LEGISLATIVE COUNCIL

Tuesday 9 July 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 Minister for Agriculture, Food and Fisheries (Hon. P. Holloway)—

- Regulations under the following Acts—
  - Authorised betting Operations Act 2000—Licence Fees
  - Emergency Services Funding Act 1998—
    - Remissions—
      - Public Housing Land
      - Various
  - Fees Regulation Act 1927—Water, Sewerage
  - Firearms Act 1977—Licences, Transfer Fees
  - Fisheries Act 1977—
    - Fish Processors
    - Fishing Activities
    - General Fees
    - Giant Crab Fees
    - Restrictions on Equipment
    - Schemes of Management Fees
  - Land Tax Act 1936—Certificate Fee
  - Lottery and Gaming Act 1936—Licences and Other Fees
  - Petroleum Products Regulation Act 1995—Various Fees
  - Primary Industry Funding Schemes Act 1998—Sheep Industry Fund
  - Public Corporations Act 1993—
    - Education Adelaide Minister
    - Holding Corporation Dissolution
  - Sewerage Act 1929—Other Charges
  - Southern State Superannuation Act 1994—Invalidity, Death
  - Superannuation Act 1988—Electricity Members
  - Tobacco Products Regulation Act 2997—Licence Fee
  - Waterworks Act 1932—Other Charges
- Rule under Act—
  - Authorised Betting Operations Act 2000—Bookmakers Licensing (Agents and Clerks) Rules 2002

By the Minister for Mineral Resources Development (Hon. P. Holloway)—

- Regulations under the following Acts—
  - Mines and Works Inspection Act 1920—Application and Other Fees
  - Mining Act 1971—Claims and Other Fees
  - Opal Mining Act 1995—Application and Other Fees
  - Petroleum Act 2000—Application, Licence Fees

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

- Reports—
  - Interim Operation of City of Adelaide—Adelaide (City) Redevelopment Plan—Significant Trees Plan Amendment Report
  - Interim Operation of City of Burnside—Burnside (City) Development Plan—Significant Tree management Plan Amendment Report
  - Interim Operation of City of Norwood, Payneham and St. Peters—Kensington and Norwood (City), Payneham (City) and St. Peters (CT) Development Plan—Significant Trees Plan Amendment Report
  - Interim Operation of City of Prospect—Prospect (City) Development Plan—Significant Trees Plan Amendment Report
  - Interim Operation of City of Unley—Unley (City) Development Plan—Significant Tree Management Plan Amendment Report.
- Regulations under the following Acts—
  - Adoption Act 1988—Application and Related Fees
  - Associations Incorporation Act 1985—Application, Copy Fees
  - Bills of Sale Act 1886—Registration, Filing Fees
  - Births, Deaths and Marriages Registration Act 1996—Application Fees
  - Botanic Gardens and State Herbarium Act 1978—Admission Charges, Service Fees
  - Boxing and Martial Arts Act 2000—Fees, Medical Matters
  - Building Work Contractors Act 1995—Licence, Periodic, Default Fees
  - Business Names Act 1996—Application, Inspection Fees
  - Chiropodists Act 1950—Application and Subscription Fees
  - Controlled Substances Act 1984—
    - Controlled Drugs and Poisons Fees
    - Pest Control Fees
  - Conveyancers Act 1994—Registration, Application Fees
  - Co-operatives Act 1997—Applications, Inspection Fees
  - Community Titles Act 1996—Applications and Other Fees
  - Cremation Act 2000—Application Fee
  - Criminal Law (Sentencing) Act 1988—Service, Other Fees
  - Crown Lands Act 1929—Land Dealings, Fees
  - Dangerous Substances Act 1979—Licence, Permit Fees
  - Development Act 1993—
    - Register and Other Fees
    - Significant Trees—Time Extension
  - District Court Act 1991—Civil and Criminal Division Fees
  - Environment Protection Act 1993—
    - Beverage Container Fees
    - Fees and Levy
  - Environment, Resources and Development Court 1993—
    - General Jurisdiction Fees
    - Native Title Fees
  - Explosives Act 1936—Licences, Inspection Fees
  - Fees Regulation Act 1927—
    - Fees under Acts
    - Managers, Justices Fees
    - Proof of Age Card
  - Freedom of Information Act 1991—Fees and Charges
  - Gaming Machines Act 1992—Licences and Other Fees
  - Harbors and Navigation Act 1993—
    - Ardrossan Limits
    - Certificate, Registration and Other Fees
    - Restricted Waters Extension
  - Heritage Act 1993—Copy, Certificate Fees
  - Historic Shipwrecks Act 1981—Register Copy Fee
  - Housing Improvement Act 1940—Application Fees
  - Land Agents Act 1994—Application, Registration Fees
  - Liquor Licensing Act 1997—Licence, Application Fees
  - Local Government Act 1999—Valuation Fees
  - Magistrates Court act 1991—General and Minor Claims Division Fees
  - Medical Practitioners Act 1983—Fees for Over 70's
  - Motor Vehicles Act 1959—
    - Expiation Fees
    - Registration, Licence and Service Fees
  - National Parks and Wildlife Act 1972—
    - Hunting Fees
    - Wildlife Fees
  - Native Vegetation Act 1991—Consent Application Fee
  - Occupational Health, Safety and Welfare Act 1986—Inspection and Other Fees
  - Partnership Act 1891—Limited Partnership Fees
  - Passenger Transport Act 1994—Accreditation and Other Fees
  - Pastoral Land Management and Conservation Act 1989—Lease and Other Fees
  - Plumbers, Gas Fitters and Electricians Act 1995—Licence, Periodic Fees
  - Private Parking Areas Act 1986—Expiation Fees

Public and Environmental Health Act 1987—Waste Control Fees
Public Trustee Act 1995—Commission and Fees
Radiation Protection and Control act 1982—Substances, Apparatus Fees
Real Property Act 1886—
Land Division Fees
Search, Application and Other Fees
Registration of Deeds Act 1935—Registration and Other Fees
Roads (Opening and Closing) Act 1991—Deposit and Other Fees
Road Traffic Act 1961—
Driving Offences Fees
Inspection Fees
Second-hand Vehicle Dealers Act 1995—Application, Licence Fees
Security and Investigation Agents Act 1995—Application, Licence Fees
Sexual Reassignment Act 1988—Recognition Certificate Fee
Sheriff's Act 1978—Service, Execution Fees
South Australian Health Commission Act 1976—
Compensable and non-Medicare Fees
Medicare Fees
Private Hospital Licensing Fees
State Records Act 1997—Document and Other Fees
Strata Titles Act 1988—Lodgement and Other Fees
Summary Offences Act 1953—Application Fee
Supreme Court Act 1935—
Filing Application and Other Fees
Probate Fees
Trade Measurement Administration Act 1993—Licence Fees, Instrument Charges
Travel Agents Act 1986—Licence, Annual Fees
Valuation of Land Act 1971—Copy and Other Fees
Water Resources Act 1997—Licence and Other Fees
Worker's Liens Act 1893—Lodgement and Other Fees
Youth Court Act 1993—General Fees
Rules of Court—Magistrates Court—
Magistrates Court (Civil) Rules 1992—Erratum—Interest Rate
Port Operating Agreement for Klein Port—Between the Minister for Transport and Urban Planning and Flinders Ports Pty. Limited
Port Operating Agreement for Port Adelaide—Between the Minister for Transport and Urban Planning and Flinders Ports Pty. Limited
Port Operating Agreement for Port Giles—Between the Minister for Transport and Urban Planning and Flinders Ports Pty. Limited
Port Operating Agreement for Port Lincoln—Between the Minister for Transport and Urban Planning and Flinders Ports Pty. Limited
Port Operating Agreement for Port Pirie—Between the Minister for Transport and Urban Planning and Flinders Ports Pty. Limited
Port Operating Agreement for Thevenard—Between the Minister for Transport and Urban Planning and Flinders Ports Pty. Limited
Port Operating Agreement for Wallaroo- Between the Minister for Transport and Urban Planning and Flinders Ports Pty. Limited

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

PRISONERS, DNA TESTING

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I seek leave to read into *Hansard* a ministerial statement on the DNA testing of prisoners.

Leave granted.

The Hon. T.G. ROBERTS: Today I make the council aware of what the government is doing to fulfil its commitments made in the election campaign earlier this year to DNA test the criminals in our state's prisons. This measure requires amendments to the law in South Australia. The Attorney-General has been working on a comprehensive piece of legislation to amend the Criminal Law Forensic Procedures Act. The process of drafting that bill began under the former government to enable South Australian legislation to complement commonwealth laws that govern the CrimTrac DNA database. The bill also makes certain amendments to the act as proposed by the South Australian police and the Director of Public Prosecutions.

