact, the tourism and hospitality industries in the north will need to employ more young country people and provide opportunities for indigenous cultural tourism. I must say that important heritage and cultural issues were also raised during the meeting on the Friday. These issues must be dealt with in the medium term, and I can assure South

Australians that I fully intend to investigate the concerns raised about the policing of the Aboriginal Heritage Act. I will work with the Adnyamathanha people to allay any fears they may have regarding this government's commitment to protect their cultural values and significant sites.

I thank the people of Nepabunna and Iga Warta for their role in starting the dialogue, which eventually led to improved opportunities for everyone involved. I also thank the ALT and, in particular, George Tongerie, John Chester and Bob Jackson. I also thank the South Australian Tourism Commission for its support to the region, its interest in the outcome and the discussions that my office was involved in. I believe that solutions in country areas must come from the communities themselves, but I assure members that I will continue to work with all stakeholders and play an important, active and supportive role.

QUESTION TIME

BRANCHED BROOMRAPE

The Hon. CAROLINE SCHAEFER: I seek leave to make an explanation before asking the Minister for Agriculture, Food and Fisheries a question about branched broomrape.

Leave granted.

The Hon. CAROLINE SCHAEFER: In the *Advertiser* of 21 May I noticed a call for tenders by the South Australian government for a number of government works, including the preparation and fumigation of, by my estimate, about 35 hectares of infested branched broomrape area. That would be in line with the program that was in place for the eradication and control of branched broomrape. That 35 hectares would be at an approximate cost of somewhere between \$6 000 and \$10 000 per hectare, having regard to the terrain and other factors. It would be fumigated by the only known method at this stage, which is fumigation by methylbromide, which is a greenhouse gas, and there are only four or five licensed operators, as I understand it, within South Australia. My questions are:

1. When does the government intend to honour its compact with the member for Hammond by fumigating the remaining 5 825 hectares of branched broomrape area, at \$6 000 to \$10 000 per hectare?

2. When does it plan, as it has agreed in the compact, to fairly compensate landholders for loss of income in that same area?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): My colleague the Minister for Environment and Conservation now has the Animal and Plant Control Commission incorporated in his portfolio, so I will ask him to address the substantive part of the question. The Rann government is aware of the significant threat that is posed by branched broomrape. I am surprised that, throughout this whole debate, the opposition seems unaware of the potential threat that branched broomrape poses to the South Australian economy.

It is not just broadacre crops grown out in the quarantine zone of the Murray-Mallee; it poses an enormous threat to horticulture in this state. In fact, many horticulture crops are particularly susceptible should that parasitic weed be spread throughout the state. It is most important that the government takes every step it can to deal with this particularly nasty pest

plant problem. I will refer the substantive part of the question to my colleague for a response.

The Hon. D.W. RIDGWAY: I have a supplementary question. Does the minister understand how methylbromide is applied? In most cases it is put on under plastic, and I assume that all native vegetation must be removed to get total control of branched broomrape.

The Hon. P. HOLLOWAY: As I understand it, methyl bromide has been applied to some infestations of branched broomrape in the past, particularly on reserves. I will have that checked with the appropriate minister. It is my understanding that it has been applied in the past. I am also aware that there are a number of other strategies in relation to dealing with this particular problem, and I think it would be worthwhile for my colleague in another place to provide a full answer in relation to this matter. It is an important issue and this council should be informed about the particular problem.

The Hon. J.F. STEFANI: As a supplementary question, can the minister advise the council whether his department has prepared a budget estimate of the cost involved to eradicate branched broomrape in the Mallee area?

The Hon. P. HOLLOWAY: Again, that is a matter for my colleague the Minister for Environment and Conservation who, under his new department of Water, Land and Biodiversity Conservation, has the Animal and Plant Control Commission within his responsibilities. I find it rather interesting that the opposition apparently denies that it had any negotiations at all with Peter Lewis in relation to the compact. When the negotiations with Peter Lewis were occurring, I well recall Dean Brown saying that he had signed the deal. But I notice during her Address in Reply speech—and perhaps we will come to it later—

The Hon. Caroline Schaefer interjecting:

The Hon. P. HOLLOWAY: They have published what they signed, have they? The current government will continue in its efforts towards the eradication of this particularly nasty parasitic pest. I think that is what the people of this state want us to do. If the opposition does not want this to happen, perhaps it should tell those industries that are facing a considerable threat from this problem and make it clear to them.

MOTOR VEHICLES, SECOND-HAND

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Attorney-General, a question about second-hand motor vehicles.

Leave granted.

The Hon. R.D. LAWSON: The Second-hand Vehicle Dealers Act requires a dealer to exhibit a notice on any vehicle exposed for sale, with the notice to contain not only information about the year of manufacture, the year of first registration, the odometer reading and particulars of the warranty to be offered but also particulars of the last owner.

The specified form requires that the name and address of the last owner of the vehicle who was not a dealer be disclosed. This information is of great assistance to consumers, who have the opportunity to check the vehicle history from a previous owner of a vehicle. However, it has been reported to me that there is an increasingly common practice in second-hand car yards for the space provided for the name of the previous owner to be filled in with the words, 'Not

provided NSW Privacy Act'. This technique has the effect of removing from potential buyers the very valuable opportunity to contact the previous owner to ascertain the vehicle's history. My questions to the Attorney are:

1. In what circumstances, if any, is a South Australian dealer entitled to complete the entry for the last owner on the Form 1 with the words, 'Not provided NSW Privacy Act'?
2. If it is possible to avoid the evident intent of section 16 of the South Australian act by this device, will the government amend the existing regulations or otherwise provide for a requirement to ensure that South Australian buyers continue to have the opportunity to know something of a vehicle's history?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer that important question to the Attorney-General in another place and bring back a reply.

GOVERNMENT PROMISES

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Premier, a question about government promises.

Leave granted.

The Hon. A.J. REDFORD: Prior to and during the election campaign, the then leader of the opposition made numerous statements concerning financial assistance to dispossessed Cypriot South Australians who wish to pursue restitution and compensation cases through the European Human Rights Court. On 28 January 2002, the leader wrote to the President of the Justice for Cyprus Coordinating Committee. In his letter he stated his belief that CHOGM (held in February last) become involved in the issue of the Cypriot question in order to progress negotiations for a united Cyprus. Further, he made a promise in the following terms:

I have already pledged that a Labor government in South Australia would provide legal advice through Crown Law to dispossessed Cypriot South Australians who wish to pursue restitution and compensation cases through the European Human Rights Court. This legal advice would be at the highest level. I have been advised that in order to lodge a claim, a sum of \$3 000 per claimant would be required. So, in addition to the legal advice from Crown Law, a Labor government would also be prepared to sponsor seven cases before the European Human Rights Court at \$3 000 per head. . .

In the light of that, my questions to the Premier are as follows:

1. Has the offer of legal advice to the Justice for Cyprus Coordinating Committee been accepted?
2. Have instructions been given to the Crown concerning the extent of the offer of legal advice, and to what extent will advice be given—for example, will it include advocacy?
3. When will the \$21 000 be paid, and will it be paid direct to the court? Is the \$3 000 a lodging fee, or does it cover other fees or expenses?
4. Will the Premier provide further funding, over and above that already promised, in the future?
5. Is the Premier considering offering other groups legal assistance for compensation claims in overseas or international tribunals and, if so, who? Will the Premier release a set of guidelines in relation to funding of legal expenses and/or the provision of legal assistance in this case and other cases?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will take those questions to the Premier on notice and bring back a reply.

MINERAL EXPLORATION

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about mineral exploration activity in South Australia.

Leave granted.

The Hon. J. GAZZOLA: During his opening address to the Australian Petroleum Production Exploration Association conference on 22 April this year, the Premier said:

This government is unashamedly pro business, pro growth and pro mining.

It is clear that there exists an enormous potential for the minerals and petroleum industries of this state to form a strong foundation for sustainable economic development in South Australia. Will the minister describe the current exploration environment in South Australia and advise what action the government is taking to increase mineral exploration activity?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I thank the honourable member for his question and interest in this most important industry for South Australia, because it is quite clear that enormous potential exists for growth in the mineral industry within this state. As the Premier said, this government is keen to make sure that that happens. It was my pleasure the other day to speak at the South Australian Resources and Energy Investment Conference, which I believe was a very successful conference and which was supported by the Office of Mineral and Energy Resources. During that conference a number of key participants in the mining industry in this state outlined their activities. It was a very encouraging conference for those interested in investing in the mining industry in this state.

The current state of the exploration environment is that the South Australian mining industry is one of the first to recover from the industry downturn, with a resurgence of exploration expenditure. I am advised that expenditure by industry on mineral exploration in South Australia for the calendar year 2001 was \$32 million, which is a 48 per cent increase from \$22 million in 2000. South Australia's percentage of Australian mineral exploration has increased from 3.2 per cent in 2000 to 4.9 per cent in 2001. One would hope that that percentage will increase into the future.