The Labor government, however, has made the decision to widen the scope of the bill. The bill will compel any prisoner who has been convicted of an offence, no matter how minor, to give a DNA sample. That legislation will be introduced during this session. In addition, this government is devoting more resources to this relatively new scientific form of fighting crime. I announce today that an extra $3.1 million will be allocated to the state budget to boost DNA profiling in South Australia. The justice portfolio has been allocated $1.9 million over four years, of which $72 000 will be spent each year to DNA test about 3 000 convicted criminals in our state's prisons.

As soon as we get the legislation passed—and we hope we can be assured of bipartisan support for this legislation—we can fulfil our election commitment to DNA test criminals in our state's prisons. The government will also be allocating $1.25 million over four years to cover the increasing demand for DNA criminal work. This money will be used to employ two new forensic staff, to purchase the latest technology for DNA analysis and to assist police track down and prosecute criminals. This will help increase the speed of DNA testing, which will reduce delays experienced by the courts.

There has been an increasing demand for DNA testing in criminal work. It has become an essential tool in criminal investigation. It is considered the new finger printing of the 21st century. As a government we have a responsibility to ensure we have the technology and the resources to allow the police to do their work. It also sends a strong message to criminals that we have the technology and are using it to more easily to match them to the crime.

The extra funds will be spent to upkeep the database for our DNA profiles. The Forensic Science DNA criminal intelligence database was established in 1999. By the end of May this year there were more than 2 000 DNA profiles on the system, which have provided 452 matches between crimes or with an offender. In one case, 16 break-ins were linked by using the database—something it would have been virtually impossible to do before the database was established. In another case, an offender in two sexual assaults dating back to 1995 and 1997 was identified through a DNA match with evidence found at a recent break-in. This new tool in crime fighting will help police to track down criminals and to help the courts do justice. We hope the opposition will help us in introducing this important weapon in the fight against crime when our draft legislation is introduced into parliament soon.

QUESTION TIME

ABORIGINAL COMMUNITIES

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs

and Reconciliation a question on the subject of indigenous funding.

Leave granted.

The Hon. R.D. LAWSON: It was widely reported today that a South Australian administrator of Aboriginal communities is claiming that indigenous funding programs are 'a nightmare'. Ms Maggie Kavanagh has also said that the whole system is 'totally disheartening'. Her statements were made, admittedly, in the context of addressing the commonwealth indigenous affairs minister at a conference in Sydney, but the remarks could as easily apply to the situation in this state. The minister is reported as acknowledging that the funding for drug and petrol sniffing programs in this state had 'missed the mark'. He is also quoted as saying:

> We are trying to improve the governance in the lands so communities themselves can take ownership of a lot of these issues.

The minister has previously addressed the council about proposals for changes to governance in the Aboriginal lands. He has previously mentioned that he has had many meetings with a wide range of people in the Aboriginal community, but the desperate plight revealed in the coronial inquest into petrol sniffing on the Pit lands, as well as statements from Ms Kavanagh and others about the situation on the lands, indicates that a positive response is required. My questions to the minister are:

1. When will the government announce a comprehensive plan to provide assistance to Aboriginal communities?

2. Does he agree that statements such as those attributed to him that we are trying to improve the situation so that the communities can take ownership of a lot of these problems is hardly assisting when they are looking for support from the wider community for the resolution of many of these problems?

3. What is happening to the proposed committee of inquiry into governance?

4. Will the minister cease trying to appease the Pit council at the expense of the traditional owners and the Anangu-Pitjantjatjara controlling council, and when will we see positive action on this front?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his very important question. It is timely that I give an update on what the government and myself as minister are doing in trying to deal with the problems within the Pitjantjatjara lands. The situation as described by Maggie Kavanagh, who is a very active and dedicated leader of the Nganampa Health Committee, which is attached to the Pitjantjatjara council, bears out a lot of the frustrations that a lot of Aboriginal women in the communities, particularly, have in dealing with alcohol, drug and petrol sniffing abuses.

The situation that I found in opposition and as minister was that the essential services provisioning that was being carried out by the councils, that is, the Pitjantjatjara council and the AP council, was attempting to deal with the problems associated with infrastructure—that is, power, water, roads and a whole range of other service provisioning—in a fashion that was probably more suited to the times when the legislation was drafted, which was in the early 1980s. The way in which the communities needed to deal with the issues of human services had to be more focused and certainly directed more towards measured outcomes in relation to the funding streams that both the commonwealth and the state, and ATSIC, were directing into those communities.

The circumstance in which the communities find themselves now is that the policy of self-determination within the communities has failed them, because the administrative processes within the lands have not taken into account the wide range of social problems which were emerging 20 years or 25 years ago and which have deteriorated. It is not the single responsibility of one government over another in relation to that time frame but it is the collective responsibility of all of us for not recognising the signs that the principles outlined in commonwealth and state policy development were failing those people in remote and regional areas.

The way in which I, as minister, have dealt with those problems was to try to support the AP council, which is the council that has the power under the legislation to deliver both human services and infrastructure support services, but I found I was quite incapable of doing that without extra commonwealth and state support and ATSIC participation. The Pitjantjatjara council services provisioning and its own elected body was adequate for a purpose but it was not able to deliver the human services that we as a government would require at this stage. My intention was to form an interim committee of both the Pitjantjatjara council and the Anangu Pitjantjatjara council. I had a number of meetings both in Alice Springs and in Adelaide with the executive members of those councils. Although I was able to get agreement from the representatives who were in my office at the time of those meetings, I was unable to get those agreements to hold once the parties had returned to the lands, and those agreements were held for only a short time.

I have since employed the services of Mick Dodson as a mediator between the AP council and the Pitjantjatjara council to try to sort out the differences between those two administrative bodies, still with the intention of forming an interim body made up of representatives of both those councils. The intention would be then to combine the service provisioning of the Pitjantjatjara council and the Anangu Pitjantjatjara council and make certain that the administrative bodies were able to connect to the service provisioning and then to prioritise the human services over the other services being delivered: that is, human services have to come in front of service delivery of the hardware to which the minds of those executives were turned.

The difficulty still remains unresolved. The interim report that I have from Mick Dodson is a verbal report indicating that there is to be another meeting of the Pitjantjatjara council and the Anangu Pitjantjatjara council to try to reconcile those differences, and that will take place this Thursday and Friday. If that meeting fails to put together an administrative arm that is able to provide human services to those communities, then the government's question will remain unresolved. Comprehensive programs are being put together under tier 1, that is, a model is being put together by the Department of Human Services and cross-agencies within this state: if that model is able to put in place those services that are required immediately, then we can deal with some of the problems associated with the early stages of petrol sniffing and intervene to prevent further petrol sniffers from taking up that dangerous habit, as well as intervene in terms of the alcohol abuse that is taking place within those communities.

So, I have an inquiry going which hopefully will have the practical outcome of bringing those two bodies together. In the absence of an agreement between the mediator and the two parties, I am sure that the opposition will agree that the government will have to take stronger action to ensure that the cross agency service programming be put in place

immediately, and as a minister I will have to take stronger action than I have taken thus far. I have tried to mediate the differences and tried to get the community groups to take responsibility for their own actions and take ownership of the problems but also to supply the support services required by those communities on the ground that governments can offer to provide, that is, cross agency support in health, education and housing and safely providing clean water and electricity to those people who have to deal with those programs.

I thank the honourable member for his question and I take the opportunity to give a full interim report. I would hope that we are successful in putting together an interim committee on the ground that can take ownership of those programs, that it is able to intervene in the deterioration of those communities and, hopefully, that Western Australia, the Northern Territory and the commonwealth are able to assist us in doing that. The report that the Coroner will bring down into the deaths of only three of the petrol sniffers will be very damning, based on the evidence that has been collected over the two week period that the Coroner was in the lands.

Hopefully, we can at least have the governance question settled before we start delivering the administrative programs that are required on the ground to stop further deterioration in the conditions of those people within those communities. I understand that an opposition delegation from the lower house visited the lands. I believe that those members were shocked by what they saw. I thank those members of the Democrats and the opposition who have indicated their willingness to go to the lands and view the circumstances in which a lot of people find themselves up there and to familiarise themselves first-hand with some of the difficult questions that governments will have to deal with.

The Hon. R.D. LAWSON: As a supplementary question: will the minister indicate a date by which he intends to lay a forward plan before the parliament?

The Hon. T.G. ROBERTS: The indicated time frames that have been agreed to by the traditional owners and some members of both executives is that, in the week's break in parliament in July, if an indicated program or settlement process cannot be agreed upon and if an invitation is not sent out by the AP executive for support and assistance to be provided to the people within the communities, I understand that the traditional owners will meet and decide a date and their preferred time frame for the way in which the government will move forward to try to come to terms with those problems. The best time frame I can indicate is that, during the break in the third week in July, if no settlement is reached through the negotiated process then under the legislation the traditional owners can determine their own fate in relation to their own governance.

I will certainly be acting on the recommendations that the traditional owners will be putting to me at a general meeting. I would prefer that there was a general agreement between both executives and the traditional owners rather than acting unilaterally as a government or waiting for the traditional owners to map out a plan. The government has to have a plan ready, but it has to be endorsed by those people on the ground to be ready to take ownership of those programs that we put in place.

MURRAY RIVER FISHERY

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries questions about financial assistance for Murray River fishermen.

Leave granted.

The Hon. CAROLINE SCHAEFER: I was delighted to learn yesterday that the opposition's efforts and, indeed, the enormous efforts of the fishing families have at last been heard and that the minister is finally offering some financial relief to those families who, through no fault of their own, have had their means of making a living removed. I welcomed his offer of immediate financial assistance of $3 000 per family. I also welcomed the announcement of a 50 per cent reduction in the 2002-03 licence fees for those fishers who continue to try to eke out a living without the use of gill nets. However, since reading the fine print I now have the following questions:

1. Is it true that the $3 000 is in fact a loan to be refunded or subtracted from whatever compensation package is finally agreed?

2. Is it true that there are conditions attached as to which families will qualify for this financial assistance?

3. Is it true that there must be a signed agreement which allows departmental officers to access information on these people's bank accounts and/or seek access to their accountant?

4. Is it also true that this information will mean that departmental officers will have access to these people's bank accounts, tax returns and fishing catch for the past three years? If so, is it true that this is in fact not an act of compassion but a financial incentive to persuade the fishermen to comply and accept whatever compensation is offered?

5. Is it true that the minister has—indeed, as he said on ABC Radio—had regular contact with these people? If so, can he tell me where, when, with whom and how he has had this regular contact?

6. Is it true that the 50 per cent discount which has been offered on the amount to be paid on licences for those fishers who choose to continue fishing without gill nets has been offered only after the initial fees have been doubled on last financial year's fees?

7. Is it true that the compensation package has already been worked out without consultation with the fishers and that it will be less than half the commercial value of their licence?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will begin with the last question. It is certainly not the case that the details of the ex gratia payments that the government will be offering will be worked out without consultation with the fishers. I understand that there will be a meeting of the structural adjustment committee on which two fishers are certainly entitled to be represented. I hope those fishers do turn up to that meeting so that their interests can be protected. That is certainly the information that I conveyed to those two fisher representatives in correspondence that I sent to them last week.

The shadow minister has asked a series of questions. The first question was: is the $3 000, which the government announced yesterday it would offer as interim financial assistance to those fishers who are in need, a loan? What we said is that the $3 000 would be made available to fishers who could demonstrate need and, as one might expect, obviously that would be deducted from the final ex gratia payment. The second question the honourable member asked related to conditions. Yesterday, I sent a letter to each of the 30 fishers outlining the conditions in relation to assistance and I suggested that they contact the officer in the Department of

Primary Industries and Resources who was nominated in that particular letter in relation to that matter to obtain that information. The letter also informed the fishers that all information that they provided would appropriately be kept confidential.

The third question the honourable member asked was in relation to a signed agreement. Obviously, when this package of measures is finally reached by the structural adjustment committee (hopefully later this week) and then put to cabinet, that ex gratia offer will then be offered to all of the 30 fishers. We have said that we will do that prior to 31 July. The fishers will then have up until 30 September to make a decision in relation to that ex gratia offer. Then, of course, those who wish to accept the offer would be expected to surrender their fishing licences.

I think that the fourth question asked by the honourable member was in relation to access to tax returns and so on. I can inform the council that, as part of the process the government outlined to fishers—and I remember meeting with those fishers for several hours on 7 June at Loxton and indicating this—we would be appointing an economic analyst, and indeed that has been done. It is my understanding that at least 27 of the 30 fishers have supplied their records to the analyst to be the basis on which information could be provided to the structural adjustment committee to prepare the offers. Of course, undertakings were given in relation to the confidentiality of that particular information.

The fifth question asked by the honourable member was in relation to contact with those fishers. As I indicated, I wrote to the fishers yesterday—they should have received the letters today—in relation to the financial assistance. I have also—

The PRESIDENT: Order! I draw to the attention of members of the media that they have all been made very aware of the rules in respect of filming in the council. There is one person on his feet: you should confine your shots to that person or to general shots. I draw that matter to your attention. I do not want to have to do that again.

The Hon. P. HOLLOWAY: In relation to financial assistance, I have sent a series of letters to the fishers, and of course I met with them at Loxton for at least two hours on 7 June. It was unfortunate, I believe, that at that two-hour meeting all the fishers chose to have their lawyer ask nearly all the questions. I think that was probably unfortunate because I have received a series of correspondence since then from the lawyer acting on behalf of those fishers. I think that probably says something—I am not sure how much genuine hardship there is for fishers in relation to making ends meet, as they put it, but they certainly seem to have enough to finance considerable legal action.

The honourable member asked another question in relation to fees and how they were determined. As a former minister, the honourable member should know that fees for the river fishery and other fisheries are determined by the fisheries management committees on the basis of cost recovery, and the fees that were originally set (as in most years) were based on full cost recovery. The government believed that, given that gill nets are being removed from the fishery, it was appropriate that there should be a reduction; and so it was for that reason that we determined that there should be a 50 per cent reduction in fees. I should also point out in relation to that that fishers generally pay quarterly in advance. Given that the fees were about $3 500, and with the reducing factor, the quarterly fee in advance would have been about $850.

The government has undertaken that that amount of the quarterly licence will be refunded in full for those fishers who choose to exit the fishery. In her introduction to the question, the shadow minister made the comment that the means of earning a living is being removed from the 30 fishers. This is a claim that has been made throughout this entire debate by the river fishers.

An honourable member interjecting:

The Hon. P. HOLLOWAY: In fact, it is not true for all fishers, because the statistics that have been supplied to the department over the past three years—and I have supplied them to the shadow minister—indicate that there is a significant number of fishers in the river who have in the past been able to obtain their catch substantially using means other than gill nets. It is true that some fishers have been heavily reliant on gill nets; equally, there are others who have not used gill nets at all, according to the returns that have been provided to the department in relation to their catches. I also point out that the government is keen that there should be some fishers, at least, who remain in this fishery in the long term to target introduced species such as European carp, bony bream and yabbies.

So, the government believes that there will be a viable fishery for at least some members of the fishery and, indeed, I can say that the government has had approaches from a number of people who wish to enter the commercial fishery to target those species. It would be my preference that those existing fishers take up whatever positions are available to target those species. I believe that would be in their best interests, and I hope that they do so.

I can say that the government, and I as minister, have tried throughout this process to be fair to the fishers concerned; indeed, I believe that I have undertaken a process in which I have honoured all the undertakings I have given in relation to this matter, and the process continues. The government believes that as an interim measure it is appropriate that it should make some offer to those fishers who are genuinely in need, and that need would be assessed in exactly the same way that assistance would be assessed in relation to other members of the rural community who must establish need. How else could one do it? Surely, the honourable member would not suggest that, if we are giving a payment based on need, we should do it without any form of assessment whatsoever. So, the government has offered the sort of assessment that would be offered to other rural people in similar circumstances.

In conclusion, the process in relation to this matter will continue. I am disappointed that earlier today the honourable member indicated that the opposition will seek to oppose the removal of gill nets. I think that was her earlier indication. As I pointed out, that is a complete about-face on where this opposition was going. I say again that the first claim on their government's budget bilateral was the restructuring of the river fishery, which is the removal of targeting native fish in the river.

There have been a number of reports to this parliament by the Environment, Resources and Development Committee that recommended the phase-out of commercial fishing for native species in the river. That has been suggested for some time. In conclusion, the government will continue with the process, which we have done—the process that has commenced this week—and we will be making a fair and reasonable offer.

Members interjecting:

The Hon. P. HOLLOWAY: It is all very well for the Hon. Diana Laidlaw, but I was asked seven questions, and I believe I have answered all of them fully, which is, I believe, what the council wants. If the opposition is going to ask questions with seven parts to them, the answers will obviously be long. I look forward to any further questions the opposition may ask on this or any other matter.