Exploration in South Australia at the moment is dominated by the search for copper-gold deposits in the Gawler Craton and Curnamona Province, along with zinc, iron ore, uranium, nickel, diamonds, coal and industrial minerals, which include mineral sands, magnesite, gypsum, salt and building stone. There is no doubt that the recent announcement by Minotaur Resources of its discovery at Prominent Hill in the north of the state has refocused attention in South Australia and has been very helpful in terms of encouraging mineral exploration in this state. That discovery has attracted new companies to the state and enabled significant capital raising by companies with existing exploration tenure. To date I am advised that about \$20 million has been raised, most of which will be spent on exploring the state over the next few years, and this will further increase expenditure in 2002.

Expenditure on copper-gold will increase significantly in 2002, based on exploration of the Prominent Hill mineralisation and other activity generated by this discovery. Currently,

I am advised, there are 339 exploration licences held by 122 companies covering about 230 000 square kilometres, which is 23 per cent of the state. These exploration investment indicators will increase during 2002.

I will mention a couple of things, in relation to the second part of the honourable member's question, that we are doing to assist. Improvements are continuing to be made to the online mineral tenement viewing and application component of the South Australian Resources Industry Geoserver (SARIG). Anyone who has looked at the PIRSA website would be aware of SARIG and how important and useful it is to the industry. Further high quality geoscientific data will be made available through this facility over the internet. The Broken Hill exploration initiative (BHEI), which commenced in 1994, is to be relaunched in the coming months. This initiative was established by collaboration with the Office of Mineral and Energy Resources, the New South Wales Department of Mineral Resources and Geoscience Australia. The BHEI was successful in assisting a major upturn in exploration in the Curnamona Province.

A number of significant prospects have subsequently been found. The new approach that we will be developing will focus on cross-border cooperation, collaboration, and coordination of research on shared geoscientific and exploration problems. I can also announce that the Co-operative Research Centre, LEME II, will expand its research base to include salinity mapping and using airborne electrical techniques and, as a core participant in the CRC, PIRSA will play a lead role. The Adelaide node of the CRC will be further strengthened by the inclusion of the University of Adelaide and CSIRO Land and Water as new core participants. So I can indicate that the government is keen to facilitate an increase in investment in this state. There has been an increase, we would like to see it go further and the government will continue to support greater investment in the industry.

PARTNERSHIPS 21

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Education, a question about the Partnerships 21 review.

Leave granted.

The Hon. M.J. ELLIOTT: My questions relate to comments which were made by the President of SAASSO, Mr Graeden Horsell, in the May edition of *School Post* which states:

The review of the P21 scheme of local governance and management must not become a march of folly.

A little later he said:

Public education remains a significant area of folly because it is there that people seek power over others, ironically only to lose it over themselves. The point is that the diversity of governance and management across 620 schools and another 300 preschools stops the march of folly in its stride, and dilutes the source of power to a thousand little pieces rather than the one big blob which we call a system or a department or a union.

Mr President, I guess he never heard of the freedom of authority document back in the early 1970s, but that is another story. In relation to the Minister for Education, Mr Horsell also said that she shared his vision, as follows:

SAASSO was reassured after meeting with Minister Trish White that she sees a continuing move forward and the review is more a trimming of the sails and some strategic tacking rather than a retreat to the shore.

I think many people in South Australia had a view before the election that the state government had some significant concerns about Partnerships 21, although it was pretty short on any detail before the election as to precisely what it might do, if anything; but at least there seemed to be this great deal of expressed concern. My questions are:

1. Can the minister explain why Mr Horsell's article on page 1 of *School Post* claims she has told SAASSO that the P21 review will tinker at the edges for strategic gain, while on page 5 her article claims that the P21 review will be far-reaching and detailed?

2. Does the minister, as Mr Horsell implies, support state schools individually charting the open seas of competition rather than sailing together in the safer waters of a public education system?

3. Will the minister put on the record in this place precisely what she hopes the P21 review will gain, and does she see it as simply tinkering at the edges or does she expect something more?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The subject of Partnerships 21 is an important one that members of this council (or most of them) would have a great interest in. I will have to get the detail of the answer from my colleague the minister, since it refers to comments which she allegedly made.

The comment I can make in relation to Partnerships 21 is that, as a result of the manner in which it was implemented by the previous government, it has caused some budget chaos within this state and I wonder what the Leader of the Opposition and the former treasurer were doing when this was implemented, because it certainly appears to me that within schools throughout the state there has been a distinct lack of control over some of the budgetary implications about what has happened. However, I will leave it to my colleague the Minister for Education to give a fuller answer on that.

DRUGS SUMMIT

In reply to **Hon. A.L. EVANS** (13 May).

The Hon. P. HOLLOWAY: The Premier has provided the following information:

1. Drug action teams have been responsible for organising 21 community consultation meetings throughout May 2002, across the State. Drug action teams consist of representatives from government and non-government organisations including the police, Drugs and Alcohol Services Council, local health services, Department of Education, local government representatives (often the crime prevention officer), Drug Beat, Community Corrections, indigenous and other culturally diverse representatives. The following teams have organised the local meetings and will provide feedback:

Adelaide
Sturt
South Coast
Elizabeth
Holden Hill
Port Adelaide
Port Lincoln
Whyalla
Port Augusta
Port Pirie
Hills Murray
South East
Riverland

2. The South Australian drug summit will focus on illicit drug use, with a particular emphasis on the growing use of amphetamine-type drugs, including 'designer drugs'. It will also consider broad substance use issues for young people and Aboriginal people with a strong focus on early intervention and prevention strategies and community support services.

The emphasis on amphetamine-type substances reflects the substantial increase nationally and internationally in the last several years in the production, distribution and use of these substances.

There is also much less information available about the health effects of amphetamine-type substances or treatment options compared with other licit and illicit substances (eg alcohol, tobacco, marijuana and heroin).

Parliament has already acted to reduce the number of cannabis plants that can be grown before a person is liable for prosecution and clamped down on hydroponic equipment. There has also been a Select Committee on a Heroin Rehabilitation Trial that has looked at heroin injecting rooms and heroin trials.

Law enforcement agencies and health care providers regard the growing use of amphetamine-type substances as an issue warranting special attention. There is particular concern about the involvement of outlaw bikie gangs in the manufacture, distribution and sale of amphetamines and evidence that taking amphetamines can be a precursor to the use of other illicit drugs.

The drugs summit is an open forum and the government has organised this Summit to listen to people's views. Although there will be a focus on amphetamines, this will not preclude other illicit drugs issues being raised.

3. The drugs summit has been organised so that the government can listen to as many views as possible regarding the impact of drugs use and ideas to.

The government's emphasis on amphetamines and how to deal with its growing use and production will not preclude other issues being raised. Marijuana will also be raised when discussing drug problems involving young people and Aboriginal people.

4. Summit speakers

The following people have been confirmed to speak at the summit:

Hon. Mike Rann MP, Premier
Hon. Rob Kerin MP, Leader of the Opposition
Father David Cappo, Chair, Social Inclusion Board
Mr Keith Evans, director, Drug Strategic Policy
Mr Mal Hyde, commissioner, South Australian Police
Associate professor Robert Ali, director Clinical Policy and Research, Drug and Alcohol Services Council, SA
Mr Scott Wilson, state director, Aboriginal Drug and Alcohol Council, SA
Dr Norman Swan, host of Health Report, Radio National, ABC, NSW
Prof Tim Stockwell, director, National Drug Research Institute, Curtin University WA
Mr Geoff Munro director, Centre for Youth Drug Studies, Australian Drug Foundation Vic
Ms Stephanie Page, executive director, Student and Professional Services, Department of Education, Training and Employment, SA
Mr Russell Ebert, Power Community Youth program, SA
Prof Anne Roche director, National Centre for Education and Training in Addiction SA
Prof Richard Mattick, director, National Drug and Alcohol, Research Centre, NSW
Prof Jason White, Professor of Addiction Studies, University of Adelaide, SA
Ms Jill Keach, manager The Woolshed SA
Dr Adam Graycar, director, Australian Institute of Criminology ACT
Mr Graham Strathearn, chief executive, Drug and Alcohol Services Council, SA
Alan Moss, Chief Magistrate, SA
Mr John Paget, chief executive, Department of Correctional Services, SA
Mr Jim Birch, chief executive, Department of Human Services, SA
Mr Peter Bleby, executive manager, Public Relations and Communications, Anglicare, SA
Rev Tim Costello, executive officer, Collins Street Baptist Church, Vic
Mr Peter Sandeman, project director, Playford Partnership, SA
Ms Zell Dodd, principal project officer, Aboriginal Kinship Program, Department of Human Services, SA
Ms Anne Bressington, Drug Beat, SA
Hon Andrew Evans, member Legislative Council, Family First, SA
Hon Mike Elliot, member Legislative Council, member Australian Parliamentary Group for Drug Law Reform, SA

The drugs summit will include plenary sessions where community members and interested participants attending the summit will have the opportunity to raise issues.

Harm minimisation

The purpose of the drugs summit is to generate debate and to look critically at the effectiveness of current policies and services, the results that have been achieved to date, what could be done better and what opportunities and new initiatives should be further explored. This is relevant to all aspects of existing and proposed drugs policies including harm minimisation.

PUBLIC LIABILITY

In reply to **Hon. J.F. STEFANI** (7 May).

The Hon. P. HOLLOWAY: The Deputy Premier has provided the following information:

A ministerial meeting on public liability insurance was held in Canberra on 27 March 2002. The treasurer, as the responsible minister, attended this meeting.