MEMBERS, CODE OF CONDUCT

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the leader of the government, representing the Premier, a question on the code of conduct for MPs.

Leave granted.

The Hon. R.I. LUCAS: I am sure most members would have been stunned by the expose in this morning's *Advertiser*, which surprised us all, about claims of the member for Hammond and debts in one particular company of Mr Lewis's of more than $1 million. Without going into all the details of that story, in essence it covers the significant concerns of one particular investor in one of Mr Lewis's companies who, in early 2000, had invested some $200 000. Claims in the article indicate that Mr Lewis had provided calculations to that investor showing annual production from this particular gold venture worth about $2 million.

Leading from that, and my interest having been promoted by that surprising story in the *Advertiser* this morning, I have a copy of a letter from Mr Lewis dated 25 October 1999. The letter is on parliamentary letterhead—Peter Lewis, Member for Hammond, Chairman, Public Works Committee—and has an address, 64 Adelaide Road Murray Bridge, SA, 5253. It has a personal pager number, which I will not put on the record. It was signed by Peter Lewis as Member for Hammond, Chairman of the Public Works Committee. I am happy to provide a copy of that letter to the leader as I will be asking questions. I seek leave to table a copy of the letter.

Leave granted.

The Hon. R.I. LUCAS: This letter dated 25 October 1999 is addressed to a particular person, whose name is blocked out, and headed 're: Arid-lands An mining financing/equity proposal'. The important parts of the letter talk of:

> To ensure that prospective investors (you) can have confidence in the venture, I am personally guaranteeing the return of their (your) capital in 12 months, plus 10 per cent interest; as well as shares in the company sufficient to pay a dividend of at least that much per year for the foreseeable future ceterus parabus.
>
> In your case, I confirm that I have offered the you the foregoing deal, which includes 0.5 per cent of the shares of the company (Goldus Pty Ltd ACN#076.622149).

There is further detail but I will not take up question time. It continues:

> Your cheque for $25 000 can be most safely paid into Bruce McA Miller Client Trust Account 065135 5135 1000 7185 at the Richmond branch of the Commonwealth Bank. Otherwise put your cheque, payable to 'Trust Account of Bruce Miller CPA for P. Lewis' in the reply paid courier bag with the other documents.

There is further documentation after that. It is signed 'Peter Lewis, Member for Hammond, Chairman, Public Works Committee'. That clearly raises some serious questions as to whether or not there has been abuse of parliamentary office for private benefit. My questions to the leader for the Premier are:

1. Given the Premier's stated concerns about a code of conduct for MPs, does he support MPs being able to use their position as MPs or parliamentary office holders to promote private business activities—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Lucas has the call.

The Hon. R.I. LUCAS: If not, is he proposing that his code of conduct will cover this issue?

2. Will the Premier consult with the Attorney-General and the Minister for Consumer Affairs as to whether these documents disclose any breach of state law, such as the Fair Trading Act, or federal law?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The leader began by saying that there was a surprising story in the *Advertiser* this morning. I am sure he was using extreme irony because all of us know that Inspector Clouseau has been tracking down the honourable member's business affairs ever since he became Speaker three or four months ago. I am happy to look at the letter that was tabled by the honourable member. The interjection by the Hon. Mike Elliott well and truly made the point that, if these events went back to 1999 during the last couple of years of the term of the previous government, why have they suddenly discovered that these matters are of interest now? Nevertheless, I will take the question on notice and refer it to the Premier in another place.

RECYCLED SPECTACLES PROGRAM

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about a recycled spectacles program that the Apex clubs of South Australia are running with the help of the Department for Correctional Services.

Leave granted.

The Hon. J. GAZZOLA: I understand that the minister has recently visited Yatala Labour Prison to see first-hand a program that aims to provide used spectacles for East Timorese people. Can the minister describe this project, the involvement of the Department for Correctional Services and the benefits of the project?

The Hon. T.G. ROBERTS (Minister for Correctional Services): I visited the Yatala Labour Prison to view the program that has been put together by one of the service clubs in South Australia and the prisoners in Yatala. The project involved prisoners testing used spectacles for distribution to East Timor. The Apex Club of South Australia was involved, and the training of prisoners to test the spectacles and to grade them was done on site in Yatala. I spoke to the prisoners who were receiving training that could lead to future employment opportunities. I also spoke to the Apex Club representatives who were encouraging South Australians to donate their spectacles to this program.

It also served the purpose of building up relationships between prisoners and the Apex Club to incorporate into its programming some pre-release ideas for employment opportunities that might present themselves and also to get discussion going within that service club. I would like to see other service clubs become interested in pre-release programming and job opportunities. It also brought into play the contact between prisoners, the service clubs and people in East Timor who were struggling not only with a lack of spectacles as a result of their terrible trauma during the occupation by Indonesian forces and their subsequent withdrawal but who were also trying to deal with a wide range of problems associated with the deprivation and

poverty that goes with the development of an emerging nation.

It was a program that the CEO of Correctional Services, John Paget, encouraged. The Apex Club was happy to be involved and was looking for an extension of the program, and the prisoners themselves were gaining the benefits of that interaction. I thought it was an excellent program.

Members interjecting:

The PRESIDENT: Order! There is too much audible conversation in the chamber.

BEVERLEY MINE

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the Beverley uranium mine.

Leave granted.

The Hon. SANDRA KANCK: On 11 January there was what the mining industry refers to as a containment incident or, as we all know it, a spill at the Beverley uranium mine. This event involved 60 000 litres of radioactive material. In an *Advertiser* article of 14 January, Heathgate's Stephen Middleton is credited with the comment that the spill 'should not have happened.' The article goes on to state:

> The mine stopped production about 6.30 p.m. on Friday until a safety officer assessed the leak and prepared a report.

The article also states that Mr Middleton said no commercial production would be undertaken until the end of the week. However, I have been informed that within 24 hours of this statement the flow rate was back to 25 per cent of normal. My questions to the minister are:

1. Were mining operations shut down following that incident?

2. Were processing operations shut down following that incident?

3. Was the apparent cessation of mining and processing operations at Beverley ordered by the South Australian government?

4. Can the minister report whether any mining and processing operations continued between 11 January and 20 January?

5. Is the minister undertaking a review of the environmental impacts of in situ leach mining operations promised by Labor during the election campaign?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): In relation to the latter question, my colleague the Minister for Environment and Conservation has indicated that once the EPA was restructured that inquiry would continue. I believe that the process of restructuring the EPA is now under way, so one would expect that that inquiry will continue shortly. However, I will ask the honourable member in another place for full details on that particular part of the question.

In relation to the other questions asked by the honourable member, I will seek details from the department and come back with a full reply.

GENETICALLY MODIFIED FOOD

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question in relation to genetically modified organisms and the livelihood of South Australian farmers.

Leave granted.

The Hon. NICK XENOPHON: On 29 March 2001 a judgment was delivered by a Canadian court in a case involving Monsanto, one of the world's largest manufacturers and sellers of genetically modified canola seed and other genetically modified seeds, against Percy Schmeiser, a third generation Saskatchewan farmer in Canada. The court found that 71 year old Mr Schmeiser was liable to pay damages and costs to Monsanto after genetically modified canola seeds contaminated his hitherto GM free canola crop. The court found that Mr Schmeiser was liable, even though he had no role in the GM seeds growing on his property, because the court took a strict view that the patent rights of Monsanto had been infringed by virtue of Mr Schmeiser saving the seed.

Last night, well over 250 people in Clare heard Mr Schmeiser speak about the risk that GM crops pose to conventional farmers, and I understand there was also a well attended meeting in the South-East two nights ago. Mr Schmeiser told a meeting within the precincts of parliament earlier today that a Monsanto official threatened to destroy him because of his campaign and, shortly after that threat was made against Mr Schmeiser, Monsanto sought through the courts $1 million in costs against him for a claim where the damages were in the vicinity of $20 000. The costs claim was subsequently reduced to $Can150 000, and Mr Schmeiser has incurred $200 000 in costs fighting Monsanto through the Canadian courts. An appeal was heard by three judges of the Federal Court in Canada in May and judgment is pending. My questions to the minister are:

1. Given the crop trials of GMOs in this state and Monsanto's push to license GM canola in Australia, what rights do South Australian farmers have and what liabilities do they face if conventional or organic farmers have their crops contaminated with GMOs? Does the minister concede that under relevant state and commonwealth legislation South Australian farmers could well be placed in a similar position to Mr Schmeiser and face legal action by companies such as Monsanto?