At that meeting the ministers agreed, inter alia, that in recognition of the complexity, urgency and technical nature of many of the issues, the Heads of Treasuries Working Group on Public Liability Insurance was best placed to develop practical measures for consideration by each government by 30 April 2002. This working group comprises commonwealth, state and local government representatives.

A copy of the joint communique released by the ministers at the conclusion of the 27 March 2002 ministerial meeting is attached.

The difficult task for governments is to strike a balance on behalf of the community between the rights of the individual to adequate compensation for the negligence of others and the capacity of the offending parties to pay such compensation. On the one hand restrictions on the rights of the individual to be adequately compensated will throw injured parties back on their own resources and/or the safety net provided by the public health and social security systems. On the other hand continuation of the present arrangements may result in many worthwhile community groups and small businesses closing their doors.

To suggest that this question can be resolved simply and quickly is not helpful, particularly in the absence of a central source of reliable data on the past claims experience of insurance companies in this field. That data must first be gathered and analysed before governments can make informed decisions.

In the meantime some steps can be taken. Insurance companies would almost certainly prefer to deal with larger clients or groups of clients where risk is aggregated and to some extent averages out rather than with smaller clients. Thus groups with like risks should think seriously about insuring through their associations rather than individually.

Improved risk management is a very important initiative since it has the potential to bring about the best of all outcomes—a reduction in the number and severity of injuries. On their own behalf organisations should take all reasonable steps to minimise the likelihood of injuries.

Australian governments are working as quickly as possible to find solutions to this difficult question. Some patience will be necessary however or we run the risk of implementing the wrong solutions.

Ministers have agreed to meet again on 30 May 2002 in Melbourne to further discuss the implementation of appropriate measures.

It would be inappropriate for the South Australian Government to implement any policy solutions prior to detailed consideration by all levels of government on the 30 May 2002.

WINE GRAPE INDUSTRY

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries questions regarding the dumping of grapes.

Leave granted.

The Hon. T.G. CAMERON: Today's *Financial Review* reported that bumper crops and a surge in tax effective investments in vineyards during the past five years have triggered massive dumping and discounting of grapes in some of Australia's major wine regions. The article stated that up to 50 000 tonnes of high quality red grapes in Australia's

largest wine regions have already been dumped or sold this vintage for 70 per cent less than their equivalent value three years ago. The article also stated that some growers may see up to a 30 per cent write-down on the value of their properties. Despite warnings by industry bodies, the boom time plantings of the late 1990s led to the area under vines increasing by more than 60 per cent. The 2001-02 grape harvest was a record 1.52 million tonnes. The *Financial Review* quotes the chief executive of the Victorian and Murray Valley Winegrape Growers' Council, Mr Mike Stone, as saying:

The party is over. The industry has simply been overcooked. Three years ago, 30 000 tonnes of red grapes in the three inland winegrowing regions had a value of more than \$20 million: today the figure is \$6 million.

A grape glut would be devastating for South Australian growers. That might be fine for companies like Southcorp, BRL Hardy, etc., which, in my opinion, have deceitfully encouraged people to plant grapes knowing that the prices will go down—but that is another matter. Wine is South Australia's number one export, exceeding \$1 billion for the first time last year and, as I understand it, it is set to top \$1.8 billion this year. My questions are:

1. Will the minister report on the current situation and possible implications for grape growers here in South Australia?
2. What was the tonnage of red grapes picked in South Australia over the past three years?
3. What has been the average price of red grapes per tonne over the past three years?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for his important question. I answered a question in relation to the wine grape industry that my colleague the Hon. Carmel Zollo asked several weeks ago, when I think I covered some of the issues in relation to the situation facing the industry generally. As I reported then, there has been a 10 per cent to 20 per cent increase in the warmer climate areas of the wine grape crop as a result of seasonal conditions, although red grape quality had been high. The situation that we face in the grape industry at the moment is that uncontracted wine grape growers are certainly facing a buyers' market. There is no doubt about that, and I think the figure I gave on that occasion was a 2½ per cent a year growth in the domestic market, which means that the wine industry is dependent upon export growth to absorb most of the recent rapid expansion.

The Hon. M.J. Elliott: Some of the contracts aren't being honoured either.

The Hon. P. HOLLOWAY: The problem is that there has been very high growth, exceptionally high growth, in the wine export market. The wine industry has been a great success story over the past decade, but if you are talking about growth—

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order! The answer is being proceeded with.

The Hon. P. HOLLOWAY: If you are talking about wine export growth of somewhere in the region of 20 per cent to 30 per cent, then clearly there need only be a slight fall in those projections with those sort of massive growth figures, given that it takes several years before crops from new plantings are ready for the industry, for there to be from time to time some dislocation between supply and demand, and that may well be the stage we are at now.

Although export sales growth has been strong at 20 per cent per annum, in the short term it may be insufficient to absorb some of those surpluses. Given the projections for the future, I believe that the future of the grape industry is strong and that we should not get too worried just because there are some glitches in relation to it—

The Hon. T.G. Cameron interjecting:

The Hon. P. HOLLOWAY: I understand what the honourable member is saying in relation to the growers, and in my previous answer I think I referred to one of the problems we had in relation to the Riverland; that is, the collapse of Normans Wines. Clearly, when a winery of that size collapses, the growers who were supplying that winery obviously are without contract, which puts considerable pressure on that particular region. There are also a number of issues in relation to the Riverland, and questions are being asked about the different standards that wineries are setting for quality. That is an issue that I have discussed at some length with growers from the Riverland, and indeed my department is trying to work through some of those issues with the growers through the various levy funding that is available. It is trying to get the wineries to set some consistent standards so that various growers cannot be played off against each other.

The Hon. T.G. Cameron: They are now.

The Hon. P. HOLLOWAY: That is right; those things are happening. That is why my department is doing what it can to assist those growers. However, ultimately the market will determine that. We—and I am talking about my department—have a duty to ensure that the growers are given some assistance to ensure that their chance of competing in the market is fair. The honourable member asked a number of other questions in relation to the statistics which I do not have with me at the moment, but I will take those questions on notice and bring back a response. In conclusion, I point out that future demand projections indicate that surpluses will continue to put pressure on wine grape prices over the next two to three years, but we are hoping that, if the market works properly and there is a slowing of plantings, the market should come back into balance over that time.

The Hon. T.G. CAMERON: I have a supplementary question. If the minister became aware that companies such as Southcorp and BRL Hardy were ganging up against the small growers and collaborating to push prices down, would he intervene?

The Hon. P. HOLLOWAY: I suspect that if it is companies ganging up against growers, that is a matter for the ACCC, and the ACCC should be taking action. If the honourable member has allegations of predatory pricing or collusion, then clearly the ACCC should be made aware of those matters. As I said in answer to the previous question, I have had discussions with the grape growers from the Riverland and certainly I have made some suggestions; and, through some of the funding schemes, the growers do have the capacity to do some work in relation to being better formed about those issues. However, essentially it is a matter that will have to be decided in the marketplace. It is the government's job to ensure that the market is operating effectively and, if collusion is occurring between wine producers, that is a matter for the appropriate authority, which is the ACCC.

The Hon. M.J. ELLIOTT: I have a supplementary question. Is the Minister for Agriculture prepared to consider making wine grape growers—in fact, primary producers

generally—secured creditors of wineries should they collapse, because we are currently replicating what happened in the late 1970s in South Australia?

The Hon. P. HOLLOWAY: I really do not believe it is a matter for me as agriculture minister to be talking about issues such as secured credit. The lead has to come from the industries. What the primary industries department will do is listen to growers—and I have had meetings with growers—and we will then assist. However, in terms of that sort of intervention in the marketplace, for a start, I would have to hear it from the wine grape industry. I had a meeting with the grape growers from the Riverland and they have made several requests, which I have been looking at, but those requests have not related to the particular matters raised by the Hon. Mike Elliott.

The Hon. NICK XENOPHON: If the government is provided with credible evidence of predatory pricing or abuse of market power by the companies referred to, will the government make a complaint to the ACCC or, alternatively, will it support a complaint made to the ACCC with respect to these allegations?

The Hon. P. HOLLOWAY: If the honourable member has allegations along that line, let him produce them and I will submit them.

RADIOACTIVE WASTE

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Environment and Conservation, a question about radioactive waste.

Leave granted.

The Hon. J.F. STEFANI: For a number of years the South Australian Labor Party has voiced strong opposition to the establishment of a radioactive waste disposal facility in South Australia. Since its election the South Australian Labor government has declared war against the federal Liberal government on the subject of radioactive waste disposal.

I am aware that the state government has participated from the outset in the collaborative development of proposals for national radioactive waste facilities and has taken part in a desk study completed in 1986. This study identified broad areas of Australia which were likely to meet the requirements of the International Atomic Energy Agency's criteria for the siting of a low-level radioactive waste repository. As the Labor government was in power from 1982 to 1993, my questions are:

1. Will the minister confirm whether any written communications were exchanged between the federal Labor government and the state Labor government during this period of time and, if so, what were those communications?
2. In line with the Labor government's new policy of adopting the highest standard of accountability and transparency, will the minister table all correspondence transacted between the state and federal governments on this important issue?
3. Will the minister confirm whether the Premier, the Hon. Mike Rann, was a member of the cabinet during any period of the Labor administration when discussions and written negotiations were exchanged between the state and federal governments?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will make sure that those

important questions asked by the Hon. Julian Stefani are referred to the Minister for Environment in another place and bring back a reply.

PAYDAY LENDING

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Consumer Affairs, a question about payday lending.

Leave granted.

The Hon. CARMEL ZOLLO: In the last parliament, I raised the issue of payday lending and the implications for people who are often the most disadvantaged in our community. For those members who are not familiar with the practice, payday lending is when people who borrow money from payday lenders are typically advanced a small amount of money (usually between \$100 and \$300) until the borrower's next payday. The amount of interest charged by the payday lenders is completely disproportionate to the value of the loan. For example, a payday loan over two weeks of \$200 (with a \$40 fee) translates to an interest rate of 520 per cent per annum. Such a loan would be approximately 32 times more expensive than a cash advance on the consumer's credit card at 16.5 per cent per annum. My question is: can the minister advise the council about the impact that recent changes to the Consumer Credit Code will have on protecting the clients of payday lenders?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I am certainly aware that a lot of people, young people in particular, fall into the trap of being caught in the web of payday lenders. Until recently, payday loans were not subject to the Consumer Credit Code because the code did not apply to loans of 62 days or less. Recent changes to the Consumer Credit Code mean that loans of 62 days or less are exempt from the operation of the Consumer Credit Code only if the fees and charges payable on the loan are less than 5 per cent of the amount of credit and the annual interest rate is less than 24 per cent.

Payday lenders are now obliged to give borrowers information about their rights and obligations under the Consumer Credit Code, including the right to a pre-contractual statement; the right to a written copy of the contract; and options available to borrowers who cannot pay. Payday lenders also must give potential borrowers a pre-contractual statement containing detailed information about specific features of the loan such as fees and charges, the annual percentage rate and where the interest rate varies if a borrower defaults.

Payday lenders are also now subject to the disciplinary provisions of the Credit Administration Act 1995. This means the Commissioner for Consumer and Business Affairs, or any other person, can take a payday lender to the District Court. Disciplinary action available to the District Court includes imposing fines on the lenders and banning them from lending money in South Australia.

Unfortunately, whatever legislation governments bring in, there will always be people who prey on those who are desperate enough to approach those people who charge these exorbitant fees, but at least we are now coming to terms with some protective measures for consumers when they are put in this perilous position.

The Hon. R.D. LAWSON: I have a supplementary question. First, can the minister advise how many companies

are operating payday lending facilities in South Australia; and, secondly, will the government congratulate the previous government for introducing controls over payday lending in this state?

The Hon. T.G. ROBERTS: I will refer the first part of the question to the minister in another place and bring back a reply, but I will give credit to the honourable member—and it is acknowledged by this side of politics—that the model code of conduct that he brought in, based on the Queensland model, I understand, was doing something to bring about uniformity of the codes within South Australia. We will continue the good work.

The Hon. NICK XENOPHON: I have a supplementary question. Has the government investigated, or does it intend to investigate, the link between the growth in payday lending and the increased level of gambling debts in the community and, in particular, those experiencing problem gambling associated with poker machines?

The Hon. T.G. ROBERTS: I will certainly refer the honourable member's question to the minister in another place and bring back a reply.

ABORIGINAL HERITAGE

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about the application of the Aboriginal Heritage Act.

Leave granted.

The Hon. SANDRA KANCK: As the minister is aware, for the past nine years not a single item has been entered on the state's register of Aboriginal sites and objects. This abject record is such that the only alteration to the register during that time has been the removal of two sites, and one of those was for the construction of the Hindmarsh Island Bridge. This is despite the fact that during that time the department was alerted to the existence of approximately 1 200 potential sites and objects. The current minister may recall how the former minister used the sophistic argument that, because these items had been listed in the archive, they were on the register. However, the minister would be aware that listing in the archive does not guarantee the protection that placement on the register does.

The predominant view in the community about the Aboriginal Heritage Act is that (a) it is not being administered, and (b) it is not working. I was approached in 1996 by officers from the department with a new draft act, a version of which was rejected by most people concerned about Aboriginal heritage, and it was never introduced. My questions are:

1. In taking control of this portfolio, has the minister been able to determine why items are not being entered on the register? If so, what are the reasons?

2. Does the minister intend to make departmental officers comply with their obligations under this act? If so, in what ways?

3. Is the minister intending to revise the act in any way? If so, to what extent? What would be the timetable, and would the minister include a requirement of annual reporting to parliament about the number of items entered or removed from the register and reasons for removal of any items?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): There are some questions raised to which I do not have an answer. The general thrust

of the questions is in relation to the current government's commitment to continuing the register and updating it. A position paper is currently being circulated to stakeholders for discussion. Although it does not indicate our policy, it is a document for discussion.

In relation to the specific questions about the detail, I will take them on notice and bring back a reply and perhaps offer a briefing to the Hon. Sandra Kanck to look at some of the issues relating to the paper that is being circulated. I will endeavour to bring back a reply to those specific questions.

ADELAIDE AIRPORT

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I table a ministerial statement made today by the Premier in another place about the Adelaide Airport terminal.

POKER MACHINES

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Gambling, a question in relation to the poker machine autoplay function.

Leave granted.

The Hon. NICK XENOPHON: The prohibition of autoplay buttons and that function on poker machines was passed by the previous parliament some 12 months ago with the commencement date for that clause being 1 January 2002. Shortly after the commencement of this particular section of the legislation, it became apparent that, in some machines, the autoplay button had been replaced with a maximum bet button, and a general problem was reported that the ban on autoplay could be easily overridden by jamming a drink coaster, a business card or even, ironically, a BreakEven card, in the play button.

I acknowledge that the Minister for Gambling wrote to me in relation to my concerns early last month, and he indicated as follows:

The South Australian Appendix to the Gaming Machine National Standard has been amended to require that each play must be initiated by a distinct and separate activation of the player interface (e.g. play button or touch screen etc.) and the gaming machine must not allow a player to circumvent this requirement by external interference (e.g. jamming play buttons). This requirement will take effect on 4 July 2002 for all submissions of new games and machines.

My questions are as follows:

1. Can the Minister for Gambling clarify whether existing machines that can have the ban on the autoplay feature easily overridden have in fact been modified?

2. What technical advice has the minister obtained on the feasibility of software changes to machines to ensure that each new play must be linked to a distinct decision and push of the button or touch of the screen? Is it not the case that such technical change can be achieved relatively simply?

3. Approximately how many machines are there currently in South Australia that can have the ban on autoplay overridden by the play button being jammed by players?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those questions to the Minister for Gambling and bring back a reply.

NATIONAL PARKS

In reply to **Hon. M.J. ELLIOTT** (14 May).

The Hon. T.G. ROBERTS: The Minister for Environment and Conservation has advised:

There are a number of parks and reserves within South Australia with proclamations that allow for existing and future mineral and petroleum activities. The largest areas that fall into this category are the regional reserves, which are a reserve classification that allows for multiple use options, including mining and pastoral activities. Regional reserves already have a mandatory review process, including an assessment of the multiple use provisions every 10 years and those reviews are tabled in parliament.

The immediate priority for my government is to honour our election commitments. I quote the policy on this matter:

'A Rann government will amend legislation and policy to: better meet our national responsibilities to provide comprehensive and representative reserves (CARR) in order to maintain biodiversity, with priority action directed at the identification of areas in bio-regions which currently have no strict protected areas, poor representation or are under immediate threat.'

Further our policy states:

'South Australia has 15 bio-regions represented within our state's boundaries and a Labor government will adopt a long-term goal of a minimum of 15 per cent protection of each of these bio-regions, or the appropriate proportion thereof, where they cross state borders.'

HIGHWAYS, NAMING

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Regional Affairs, representing the Minister for Transport, a question about the naming of highways.

Leave granted.

The Hon. J.S.L. DAWKINS: During 1999 I noted that the alternative National Highway One, which travels through Robe and Beachport (and which would be well known to the Minister for Regional Affairs), had been named the Southern Ports Highway. I congratulated the then minister for transport (Hon. Diana Laidlaw MLC) on this action and indicated my view that more of South Australia's major routes should be named as highways. The then minister agreed and sought my help in gaining community views on possible names that could be used.

This proposal gained some media attention, and I have received considerable feedback from people across the state. I subsequently passed on these suggestions to the working party that was established to assess possible highway names for major roads.

The working party was established with representatives from Transport SA, the South Australian Tourism Commission, the Local Government Association of South Australia, the Outback Areas Community Development Trust and the Geographical Names Advisory Committee. I was subsequently advised, in 2001, that the working party had agreed to proceed with the naming of the following routes and was undertaking a consultation process with relevant local government authorities. The major roads are Goyder Highway (route B64), from the Sturt Highway near Renmark to Morgan and on to Crystal Brook; the Karoonda Highway (route B55), from Murray Bridge to Karoonda, Loxton and Berri; the Birdseye Highway (route B91)—

The Hon. Diana Laidlaw: Named after whom?