2. Will the state government financially support any farmer who faces legal action in the sorts of circumstances that Mr Schmeiser faced in Canada, particularly in circumstances where Mr Schmeiser as an ordinary farmer, in a sense, faces financial ruin by a multi-billion dollar corporation such as Monsanto?

3. When will the government hold a public inquiry into GMOs, which it promised during the last election campaign?

4. When will the terms of reference of such an inquiry be announced, as well as the composition of the inquiry members; and what is the time frame for such an inquiry to be completed?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for his important question. First, I am aware that Greenpeace has sponsored Mr Schmeiser in his visit to a number of locations around Australia to talk about his experiences in Canada and under Canadian law.

I will begin my answer by saying that I hope that we conduct the debate on GM technology in this country from the perspective of the legal situation within this country as opposed to that in North America, where GM production started without any systematic segregation or regulation. The situation in relation to GM crops is that the government is committed to carefully examining the issues that are posed by the introduction of genetically modified crops into the state's farming system. We are aware that currently the Office

of the Gene Technology Regulator is considering commercial licenses for GM cropping, but the understanding that has been conveyed to me by my department is that, even if that is accepted by the OGTR, it is unlikely that such crops would be planted before next season. In any case, as I understand it, the two gene companies involved have made it clear that any commercial plantings would initially be in the eastern states anyway, so it is unlikely that South Australia will have to deal with this issue until at least the growing season of 2004. So, we have some time in which to finalise our position on this matter.

I think the honourable member raised the matter of the commitments that the Labor Party made at the election. I first make the point that the government has confidence in the environmental safety and public health assessments that are performed nationally by the Office of the Gene Technology Regulator under the national regulatory scheme. The whole crux of the issue is that the government has to ensure that there is adequate opportunity for public input into any policy developments the government might consider as necessary to supplement that national legislative framework. I think I answered a similar question from the Hon. Ian Gilfillan about the Schmeiser case some weeks ago. I indicated that, at the GT ministerial conference held in Sydney earlier this year, my colleague the Minister for Health, who is the lead minister in these matters, participated in that debate where it was accepted that there should be a policy principle related to the Gene Technology Act that would facilitate the declaration of GM free zones by states.

As I understand it, a memorandum of understanding would be needed to give effect to that. That is due for development later this year, but until that MOU is finalised it would not be possible for states to make legislation in relation to that matter. The states agreed to that in principle at the ministerial conference, but it has not yet been given administrative effect. That is my understanding of the position. I guess the specific legislation in relation to that matter will have to wait until such agreement is finalised. To come back to the crux of the honourable member's question: yes, the government will certainly be examining these matters. Fortunately in this state we have several years before the threat—I guess you could call it, or the opportunity, depending on which side of the fence you sit on—in relation to growing commercial GM crops in this state becomes an issue. The government will certainly be examining the matter within that time frame.

The Hon. NICK XENOPHON: As a supplementary question: are South Australian farmers liable for GM crop contamination in similar circumstances to the case of Percy Schmeiser in Canada?

The Hon. P. HOLLOWAY: I think the honourable member is really asking me a legal question on the interpretation of the law. I do not know what Canadian law is, so I am not in a position to do that. In any case, it is probably out of order to be asking questions seeking legal opinions, because effectively that is what the honourable member is asking me to do.

The Hon. R.K. SNEATH: As a further supplementary question: has the minister or his department had any approaches from or meetings with the South Australian Farmers Federation on this issue?

The Hon. P. HOLLOWAY: I would not say that I have had formal meetings with the Farmers Federation specifically in relation to this issue, but certainly I have had discussions informally, and the matter has come up in relation to other discussions. I meet regularly with SAFA and this matter has been discussed with it. Clearly, there has properly been a lot of concern within the South Australian rural community about the possible impact of GMOs. In answer to a previous question, I also indicated that, at the primary industries ministerial conference earlier this year, the view was expressed that industry really needs to take ownership of the question of the economic and marketing impact of GMO crops.

The Office of the Gene Technology Regulator, established under commonwealth legislation, is responsible for the environmental and health impacts of GMO crops. However, the economic or market impacts is really a matter where industry will need to be involved. After all, they are the ones who will have to make this difficult choice. In relation to the Hon. Nick Xenophon's question, the government will need to thoroughly examine those matters before this goes from being hypothetical to a real issue faced by this government.

The Hon. A.J. Redford: Were submissions made to the ministerial council?

The Hon. P. HOLLOWAY: I have just had an unofficial supplementary from the Hon. Angus Redford in relation to the submissions that were put in. Most of this legislation has been around for several years. A senate committee looked into this matter in great detail and, of course, the Social Development Committee of this parliament, chaired by the Hon. Caroline Schaefer, conducted a substantial review. So there has been a fair bit of work, but most of this work has been done over the past two or three years. Any contribution that this government has made to date has obviously been fairly late in the debate.

The Hon. CAROLINE SCHAEFER: As a supplementary question, can the minister tell us who will be the lead minister for any legislation pertaining to genetically modified crops, either commercial or plant material, as is required within this state?

The Hon. P. HOLLOWAY: The government has had to decide on a number of very important issues. The budget will be announced later this week and, once that process is out of the way, I will be meeting with my colleagues the Minister for Health and the Minister for Environment to discuss these matters and how we will proceed into the future. However, those sort of issues have not yet been finalised.

The Hon. IAN GILFILLAN: As a supplementary question: is the minister aware of the 131 secret open-field trial plots which were disclosed in the *Advertiser* in a previous month, and does he recognise that those trials actually bring forward to this year the very issues that were raised in the substance of Mr Xenophon's question?

The Hon. P. HOLLOWAY: Certainly some trials have been undertaken in this state, and they were the subject of some discussion, particularly in relation to the South-East. There are very stringent regulations in relation to trials undertaken that should have been enforced by the Office of the Gene Technology Regulator and before that I think it was GMAC, which was a voluntary body that was in place when some of those earlier trials were undertaken. So there have been some fairly stringent regulations in place. Clearly, trialling is very different to the commercial growing of crops in that all material is supposed to be destroyed, properly disposed of, and so on, and with very strict monitoring of that process. I do think that we need to distinguish between trials

and the commercial application of these crops. I will examine the honourable member's question and, if there is anything further that is relevant to it, I will take it on notice.

OPERATION CHALLENGE

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about Operation Challenge.

Leave granted.

The Hon. J.S.L. DAWKINS: Operation Challenge was commenced at the Cadell Training Centre during 1997. The latest annual report of the Department for Correctional Services describes the program as one of the department's key rehabilitation programs. The report also indicates that the program is available to selected adult male prisoners usually in prison for the first time. These prisoners live within a disciplined regime where they have minimal association with other prisoners and are required to abstain from substance abuse. They are required to undertake vocational training, to undertake a physical fitness program and to do community work. The report says:

> The program is incentive based and prisoners are provided with the opportunity to develop sound work ethics and to learn new thinking skills. The entire program is based on a mutually supportive team environment.

Participants in Operation Challenge have carried out local community work around the Cadell Training Centre and they have also undertaken major community services on Kangaroo Island and Troubridge and Althorpe Islands for the Department for Environment and Heritage. Does the minister support the continued operation of this excellent program, particularly given his support for similar prisoner community involvement in the Apex Club's spectacles program mentioned earlier in question time today?

The Hon. T.G. ROBERTS (Minister for Correctional Services): The comparisons are slightly different. First, Operation Challenge has a cost attached to it and it will be subject to budgetary deliberations. On 11 July we will know what continued funding will apply to programs such as Operation Challenge. Certainly, the spectacles program operating out of Yatala is at little or no cost to government, but it does not involve as many people. Benefits can be derived from both programs. However, the budget will be brought down on Thursday and we will have to wait for the outcomes of the budget deliberations.

CUTTLEFISH

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about cuttlefish spawning grounds.

Leave granted.

The Hon. CARMEL ZOLLO: South Australia is lucky enough to have a world class tourist attraction in the cuttlefish spawning grounds in the northern Spencer Gulf. Recently, concerns have been raised about how the government intends to protect this important resource. Will the minister please advise the council what steps the government has taken to protect the cuttlefish spawning grounds; and how does it intend to keep them protected?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): A large spawning aggregation of cuttlefish occurs in a small area near Point Lowly on an annual basis between 1 March and 30 September each year. The waters north of Whyalla, as I am sure the Hon. Terry Stephens would know, provide an ideal breeding ground for the cuttlefish. As I understand it, there is a shortage of rockery outcrops and that is where the cuttlefish aggregate to spawn. While the need to protect the spawning cuttlefish has high environmental significance, its importance for the local economy of the Upper Spencer Gulf is also significant. Many domestic and international tourists visit the spawning grounds and it serves to highlight the unique environments that exist in South Australia.