The Hon. J.S.L. DAWKINS: Named after the famous Mrs Birdseye, who ran buses on Eyre Peninsula for many years—and I believe that this would probably be the first highway to be named after a woman in South Australia. The other roads are the Birdseye Highway (route B91) from Cowell to Lock and then on to Elliston, and, importantly, the sealing of the last section of that road is in the planning stage, and I trust that this government will continue the sealing

project on that Lock-Elliston road; the Ngarkat Highway (route B57) from Loxton to Pinnaroo and on to the Dukes Highway near Bordertown; and the Wakefield Highway (route A1), from Port Wakefield to Port Augusta. My questions are:

1. Will the minister indicate the results of the consultation process for these major roads?
2. Is the minister able to indicate when these routes will be given highway names?
3. Will the minister indicate whether suggested highway names for other major routes in the state are still being considered?

The Hon. T.G. ROBERTS (Minister for Regional Affairs): I will refer those important questions to the Minister for Transport in another place and bring back a reply.

BUILDING POSITIVE RURAL FUTURES PROGRAM

The Hon. G.E. GAGO: I seek leave to make an explanation before asking the Minister for Regional Affairs a question relating to workshops for the Building Positive Rural Futures program.

Leave granted.

The Hon. G.E. GAGO: Regional jobs, economic prosperity, tourism and working with youth are the key themes of a project that the Minister for Regional Affairs launched at Mount Gambier on 12 April. This initiative, entitled Building Positive Rural Futures, aims to bring ideas, resources and experts together to boost the capabilities of regional communities. What success has there been in implementing this initiative since it was announced?

Members interjecting:

The Hon. T.G. ROBERTS (Minister for Regional Affairs): We have been announcing positive rural futures initiatives for some considerable time.

Members interjecting:

The Hon. T.G. ROBERTS: We have been working on positive rural futures—

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: As the Hon. John Dawkins knows, we have been working closely with local government and local communities—

Members interjecting:

The Hon. T.G. ROBERTS: I acknowledge the work done by the previous government.

Members interjecting:

The PRESIDENT: Order! Members will cease interjecting.

The Hon. T.G. ROBERTS: We also did a lot of work in opposition, in working with regional communities to identify their general needs. As we all know from governmental experience, people in local communities know the issues, so the challenge is transferring their ideas for implementation through the bureaucracy and in conjunction with political representation for those areas. Therein lies the challenge to initiate commonwealth, state and local government programs to bring about outcomes that local people can take ownership of and live with.

To a large extent the concept of building positive rural futures came out of discussions we had in opposition and, in building on some of the work done by the then government, since coming to government we have listened to a whole range of people from the farming community through to

nurses, police and people involved in small business and tourism ventures. We have looked at the structures put forward and put together by the previous government, and we have worked with those structures and not wasted any of the consultative mechanisms that were working.

We are certainly looking at consolidating a lot of the infrastructure and governance within regions to make sure there is no waste or overlay of decision making. Certainly, in terms of the evolutionary process—for example, in the mallee and communities within the mallee, which have probably the fewest resources of all communities east of Yorke Peninsula—in building rural futures a layer has evolved within that community that is trying to resource itself by broadening out its geographical base to include those resourced areas of the Riverland and the lower reaches of the river. We understand the issues that face regional communities in every part of our state. There are distinct differences within regions which must be recognised.

I made a presentation to the media in Mount Gambier on Friday, and I recognise that the South-East is blessed with the geography and infrastructure support that many other regional communities within the state would like to have. Although you cannot stop there, where you have positive outcomes in regional communities you build on them to make those successes even more successful and, where you have natural resources, as the South-East has, like underground water supplies and reasonably reliable rainfall, then you have a good start for management resource development for good positive outcomes.

In other areas of the state, such as on the West Coast and in the north, many of the problems they have revolve around the fact that they do not have those sort of natural resources to build upon. In the next week there will be workshops in and around the state, in Ceduna, Clare, Murray Bridge and Penneshaw, to discuss and exchange views and ideas about regional growth. Some of these will be convened to look at a wide range of issues associated with building positive futures. In relative terms my office is only small. It is fairly modestly funded, but I must say that there is an enthusiasm within regional affairs—

An honourable member interjecting:

The Hon. T.G. ROBERTS: Well, we would hope so. There is a belief in itself that the work it is doing is of a positive nature. I have asked the Office of Regional Development to develop concepts in building positive rural futures, over the next six months, which is an important plank of our regional development program. Other study tours will be conducted throughout the state and a program of regional workshops will be developed. We recognise that the bulk of new jobs will come from the formation and growth of small businesses and medium-sized enterprises, and that local enterprise needs nurturing, training and essential infrastructure.

Because of this our development policies, social culture and economics must be applied in ways that are appropriate to local circumstances and are sensitive to local opportunities. Building positive rural futures is based on this simple philosophy: that local communities know what they need. As I have said previously, as we put in place development programs, the social infrastructure is as important as the development infrastructure, and education and training are the platform and plank on which a lot of these futures are built.

WHEAT BREEDING

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question relating to a new wheat breeding company.

Leave granted.

The Hon. IAN GILFILLAN: In the May edition of the *Adelaidian* (which is the newspaper of the Adelaide University) there is an article entitled 'Benefits to grow from new wheat breeding company', and it states:

Adelaide is to become the hub of wheat breeding for the southern region of Australia. A new plant breeding company is being established using the resources of the University of Adelaide, the SA Research and Development Institute (SARDI) and the Grains Research and Development Corporation. The company, called Australian Grain Technologies Pty Ltd (AGT), would have its headquarters in South Australia, according to interim Chief Executive Dr Steve Jeffries.

A bit further down it says:

... this would see eight institutional programs replaced by fewer well-resourced and internationally competitive companies.

In the final paragraph it says:

The interim board is currently finalising its staffing arrangements which will include a mix of direct employees and contracted services from SARDI, University of Adelaide, Victoria's Department of Natural Resources and Environment, and others.

I emphasise 'and others'. There is profound concern amongst research bodies that research is now being steered by private enterprise and commercial interests, and the days of abstract and objective research are very limited. My questions to the minister are:

1. Will the AGT be listed on the stock exchange?
2. Does it intend to pay dividends to shareholders?
3. Who or what will determine the research programs undertaken by AGT?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The announcement of AGT was an important development for this state. There were previously 11 wheat breeding programs operating in this country but, after a review of that through the GRDC, it was made clear that they would be funding only three, and various conditions were put down in relation to their operations.

South Australia was fortunate to win one of those three wheat breeding companies in Australia, and I think there is every likelihood that that company, here in South Australia, will be this country's leader in terms of wheat breeding; and it is very important for the state that it does. As I understand it, one of the benefits of AGT coming to South Australia is that, as a result of those arrangements, we will have an additional \$1 million a year for the next five years going into wheat research in this state; and I think that is very important.

AGT is a company which is, I think, jointly owned by the GRDC, Adelaide University and SARDI and in fact will be operated with one director appointed by the government, one by the university and one by the GRDC, and up to two independent directors—

The Hon. Ian Gilfillan interjecting:

The Hon. P. HOLLOWAY: Well, I think that certainly in the first instance this is a joint venture between those three bodies, and that was the requirement of the—

The Hon. Ian Gilfillan interjecting:

The Hon. P. HOLLOWAY: Not at this stage. There are three programs throughout Australia, and I believe that one of those may have private enterprise, but not the particular

one in this state. Three shareholders are affected, as I understand it. I believe it is those three bodies, but I will provide more information.

The government will be committing support to this body to the tune of, from memory, \$600 000 a year over the next five years, but I will check those figures. That is the level at which the state has been providing support for wheat-breeding in the past, with additional money, as I said, coming from the GRDC as a result of this company structure. After that time it is expected that the wheat-breeding program will become self-sufficient and that the company will then be supported by end point royalties, as I believe they are called, but I will obtain more information. In relation to dividends, ultimately it would be the goal of the government that this body becomes self-funding, and I guess the prospect of any dividends would be after those five years.

The Hon. Ian Gilfillan: Would it be listed on the stock exchange?

The Hon. P. HOLLOWAY: It is a private company. From memory, it is possible that, with the agreement of others, some bodies may wish to sell down their shares in the future, but I will obtain the exact information for the honourable member. However, I would not expect that to be the case, certainly for some time. I will take that question on notice and bring back a response. What was the third question?

The Hon. Ian Gilfillan: Who determines the research programs?

The Hon. P. HOLLOWAY: The research programs are determined by the board. A chair is to be appointed with the agreement of all shareholders; one director is appointed by the state government, who is likely to be the director of SARDI; one director is appointed by the University of Adelaide; two directors are appointed by the GRDC; and up to two independent directors are appointed by agreement of the shareholders. So, the interim board will be responsible for the operation of the new entity.

The PRESIDENT: Before we go on to the business of the day, I remind honourable members that we are proceeding to the Governor's residence at 4 p.m. We will assemble in an orderly manner and we will move across at 4 p.m. That will be done by a motion from the leader. I would remind all members that it is most discourteous, unless you are lame or infirm, not to attend.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.
(Continued from 27 May. Page 207.)