Recently, I was pleased to be able to reassure those concerned about the future of the cuttlefish spawning grounds by announcing that the current protection of the spawning area from the taking of squid, cuttlefish and octopus during the period of spawning will continue. This ban—and I think the Hon. Caroline Schaefer might have taken this decision just before the election—was originally introduced as a temporary measure in 1998, after scientific research revealed that commercial fishing operations were impacting significantly on the abundance of cuttlefish. The government recently confirmed that it is planning a special conservation zone to protect the cuttlefish fishery as part of the wider plan for marine protected areas.

It is likely that the draft plan will be ready for public consultation by the end of 2002. In the meantime, following the decision made by the Hon. Caroline Schaefer, I am committed to the retention of the ban under the Fisheries Act until that process is completed. There has been some speculation recently about the future of the current fisheries compliance officers tasked with enforcing the ban. Whilst in Whyalla for the community cabinet meeting last week, I was pleased to be able personally to reassure the local community that the government does not plan to reduce the compliance presence in their area and remains determined to protect this unique phenomenon.

LE FEVRE TERRACE

The Hon. DIANA LAIDLAW: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Urban Development and Planning and the minister's role also in local government, a question about Le Fevre Terrace.

Leave granted.

The Hon. DIANA LAIDLAW: Over recent months, I have received numerous representations from residents who live along Le Fevre Terrace in North Adelaide regarding an increased volume of traffic (night and day) and in relation to road safety at the junction of Le Fevre Terrace, Le Fevre Road, Medindie Road and Barton Terrace East. I note that last night the Adelaide City councillors considered a council report on this matter and voted in favour of building a roundabout at this junction. The same report identified 'if there were no serious concerns with the roundabout, the consultation and concept design should begin for the closure of Le Fevre Road to all traffic except bicycles'. For the benefit of members—

The Hon. A.J. Redford: Sort of like a bookend of Barton Terrace, really.

The Hon. DIANA LAIDLAW: It is—and that will be the basis of my question. For the benefit of members, Le Fevre Road is regarded by many motorists who live north of Robe Terrace and the parklands as a convenient point of access and route to the city along Frome Road to lower North Adelaide

and to the eastern suburbs. Incidentally, the same 'convenient access issues' are the reason the government is now hell-bent on introducing legislation to open up Barton Road West (a local council road) to all vehicles not only bicycles and cars but trucks, and to do so notwithstanding the opposition of the Adelaide City Council, the local residents and the views of the local member for Adelaide—or at least the views that she held when she was Lord Mayor and candidate for the Labor Party at the last state election. My questions to the minister are:

1. Does the government intend to take the same high profile interest in the debate as to whether or not Le Fevre Road (a local road) should be opened or closed to all motor vehicles or only bicycles as it has in relation to Barton Road West?

2. As the government is intent on introducing legislation to open Barton Road West (a local council road) to all traffic to improve access from the western suburbs, does the government also consider that Le Fevre Road should remain open to all traffic to ensure ease of access from our northern suburbs?

3. If the government considers that Le Fevre Road should remain open, does it intend to act to ensure that this is so by broadening the ambit of its proposed legislation to open Barton Road West to now also include Le Fevre Road? or

4. Will the government reserve the option to legislate for this purpose at a later stage if and when the community consultation and Adelaide City Council support for the closure of Le Fevre Road to all vehicles but bicycles is recorded?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for her questions, and I will refer them to the minister in another place and bring back a reply, and disappoint all those waiting.

REPLIES TO QUESTIONS

SPEED CAMERAS

In reply to **Hon. T.G. CAMERON** (5 June).

The Hon. P. HOLLOWAY: The Minister for Police has provided the following information:

Speed camera locations are advertised by SAPOL as a community road safety initiative. Not all locations are advertised in order that an uncertainty of detection remains in the mind of drivers. The advertising is associated with appropriate road safety messages, which are utilised to educate the driving community on road safety issues.

Speed camera deployment is an important part of the road safety strategy. Speed remains a significant contributing causal factor in road crashes with higher speeds resulting in an increased chance of a crash and increased road trauma at a crash. The majority of speed cameras are deployed in the metropolitan area as this is where the majority of vehicles crashes and road trauma occurs.

Metropolitan speed camera locations are identified using data contained in databases maintained at the Traffic Support Branch of the South Australia Police. On a monthly basis, a computer program allows a report to be produced identifying speed camera locations to be established for the following 30 days. SAPOL then provides a number of these locations to the media.

This computer application is currently being reviewed and upgraded. It is envisaged that the future application will include identification of rural speed camera locations similar to that currently available for the metropolitan area. It is anticipated that this facility may be available during 2003.

Speed camera equipment is used in rural areas effectively and in areas identified by the relevant local police as being 'road safety risk' areas. On a weekly basis, two of the 18 speed cameras are deployed to rural areas where camera operators liaise with the local police regarding placement.

police do not currently supply locations of speed cameras to country media for the reasons as outlined in question one. Provision of such information will be assessed when the computer program upgrades are complete.

GREENHOUSE GASES

In reply to **Hon. M.J. ELLIOTT** (5 June).

The Hon. P. HOLLOWAY: The Minister for Energy has provided the following information:

The Minister is aware of the Australian Conservation Foundation's submission to the Council of Australian Governments Energy Review.

This proposal is included within Australian Conservation Foundation's submission to the COAG review.

The Electricity Demand Side Measures Task Force, which reported on 12 June this year, has made a specific recommendation that greenhouse gas emissions data should be included on both electricity and gas bills in South Australia.

SPEED CAMERAS

In reply to **Hon. SANDRA KANCK** (30 May).

The Hon. P. HOLLOWAY: The Minister for Police has provided the following information:

Speed camera operators are PSM Act employees, employed by SAPOL and do not possess any statutory police powers. It would be inappropriate for the operators to use highly visible marked police cars.

However, speed camera operators have been the recipients of physical, verbal and intimidating behaviour by motorists and on a number of occasions, vehicles and speed camera equipment have been damaged. The instances of such behaviour towards operators has increased with the mandatory placement of the 'speed camera signs' after the speed camera location.

SAPOL is particularly vigilant in all aspects of speed camera operations and all operators are required to adhere to policy with respect to all aspects of speed detection operations. When positioning vehicles and cameras, the operators take into account the safety of all road users including their own personal safety.

In reply to **Hon. T.G. CAMERON** (30 May).

The Hon. P. HOLLOWAY: The Minister for Police has provided the following information:

The South Australia Police (SAPOL), has examined the speed camera initiatives undertaken by the British Labour government and believes that the practices adopted in that country do not meet the objective of changing driver behaviour within the South Australian community.

In South Australia, speed cameras are predominantly vehicle mounted and are not placed on footpaths or road edges. In these instances, the colour of the camera has little affect as a visible deterrent. There is no intention to paint these cameras bright yellow. SAPOL has only 3 tripod speed cameras that are predominantly used in rural areas. Portable 'Speed Cameras Save Lives' signs are displayed at each location where a speed camera is deployed.

SAPOL has a policy for operating all traffic speed analysers including speed cameras. Speed is one of the main contributing factors to casualty and fatal crashes. Traffic speed analysers are deployed to assist in the reduction of excessive speed and to encourage long-term change in driver behaviour with regard to speeding.

SAPOL policy requires that speed cameras are only deployed at locations assessed by the Traffic Intelligence Section as having a road safety risk. In assessing the 'road safety risk' for a location, the following factors are considered:

- whether the location has a crash history;
- whether the location contributes to crashes in other nearby locations;
- whether the location has been identified by SAPOL Road Safety Audits as having a road safety risk;
- where intelligence reports provide information of dangerous driving practices associated with speeding, especially speed dangerous; and
- whether the physical condition of a location creates a road safety risk.

In the interests of raising awareness, SAPOL has caused some speed camera locations to be published on a daily basis on the police internet site and on electronic and print media.

Marked police vehicles would reduce the deterrent effect and would have little affect on changing driver behaviour towards speeding.

At this time SAPOL cannot make any further comment in respect to the British government's decision regarding the deployment of speed cameras.

FISHERIES (CONTRAVENTION OF CORRESPONDING LAWS) AMENDMENT BILL

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries) obtained leave and introduced a bill for an act to amend the Fisheries Act 1982. Read a first time.

The Hon. P. HOLLOWAY: I move:

That this bill be now read a second time.