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I conclude this Address in Reply debate by thanking all those members who participated. The Address in Reply is a very important part of the parliamentary process: it gives new members the opportunity to outline in their maiden speeches their goals and aspirations for their parliamentary careers. We have heard that from the five new members—the Hons Gail Gago, John Gazzola, Andrew Evans, Terry Stephens and David Ridgway—and I congratulate them on their speeches. They have shown quite diverse and interesting backgrounds.

As I was listening to the speeches of those new members, I was reminded of how, 30 years ago, this council was an entirely all-male chamber. I am not sure when Jessie Cooper came in but, if she was here 30 years ago, she had not been here for long. The council had a restricted property franchise and, of the 20 members, four were Labor, and 16 were Liberal members—and conservative Liberals, I think it would be fair to say.

The new membership of this council shows how much this house of parliament has changed over the past 30 years. The new members reflect society generally much more accurately than was the case in the past, and I think that is a very good thing.

In opening my remarks, I again recognise the role that is played by Her Excellency the Governor, Marjorie Jackson-Nelson, and I also pay tribute to her predecessor, Sir Eric Neal, and Lady Neal. I believe that the state has been very well served by its governors, and the current Governor and her predecessor are no exception. They have contributed greatly to this state and I wish them well. I again congratulate you, Mr President, on your election to the important office of President. I believe the conduct of affairs that you have shown over the past month or so has vindicated the council's selection of you to that office. I also add my tribute to the inspirational role played by the Queen Mother, and I express my regret at her passing.

During my remarks in closing this debate, I would like to refer to some of the issues that were raised by other members. As I indicated, the newer members have shown that they will be very strong performers in this place; and with their very diverse backgrounds it will be a very interesting session of parliament. First, I would like to refer to some of the comments made by the Leader of the Opposition during his contribution because I believe that they need to be addressed. During his contribution, the Leader of the Opposition made some rather petty, mean, patronising and insulting remarks about the Speaker in another place, and I do not believe that they served the reputation of the Leader of the Opposition very well. I am sure they did far more damage to him than to the reputation of the Speaker. The Leader of the Opposition said:

I have to say that in my view this is the gravest threat to the proper functioning of the opposition and the parliament that I have seen in all those 30 years.

He was referring to what was happening in the other place—

An honourable member interjecting:

The Hon. P. HOLLOWAY: It is completely over the top—completely, totally, absolutely over the top. I would suggest that respect for the chair is a fundamental requirement in every parliament and every democracy, and making personal attacks on the Speaker will only cause problems for the opposition. I believe that, if the opposition were to cease its personal attacks on the Speaker, there would be absolutely no threat to the opposition within parliament. It is a very simple solution: stop making personal abuse—

The Hon. A.J. REDFORD: Mr President, I rise on a point of order. The member is making an adverse reflection on you, sir, because you would have intervened if there had been a personal reflection in the manner set out by the Leader of the Opposition. I would ask the honourable member to withdraw any reflection on you or your rulings as they have been applied in this debate.

The PRESIDENT: I do not know that there is a point of order. I note the observation and I ask that the minister take it on board.

The Hon. P. HOLLOWAY: I will take the comments on board. I do believe that some points of order were raised during his contribution, but let us not go into that. The leader said:

The former Liberal government did not enjoy that protection—and he was talking about the protection that he believes exists for the government now—

for its eight years but, at least in its first few weeks. . .

I simply pose the point: when in the past did the Labor opposition make personal attacks on the then Speaker, except in relation to specific rulings made by the Speaker?

I suggest that, if members of parliament—from whichever chamber—wish to disagree with the Speaker's ruling, then there is the capacity in the standing orders to do so; that is, to move dissent in the ruling. That has been done in parliaments in the past. What we do not need is the sort of attacks that we have seen. The Leader of the Opposition then went on to give some examples of questions that had been asked in the parliament and where the Speaker had made comments. I was a member of the House of Assembly for four years and I do know that in that chamber the standing orders in relation to questions are certainly interpreted much differently—that is the tradition in that house—and much more tightly than questions in this chamber.

I can well remember the many questions I asked early in my career in the House of Assembly being ruled out of order because I had included discussion and opinion. Those rules have always been enforced very rigorously in the House of Assembly.

The Hon. R.I. Lucas: It is a nonsense.

The Hon. P. HOLLOWAY: It is not a nonsense.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: The standing orders in the House of Assembly say that no debate or opinion should be included in questions. The honourable member gave one example of the member for Heysen. He said:

The recent collapse—

then it was one of the major medical insurance companies— . . . is having a devastating effect on our health system. . .

That is an opinion. What I suspect the new members will learn, as I did, in that place is that, if you want to include those sorts of opinions in your question, you have to do it by way of a quotation from an article or something else. They are the tricks that the new members of parliament in the House of Assembly have to learn. It is a bit rich—

The Hon. R.I. Lucas: Did Lewis write it?

The Hon. P. HOLLOWAY: No, he did not write it for me. I happened to be in the House of Assembly for four years and I know what the rules are. The Leader of the Opposition does not know what the standing orders are in the House of Assembly. I would suspect that it would be much better for him to leave the debate to people in the House of Assembly who know the rules. I suggest that is where discussion about standing orders should remain.

I turn now to some comments which were made by the Hon. Caroline Schaefer in her contribution to the Address in Reply. The Hon. Caroline Schaefer said:

There is no doubt that South Australia is enjoying boom times, particularly in the area of which I have the greatest passion—rural South Australia and primary industries in particular.

That, of course, is true. She then went on to say:

These impressive figures are not due alone to the magnificent season across the state this year, but also to the partnerships formed between industry and government as part of the State Food Plan.

I do not wish to take issue with that, but I make the comment that three main factors have been responsible for the very good conditions in rural South Australia at the moment. First, the exceptionally good season—almost freakishly good—in the past 12 months which has seen record crops, particularly in the grain industry. Secondly, we have also had a low Australian dollar, although I note that, in recent times, that has changed. The dollar has gone up to about 56¢ compared to about 50¢ earlier this year. There has been about a 12 per cent re-evaluation of the dollar, and clearly that will have an impact on our exports. The third factor is higher commodity prices, particularly for livestock.

The point that I have made since I have been Minister for Agriculture, Food and Fisheries is that those factors are beyond our control. The three factors that have produced a favourable outcome can change at any time. Farming is a tough and risky business. What I have urged farmers to do is to ensure that they use the favourable conditions we have at the moment to secure their future. The point I made is that, rather than becoming complacent during this prosperous period, it is critical that primary producers look at how best to protect themselves from the problems of the future. What I suspect the successful industry leaders will do is: update their long-term business management plans; retire debt; use extra funds to diversify their business; and invest in new technology and training, which I believe is important.

The Hon. Caroline Schaefer then went on to say that she was disappointed with the Governor's speech in relation to agriculture. She said:

I simply wonder why this—

that is, the implementation of the Aquaculture Act—

will take until July. The minister has continued to assert that there is no money for the implementation of the act. I happen to know that there were sufficient resources within the aquaculture section of Primary Industries to implement the act on time.

Maybe there are sufficient resources to ensure that the act is put in place, but the problem is: what would you do with the act after 1 July, because it would not be of much value to you unless funds were allocated to enable the aquaculture section of the department to move forward to deal with all the applications and to ensure that the aquaculture industry grows.

The fact is that those funds simply are not there. I will have a lot more to say about this at the time of the budget, but it is not enough to say, 'Sure, we will fund the act until 30 June this year'—so, there would be enough money until 30 June to get the act up and running, but after that date there is no money. The Hon. Caroline Schaefer can smirk because she knows the state of the budget. She knows that the forward estimates for the Primary Industries Department, which she left, show that there was to be a \$21 million fall in spending within the Primary Industries Department—that is in the PIRSA budget as a whole—and that a significant number of programs are not funded beyond 30 June. This is the mess that the government must deal with.

I will move on quickly because we have to complete the debate. Referring to the Australian Centre for Plant Function and Genomics, the Hon. Caroline Schaefer said:

Even though I was not invited to the launch, as one of the ministers who worked frantically to help complete the bid for the . . . centre. . . to have it passed in cabinet. . .

I apologise that the honourable member was not invited to the launch; it was hurriedly organised because it depended on the availability of the Hon. Brendan Nelson, the federal minister, who was to attend because the commonwealth contributed significantly to the plan. I think the launch was announced the day before and the invitations were sent out by the Minister for Science and Information Economy. I was pleased to see that the Hon. Mark Brindal, the Hon. Rob Kerin as Leader of the Opposition and the Hon. Martin Hamilton-Smith were present at the opening ceremony; so there were three former ministers present. If I had been sending out the invitations, I would have been pleased to send one to the honourable member. With reference to the people who work at the centre, the honourable member said:

I will not name them, since praise from a former Liberal minister may not be good for their careers, but I do know who they are.

I believe that the officers of the Department of Primary Industries are very professional, and I am happy to acknowledge the work that the previous minister did in respect of this matter, and I am also pleased to recognise the role that is played by senior public servants within PIRSA. To suggest that I would penalise public servants because a member of the Liberal Party praises them is a bit rich.

The honourable member then referred to a distinct lack of press releases on the web site. That is certainly true, as this has taken some time to do. The honourable member went on to say:

. . . I believe I have established a reputation for sincerity and integrity. I do not believe that there is anyone in this parliament who can say that I have lied to them. I am, therefore, deeply insulted and angered that in answer to my questions the Minister for Agriculture, Food and Fisheries has at least four times used the word 'hypocrisy' in the context of my questions.

Again, I am sorry that I upset the shadow minister. I do not doubt her sincerity or integrity, but I hope that we do not get to the stage in this parliament where we no longer can have a fairly vigorous debate. I expect the honourable member will attack me, as she has done in press releases and on radio this morning—I accept that as part and parcel of the business—but I hope that what is said in this council is not taken as a personal affront because it is certainly not my intention to do so. I am not questioning the honourable member's sincerity and integrity. She went on to say with reference to me:

Further, he indicated to me that his failure to reply or to even acknowledge my correspondence—and I might add I still have had no response—was due to a huge backlog of unsigned correspondence by me as minister. Mr President, I think his implication that I am lazy and slack at my job would be denied by anyone who knows me.

Again, I am sorry that the shadow minister is a bit thin skinned. I was certainly not suggesting that she is lazy; I was simply making the point that some responses from the department do take a long time (months rather than weeks) and I was simply answering (in my own defence) her criticism of me for not responding within weeks. Again, I do not wish to malign the honourable member as lazy. I think that perhaps she takes offence a little too easily.

During her speech, with reference to the National Wine Centre, the honourable member pleaded with the government to explore possibilities 'rather than continue down the path of deliberate destruction which it is currently set on.' I make the point that if millions of dollars per annum are required in subsidies for the National Wine Centre they must be found by cutting productive sectors of the economy.

That is the dilemma that this government faces in preparing its budget for this year. If we are to continue

programs, the funding for which will be discontinued at 30 June under the previous Liberal government's forward estimates, or if we are to find money for these cost overruns that were not provided for, we can do that only by cutting other productive areas of the economy. That really is the dilemma which this government faces.

A number of other comments were made by members during the Address In Reply to which, unfortunately, I will not have the time to respond now, but I will briefly refer to some questions asked by the Hon. Terry Cameron yesterday, as he gave a fairly lengthy and detailed speech in relation to the state of the economy. He cited some statistics on the state's economy over the past few years—and these are fairly important. One point that he noted was that exports to the Middle East have grown strongly (up by 90 per cent). This indicates that our relationship with the Middle East region is extremely important to the economy of this state. How we treat people from the Middle East will ultimately be a significant factor in the economic performance of the state.

It is interesting to note that during the last state election campaign the Liberal Party tried to revive border security issues within the state. I well recall that the only federal minister who seemed to appear during the election campaign with any prominence—certainly on talkback radio—was Philip Ruddock, even though immigration issues had nothing whatsoever to do with our state election campaign. I will make the following observation and leave it at that: I hope that business leaders from the Middle East who have played a part in our success in getting our exports up by 90 per cent (such as Mitsubishi cars and our rural products) were not listening to talkback radio during that election campaign. I will leave my comments at that.

The Hon. Terry Cameron then raised a number of issues. I will not have time to deal with them now, unfortunately, but I will make a couple of brief comments. He talked about government reviews. In answer to his comments, I would like to say that there are many different levels of reviews and inquiries that a government might have. He mentioned, for example, outsourcing contracts. Of course, that particular review which the government is undertaking is by a cabinet subcommittee, so it will not involve consultants.

Some other reviews announced by ministers—and I will talk in relation to my own portfolio—are simply internal, where a particular policy may be reviewed as a result of issues that have arisen. For example, as a result of issues raised in relation to great white sharks following the tragic death of a diver a few weeks ago, I asked my department to review policies in relation to berley and other issues. That review can be tackled internally. It does not necessarily require consultants and it need not be expensive.

I would have thought that much of the work of government would be reviewing its policies in the light of events happening all the time. I make the point that many of the government reviews will be internal and not necessarily expensive. Where the reviews are large scale and consultants are involved, they will be given the appropriate publicity and information will be made available, as has occurred in relation to my portfolio. I think the Hon. Terry Cameron missed the point in relation to that. While this government has said that it will cut back on the amount of money spent on consultants, we certainly never said that we would get rid of consultants altogether. Given that, in relation to the ETSA sale, the previous government spent well in excess of \$100 million on consultants, I believe this government's spending on consultants will be modest and appropriate.

Unfortunately, I do not have the time to mention some other issues: perhaps I will have that opportunity on another occasion. I conclude by thanking all members who participated in the debate, and I thank the Governor for her speech. We look forward to the next four years of implementing the very good program outlined by the Governor in her speech.

Motion carried.

The PRESIDENT: I remind members that Her Excellency the Governor will receive the President and members of the Legislative Council at 4.15 p.m. today for the presentation of the Address in Reply. I ask all members to accompany me to Government House.

[Sitting suspended from 3.58 to 4.45 p.m.]

The PRESIDENT: I have to inform the council that, accompanied by the mover, seconder and other honourable members, I proceeded to Government House and there presented to Her Excellency the Address in Reply to Her Excellency's opening speech adopted by this council today, to which Her Excellency was pleased to make the following reply:

To the honourable President and honourable members of the Legislative Council: Thank you for the Address in Reply to the speech with which I opened the second session of the 50th parliament. I am confident that you will give your best consideration to all matters placed before you. I pray for God's blessing upon your deliberations.

**AGRICULTURAL AND VETERINARY
CHEMICALS (SOUTH AUSTRALIA)
(ADMINISTRATIVE ACTIONS) AMENDMENT
BILL**

Adjourned debate on second reading.
(Continued from 13 May. Page 86.)

The Hon. CAROLINE SCHAEFER: As a result of a High Court decision, some sections of the commonwealth Agricultural and Veterinary Chemicals Legislation Amendment Act 2001 have been called into question. This bill seeks to amend the South Australian Agricultural and Veterinary Chemicals (Administrative Actions) Act, to validate those sections and to give matching legislative powers across all jurisdictions, state and commonwealth.

It is required to give validity to certain administrative laws, such as the agricultural and veterinary code and agricultural and veterinary regulations. It affirms that commonwealth administrative laws and the commonwealth Administrative Appeals Tribunal Act also apply in South Australia. It is necessary to pass this bill, and I support it.

The Hon. A.J. REDFORD: I support this bill. This is an extremely complex piece of legislation. As the minister said, and the Hon. Caroline Schaefer acknowledged, this bill is part of a legislative response to some comments made by the High Court in *The Queen v Hughes* (2000) 171 ALR 155. This decision affects the national registration scheme for agricultural and veterinary chemicals registration which is promulgated through national scheme legislation. Mr President has been very much involved in looking at national scheme legislation in his former role as a member of the Legislative Review Committee.

The primary act was passed in 1994 and is a prime example of how national scheme legislation should not be promulgated. The High Court, in a lengthy and well-reasoned

judgment, highlighted some of the complexity and problems that can be caused by this style of national scheme legislation. In *Hughes*, as the minister observed, the court said that there must be a clear nexus between the exercise of a function of a commonwealth officer and some head of power in the commonwealth constitution. Further, the court highlighted the need for the commonwealth parliament to authorise conferral of duties, powers or functions by a state or commonwealth authority.

I will not go through this bill except to say that any ordinary person attempting to read it and understand precisely what it means will in most cases give up with some great frustration. What I want to do is highlight some of the matters raised by the High Court in *Hughes*' case which I believe all ministers, their advisers and their departments should be cognisant of in their dealings with the commonwealth and with other states when considering national scheme legislation.

The case was considering what I call the 'grand-daddy' of national scheme regulation, the Corporations Law. A number of cogent observations were made by His Honour Justice Kirby which I believe should be put on the record in this place. First, Justice Kirby correctly observed and acknowledged the statement of His Honour Justice Mason in the case of *The Queen v Duncan*, ex parte Australian Iron and Steel Pty Ltd, when he quoted the following:

A federal constitution which divides legislative powers between the central legislature and constituent legislatures necessarily contemplates that there will be joint cooperative legislative action to deal with matters that lie beyond the powers of any single legislature.

His Honour went on—and I agree with His Honour's observations—to say that national scheme legislation and regulation can be a very important part of our legislative structure in this federal constitution. However, he made a number of remarks concerning the nature of the legislation that was called into question before the High Court in *Hughes*' case. He said this:

To answer the questions reserved for the opinion of the full court, propounded by the accused in support of his contentions, it is necessary to resume the unpleasant task of examining an almost incomprehensible network of federal, state and territory laws. This and a like task have lately engaged the court in other challenges bearing some similarities to the present.

The same observation could be made in relation to the legislation that is currently before this place. He goes on and says:

If a gap in the legislation is found—either because of the omission to provide a critical power or because of the enactment of crucial provisions beyond constitutional power—this court must say so, leaving it to legislators and officials to sort out the consequences.

I do not speak on behalf of the opposition in making this comment, but it is disappointing that we, as a nation, did not re-look at this whole legislation and re-do it so that it was in some way, shape or form comprehensible to the ordinary citizen.

His Honour Justice Kirby went on and talked about the role of the High Court or any court in relation to the consideration of legislation. He said this:

This court should be the upholder, and not the destroyer, of lawful cooperation between the organs of government in all of the constituent parts into which the commonwealth of Australia is divided. No other approach is appropriate to the interpretation of the basic law of the 'indissoluble federal commonwealth'.