This bill seeks to make a very simple but important amendment to the Fisheries Act 1982 in relation to the enforcement of fishery laws in jurisdictions adjacent to South Australia. The bill was originally introduced by the previous government in the spring 2001 session of the 49th parliament. It lapsed when parliament was prorogued. The amendment is now overdue and is being presented again in response to changes to the management of the rock lobster fishery in adjacent western Victorian waters, a stock which is contiguous with the South Australian southern zone rock lobster fishery. The Victorian fishery has been managed as a quota fishery similar to the southern zone rock lobster fishery since November 2001. A particular concern is that approximately 19 Victorian licence holders live around and fish out of Port McDonnell. Of these Victorian licence holders, 12 also have South Australian rock lobster fishery licences.

Under Victorian fisheries legislation, it is an offence to possess or sell fish taken in contravention of a corresponding law of another state. This allows Victoria to prosecute a person residing in that state for an offence against South Australian fisheries legislation. This kind of provision is now common in most other Australian jurisdictions.

However, this legal arrangement is currently not reciprocated in South Australia, which means that, if a Victorian licence holder living in South Australia contravenes a Victorian fisheries law, Victoria cannot effectively detect and investigate the contravention. With the introduction of a quota management system in Victoria on 1 November 2001, the need for proper reciprocal enforcement provisions has become a priority for both South Australia and Victoria. The only alternative to the proposed amendment is for the Victorian government to require all Victorian licence holders to land in a Victorian port, the closest being Portland. If this were to occur, the majority of Victorian licence holders may have to relocate to Victoria, causing significant economic and social upheaval in Port McDonnell for a number of families and the local economy, which relies on the fishing industry.

The amendment to the South Australian Fisheries Act 1982 has the support of the Victorian government and the licence holders in the southern zone rock lobster fishery. The amendment will ensure that the rock lobster resources across both states continue to be well managed and that quota limits are not exceeded. I commend the bill to the council. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted

Explanation of clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement of the measure on a day to be fixed by proclamation.

Clause 3: Amendment of s. 44—Offences with respect to sale, purchase or possession of fish

This clause amends section 44 of the *Fisheries Act 1982* to make it an offence to sell or purchase, or have possession or control of, fish taken in contravention of a law of the Commonwealth or another State or a Territory of the Commonwealth that corresponds to that Act.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

AGRICULTURAL AND VETERINARY PRODUCTS (CONTROL OF USE) BILL

In committee.

Clause 1.

The Hon. P. HOLLOWAY: Under this clause I will respond to some of the matters raised by the Hon. Ian Gilfillan in his speech yesterday. The minister would issue compliance orders that related to inappropriate usage of agricultural and veterinary chemicals to help prevent further risk of spray drift. If demonstrable damage occurred to human health or the environment, the matter would be referred to the appropriate department for regulatory action under other acts. That answers the matter he raised in relation to compliance orders.

The honourable member also raised the issue of surrounding land use. Under the general duty, when using a chemical, a person must take into account the nature of the area surrounding the site where the product is used. That is clause 5(4)(d). The reference to the MRL standard in the description of 'trivial' under clause 5(3)(a) does not limit the definition of 'trivial'. Each instance of spray drift will be examined separately and an appropriate response made depending on the individual circumstances.

In relation to licensing of chemical users, I indicate the bill has provisions to make regulations to provide for a licensing system or require qualifications for certain chemical use. Parliamentary Counsel's advice is that these provisions are generally not included in the principal legislation. Obviously they will be in the regulations.

The Hon. CAROLINE SCHAEFER: I indicated in my second reading speech that, while the opposition will not be moving any amendments, I would like to ask a series of questions as we go through the bill. As I indicated at the time, I was grateful for the extensive briefing I received. However, a number of the issues that concerned me on reading this bill have been raised with me since by farmers, in particular the South Australian Farmers Federation. It is only proper that I seek that the explanations I have received be incorporated in *Hansard*, so I will be asking a series of questions of the minister and indicate that the first of those will relate to page 7, clause 3, regarding 'withholding period' in the definitions.

The Hon. P. HOLLOWAY: I will take this opportunity to indicate for the benefit of the committee that, given that the amendments tabled by the Hon. Ian Gilfillan have been

available to members for less than 24 hours, I do not intend to proceed beyond clause 22 this afternoon.

Clause passed.

Clause 2 passed.

Clause 3.

The Hon. CAROLINE SCHAEFER: I refer to the definition of 'withholding period' and to subclauses (2) and (3). Subclause (2) provides:

> . . . possession or custody of an agricultural chemical product does not extend to possession or custody of the product for the purposes of supply.

Does all of this bill apply only post retail or do some provisions of the bill apply to agricultural chemical suppliers as well as the users of the chemical? Further, subclause (3) provides:

> . . . contamination or harm is to be taken to have been caused by the use or disposal of an agricultural product or veterinary product—

Paragraph (b) continues:

> (b) whether the contamination or harm results from the use or disposal of the agricultural product or veterinary product alone or the combined effects of the use or disposal of the agricultural or veterinary product and other factors.

I have a picture in my mind of someone combining two chemicals without the knowledge that the combination of those two chemicals mixed may cause a side effect that was unintended. Since the fines for most offences in this act are $35 000, is ignorance any defence in this case and, if not, will agricultural chemical users be fully informed of the increase in penalty suggested by that definition?

The Hon. P. HOLLOWAY: In relation to the last question, the department has a comprehensive education program in relation to this bill ready to go through. It has been ready to go for at least 12 months, but unfortunately the bill has been delayed for some time. It is important that we make the users of chemicals aware of the new legislation. In relation to the main part of the honourable member's question, my advice is that the bill applies to users only, with the exception of fertilisers, which is a separate part of the bill.

The Hon. CAROLINE SCHAEFER: That being the case, can I have the assurance of the minister that every effort will be made via chemical suppliers, the regional press and so on to inform the end users of chemical products of this new bill that is about to become an act?

The Hon. P. HOLLOWAY: I am advised that there will be some changes in the use of chemicals, so as a result training will be required.

The Hon. CAROLINE SCHAEFER: Publicity is really what I am asking for.

The Hon. P. HOLLOWAY: As I indicated in answer to an earlier question, the department was prepared to undertake publicity in relation to this bill when it was due to go through some time ago. It is unfortunate that, because of the delays for various reasons, not the least being the election and other delays, that could not take place. Clearly, we need to get the new legislation in place as soon as possible. We also need then to ensure that the people affected by the legislation are made aware of it as soon as possible. There certainly will be publicity in relation to the impact of the new act.

Clause passed.

Clause 4 passed.

Clause 5.

The Hon. CAROLINE SCHAEFER: I previously expressed some concerns in the general duty section, beginning with my concern about 5(1)(a)(i), which provides:

> (i) actual or potential contamination of land outside the target area that is not trivial, taking into account current or proposed land uses; or

My concern is: who decides what is trivial and what is not? Obviously this is an attempt to contain spray drift or at least to seek responsible use of chemicals, particularly where they may affect neighbouring properties or plants that are not compatible with that particular chemical. I still find that clause somewhat open ended as to who decides where the boundary is and who decides whether this is a trivial or non-trivial case.

The Hon. P. HOLLOWAY: In the first instance, PIRSA authorised officers would be responsible and then the courts would determine this matter. However, if the contamination was environmental in nature, clearly that would come under the EPA or, if it related to health matters, the relevant sections of the Department of Human Services would be responsible for that.

The Hon. CAROLINE SCHAEFER: Can the minister explain, possibly outside this bill, what avenues are open to land-holders who believe they have been affected or whose crops have been affected by irresponsible spray drift? What defence is open to those who have sprayed and who may have inadvertently affected other people's crops?

The Hon. P. HOLLOWAY: As I indicated earlier, PIRSA authorised officers, in the first instance, are involved in the operation of this particular clause. If there were inadvertent spray drift, under the general duty of care provisions contained in the bill, those people would have to satisfy in the first instance those officers and subsequently, if it were necessary, the courts that they had not breached that duty of care. I am not quite sure that I answered the first part of the honourable member's question, so perhaps she could restate it.

The Hon. CAROLINE SCHAEFER: My general concern is that, if someone believes that their neighbouring crop (or maybe not even neighbouring if the spray drift is from aerial spraying) has been affected by spray drift, what formal recourse do they have and, equally, what right of appeal or defence does the person who is suspected of causing that spray drift have? Where do they go if they believe they are not the person who is responsible for the spray drift? I know that spray drift is particularly difficult to either prove or disprove. I understand that this bill is an attempt to at least outline obligations of general duty and that this particular part of the bill attempts to do that. I suspect that much of the recourse is not actually dealt with in this bill or even by the minister's department, but I am asking generally where does one go if they believe they have a contaminated crop, and, equally, where does one go if one is accused of contaminating someone else's crop?