In that respect, what he was saying is that, despite the fact that the legislation before the High Court, the corporations

legislation, was incomprehensible, the court had a duty to do its best to uphold it and should strike it down only if there were no other alternative. He went on and made some very strong criticisms of this type of legislation and, in relation to the process which led to this incomprehensible scheme of legislation, he said:

But only political considerations, disputes over revenue and possibly a feeling of discouragement following the *Incorporation Case* can explain the nearly incomprehensible scheme of legislation eventually adopted.

He goes on and observes:

So complex is the interlocking legislation, with fiction piled upon fiction, that it must be doubted whether any of those presenting and enacting it were truly aware of precisely what they were doing.

His Honour Justice Kirby sends us as legislators a very timely warning, and that warning is that we should do our best to ensure that we properly understand what is before us, and if we do not, if it is incomprehensible, then we should reject it and try to find a simpler solution. Most national scheme legislation that I have seen falls into that category.

The whole theme of his judgment was that there is a place for this sort of legislation, but the place ought to be prepared properly and we ought to pass legislation that is comprehensible to ordinary members of the public who have to deal with legislation. Indeed, as individuals—whether we are ordinary members of the community or, in some cases, blessed with some legal training—at some stage in this sort of process we have to say, 'No, we will not deal with this legislation because it is incomprehensible.' In that respect I make no criticism of the government. I have an absolute understanding that the government has picked up something in relation to this piece of legislation that was probably drafted by the previous government before the election. I hope that members opposite do not believe that I am directing any criticism—

The Hon. P. Holloway: We have already dealt with a number of pieces of similar legislation in different areas.

The Hon. A.J. REDFORD: The Leader of the Government interjects, and I know that when he was a member of the Legislative Review Committee (then chaired by Hon. Robert Lawson) he was involved in looking at national schemes of legislation, and I know that the committee presented to this parliament a unanimous report that was highly critical of the process.

As I said, his Honour Justice Kirby was talking about the importance of federalism—and, indeed, it has been a rare judgment from the High Court over the past 100 years in which federalism and what federalism means has been discussed in such clear and cogent terms. Justice Kirby talked about the division of legislative responsibility and, in that sense, he made this comment:

It was also common ground (and correctly so) that neither the federal parliament nor a state parliament or territory legislature enjoys the power, by its own legislation, to change the substantive character of a law that it enacts so as to make it the law of another parliament or legislature.

In other words, he was saying that we cannot pass a law in South Australia that affects the law of other states. Indeed, a whole range of legislation was passed at that juncture, particularly in the late 1980s and early 1990s (and I do not want to get party political about this), which clearly fell into that category—and, Mr President, you would be aware of the nature of template legislation. Justice Kirby acknowledges that when he says:

The constitution provides for both the federal and state parliaments. It empowers the creation of the legislatures of the territories.

The character of each legislature is fixed by its constitutional origins, purposes and powers.

I have seen no greater or stronger statement from any court critical of template and the form of national scheme legislation of which this legislation is indicative.

I will not go through the specific and precise criticisms of the law that was before the High Court and, for the purposes of this contribution, I will not deal with the grounds of challenge or the reason why it rejected the challenge. But, as I said, Justice Kirby was very critical. He said this—and I think this encapsulates his concern about this sort of legislation and the complexity and the problems that it causes:

Clearly, it is a fragile foundation for a highly important national law. The present accused fails in his challenge. But the next case may not present circumstances sufficient to attract the essential constitutional support. Early attention to the 'novel legislative device' would appear to be prudent.

I know that I have said this in the past when I was a backbencher when we were in government, but I repeat it: it is time that we look at what we did in the 1980s and the early 1990s and unravel some of this incomprehensible legislation so that the people whom we represent can understand precisely what they are doing. The observations by his Honour Justice Kirby are put directly and are not without foundation, Mr President, and I know that you would have some sympathy for those observations.

I will complete this contribution with a plea that those involved in the development of legislative instruments, particularly with national scheme regulation, understand and acknowledge the importance of local scrutiny and, just as importantly, equal accessibility, or easy accessibility, to regulatory instruments. There are cases which are not without precedent—and I use the example, Mr President, of which you would be aware where the previous government, instead of adopting a similar type of national scheme regulation, as was done in this case with the road rules, went its own way and drafted the regulations and the legislation and we promulgated them in full.

In contrast, the New South Wales parliament took this approach, and it has had no end of trouble dealing with national road rules. Indeed (and I have said this in contributions in the past), Mr Ron Shanks of Transport SA was involved in that process without any prompting on my part or by other members of parliament and went down the correct path—and I understand he was recognised in the Queen's Birthday awards either last year or the year before for his contribution to this regulation making process. I know that you, Mr President, have been made very well aware of the problems they have had in New South Wales, from which we have escaped in South Australia because we have taken it upon ourselves to draft our own rules and regulations.

The legislation refers to a device known as the AGVET Code. Nowhere in the act is there a statement setting out the terms of the AGVET Code. The objects of the act are said to apply certain laws of the commonwealth relating to agricultural and veterinary products as laws of South Australia. Apart from the application, there is absolutely no statement as to what are the laws. Unfortunately, we are stuck with that. Legislation that has the capacity to affect people's rights, prosperity and freedoms is not set out in our statute. My plea, apart from the obvious—ripping up the act and starting again—is that, somewhere or somehow, the national code is made more accessible. One suggestion might be that we insert a clause within the bill which identifies a web site which sets out the code in full, together with any other legislative

instrument, so that at least those who are endeavouring to look up the law can find it easily. Of course, there may well be other ways to do it. Transparency and accessibility of the law is fundamental to our democracy and, just as importantly, to our rule of law.

The Hon. T.J. STEPHENS secured the adjournment of the debate.

SEEDS ACT REPEAL BILL

Adjourned debate on second reading.
(Continued from 13 May. Page 86.)

The Hon. CAROLINE SCHAEFER: The purpose of this bill is to repeal the Seeds Act, and it is probably overdue. The original purpose of this act was to regulate the marketing and labelling of seeds to minimise the spread of noxious weeds. It became redundant with the inception of the commonwealth Mutual Recognition Act in 1992. Among other purposes, the Mutual Recognition Act sought to develop national standards for labelling of the sale of goods and services, and it applies to virtually all provisions of the South Australian Seeds Act.

It is no longer possible to enforce the provisions of the act and, instead, an industry code of practice has been developed and agreed to by the relevant peak bodies, including the seed section of the South Australian Farmers Federation. Responsibility for control of the spread of noxious weeds via seed has shifted to the Animal and Plant Control Act 1986. All traders in seed will be encouraged to adopt the code of practice. I was initially concerned because I thought the repeal sought to prevent farmer to farmer trade in seed. While this practice is a risk for the spreading of weed seed, it is widely used as a practical way for most farmers to obtain cheap new seed. The bill does not prevent this trade and, in fact, lifts the previous requirement to trade within a 30-kilometre radius. It shifts the onus back to a buyer beware cautionary practice. However, all sale of produce, including the sale of seeds, is and remains subject to the Trade Practices Act. I support the bill.

The Hon. IAN GILFILLAN: The Democrats support the second reading of the bill. The Seeds Act was passed in 1979 to regulate the sale of seeds in South Australia. It prohibits the sale of noxious seeds or seeds infected or contaminated by any noxious organism as defined in the Pest Plants Act 1975 and in regulation. In 1982 and again in 1984 the act was amended. The bill before us today has its roots in 1990 at a premier's conference, where the state and territory governments gave in-principle support to mutual recognition. This developed into the commonwealth Mutual Recognition Act 1992.

The effect of this act was to create an environment where products could be marketed easily across the nation. It took the principle that if a product could be sold in one state it should also be able to be sold in another state, even if that product did not comply with all the details of the regulatory standards in the second state. In effect, a product was allowed to be sold in any state as long as it complied with the laws in the state in which it was produced. One of the exemptions from this was the manner in which the goods were sold.

So, if we ever desire to prohibit the sale of seeds to minors, we should be able to do so, not that the Democrats would necessarily support such a move. This, it could be

imagined, would lead to the lowest common denominator prevailing in the state with the least strict laws. However, it has eventuated that the Seed Industry Association of Australia has established a code of practice for the labelling and marketing of seeds. This is leading to the self-regulation of the industry. The Democrats traditionally are cautious of deregulation and industry self-regulation. We have seen too many examples of poorly managed deregulation not to be vigilant. The most recent example is the deregulation of the dairy industry, which has had many negative affects on smaller dairy farmers in particular. I also reflect on the deregulation of the egg industry.

In the case of the seed industry, this process began many years ago and is at a point where the current Seeds Act is

largely superseded. Other elements of the Seeds Act 1979 have been picked up by the Animal and Plant Control Act 1986. This process has travelled some distance over the past decade. The Democrats will not oppose the bill; however, we will be watching the effects of its implementation very carefully.

The Hon. T.J. STEPHENS secured the adjournment of the debate.

ADJOURNMENT

At 5.10 p.m. the council adjourned until Wednesday 29 May at 2.15 p.m.