The Hon. P. HOLLOWAY: Obviously PIRSA is the agency that most people affected by spray drift would be likely to go to, so in the first instance PIRSA would investigate the complaint. That is the way it is likely to happen, but I think the honourable member is asking more about legal rights, and so on, and I imagine that people affected by spray drift would probably have recourse under common law remedies. I am advised that if the spray drift is not intentional there is a general defence in relation to that.

There have been some pretty famous cases in this state where people's crops have been affected by other activities and, in his speech yesterday, the Hon. Ian Gilfillan raised one of them. It indicates that there are considerable difficulties in establishing the facts in relation to this matter, and that is one

of the things that this new bill tries to do in relation to spray drift. It tries to provide a framework within which the community can deal with such issues. As I think the shadow minister conceded in her earlier comments, it is not necessarily easy to do that. I will have to take more information, but I imagine that the sorts of remedies that would usually be provided, as we have seen in some celebrated chemicals cases, are available through the courts by suing for damages. That is my initial response to the honourable member's question.

The Hon. CAROLINE SCHAEFER: I do not know that I am much clearer but I accept that explanation because I think most of us with practical experience know how difficult these issues are. I was simply seeking some further clarity. With respect to subclause (2), I have previously suggested that this provision concerns me—and that is probably due to my lack of legal training rather than anything else—because of the definition of contaminated land, as follows:

> land is contaminated if any soil, water or other environmental component of the land contains a residue of an agricultural chemical product

I know from speaking to members of the Local Government Association that they assume, as I initially did, that to relate to contamination which lasts for some time and is serious; for instance, lead contamination or contamination that would make land otherwise appropriate for housing unsuitable for a residence.

If you look at this definition as it appears to be, it would equally be contaminated soil if one hour after spraying with glyphosate a sample of that soil were taken, because it would contain a residue of that chemical even though a further hour later it probably would not contain a residue. It seems to me that there is perhaps insufficient detail as to grades of contamination.

The Hon. P. HOLLOWAY: I think you have to read subclause (2) in conjunction with subclause (3), which provides:

> Without limiting the circumstances in which contamination will not be considered trivial, contamination will not be trivial if. . .

Then you look to paragraph (b). So I think, clearly, subclause (3) defines contamination which is not trivial. Paragraph (b) provides:

> . . . the residue in the soil, water or other environmental component of the land is such that it can reasonably be expected that a trade species animal kept on the land or a trade species plant grown on the land would be or become contaminated to the extent referred to in paragraph (a).

So, clearly, for contamination to be non-trivial it has to basically affect trade, and this bill is seeking to prevent contamination of our produce that might damage our trade.

The Hon. CAROLINE SCHAEFER: In deference, then, to my farming mates, who certainly do not want to affect trade, why have we defined anything as trivial?

The Hon. P. HOLLOWAY: I am advised that 'trivial' in relation to contamination has to be seen in its context. If there are two farms and one farm is an organic farm that has certain standards and another farm uses chemicals in a different context, you would have to look at whether any contamination was trivial in the context of that particular situation.

The Hon. NICK XENOPHON: My question to the minister relates to the contamination of fertilisers and how such contamination fits within the scheme of this legislation. The *Sydney Morning Herald* published a front page investigative piece on 6 May this year, and the first few paragraphs put my concerns in context. The article, by Gerard Ryle, states:

> Big businesses across Australia are disposing of their industrial waste as fertilisers or soil conditioners to be spread on farms, vineyards and home gardens.
>
> The material often contains potentially toxic substances and heavy metals such as arsenic, mercury, chromium and lead.
>
> State government agencies encourage the practice in the name of recycling and farmers embrace it because it delivers cheap fertiliser. Corporations also can save millions of dollars in dumping costs.
>
> Untreated slag from BHP's Port Kembla steelworks is being spread over dairy fields and crops in the southern tablelands.
>
> Radioactive material from aluminium refineries in Western Australia is being poured onto big cattle stations. In Victoria, South Australia and Queensland, waste from zinc smelters, power stations, cement kilns and car part manufacturers are turned into products for farms and home gardens.

The article goes on to say that the practice is perfectly legal, and it asserts:

> In Australia, there is no national regulation of fertilisers and any material that has fertilising qualities can be labelled and used as such, even if it contains toxins and heavy metals.
>
> There are no requirements to register the products with state agricultural departments or to stop them being marketed as organic, which some of them are.

The article goes on in that vein. My questions to the minister are: in respect of the concerns raised in the *Sydney Morning Herald* investigation, how does the duty in clause 5 of this bill impact on those sorts of practices referred to in the *Sydney Morning Herald* article; and, in the context of the duty in clause 5(1), would the clause catch those manufacturers or those involved in disposing of this sort of industrial waste through fertilisers? The *Sydney Morning Herald* article refers to the fact that there is no national regulation of fertilisers and any material that has fertilising qualities can be labelled and used as such. What safeguards are there within our state system to ensure that heavy metals and toxic substances do not get in our food chain in this way?

The Hon. P. HOLLOWAY: I remember seeing the article that the honourable member refers to and, like him, I was certainly concerned by the implications. That article highlights the reason we need a national approach to this subject—this bill refers to not only chemicals but also, of course, fertilisers. Indeed, in part of this bill members will see that there is provision for regulations to be made in relation to fertilisers so that those issues can be addressed.

It is my understanding that there are already regulations in this state in relation to fertilisers under the existing act and that these will be transferred to this new bill when it is passed. I think in this state we have regulations in respect of fertilisers which lead those in other states, so the issue is fortunately not one that has been left unaddressed in this state. But we really need this national approach, which this bill is part of, so that all states can have similar regulations in this matter and so that we can prevent the sorts of cases referred to in the *Sydney Morning Herald*.

The Hon. NICK XENOPHON: Can the minister clarify whether the regulatory framework in relation to fertilisers applies to fertiliser manufacture in South Australia? Is there a system of ensuring that fertilisers brought into South Australia, including overseas fertilisers, are not contaminated with heavy metals and other toxic substances?

The Hon. P. HOLLOWAY: I am advised that fertilisers must comply with labelling and content regulations under the state act, so they should be covered by state legislation. Obviously, in relation to imports, whereas you might be able to control them at a state level when they are here, I guess it

is desirable that maybe the federal government should look at the import of such matters on that basis. If I recall the article correctly, I think the federal minister might have given some indication that he is looking at this matter, but I am not certain on that point. Clearly, it is a matter that the federal government might care to address, but I will check on that.

The Hon. CAROLINE SCHAEFER: In relation to clause 5(4)(g) on page 9, can the minister define 'class of persons'? It provides:

> the financial implications of the various measures that might be taken as those implications relate to the class of persons using or disposing of the same or similar products in the same or similar circumstances.

The Hon. P. HOLLOWAY: I think we are setting up a rule of what responsible people might do in similar circumstances. I think that is just really the description of the standard that we are setting, so we would require behaviour that a sensible person in a similar situation might adopt.

The Hon. NICK XENOPHON: My question to the minister again refers to the investigative piece in the *Sydney Morning Herald*. It is asserted in that article that in New South Wales and Victoria it is mandatory for bags of fertiliser to carry a warning if a product exceeds certain limits of certain heavy metals, but there is a loophole which exists in that fertilisers produced in other states do not have to carry the warning labels, even if they are being sold in New South Wales and Victoria.

I understand if the minister cannot respond to this now, but what is the position in South Australia in terms of warnings? Are there similar requirements here, and is there a similar loophole in that fertilisers produced outside the state do not have to comply with any mandatory warnings or labellings as to toxic substances?

The Hon. P. HOLLOWAY: It is my understanding that the situation is covered by state law; in other words, my advice is that fertilisers may not be used without the correct labelling and without the correct limits on the various heavy metals or whatever the contents might be. Because it applies to use, it should be inclusive.

The Hon. NICK XENOPHON: The minister says they cannot be used, but can they be sold in the Australian market? Is there anything that prohibits their sale? Is there a distinction?

The Hon. P. HOLLOWAY: I am advised that the regulations apply to supply and use, even if it is given away, so it would mean that it could not be used without infringing the regulations.

The Hon. CAROLINE SCHAEFER: Subclause (5) provides that failure to comply with a duty under this section does not of itself constitute an offence, but compliance with the duty may be enforced by the issuing of a compliance order. During the briefing I asked for clarification of this, but I would like that clarification again for the record. Will the minister walk me through what the various grades of non-compliance would be? My understanding is that, first, there is a compliance order and then—and only then—perhaps a fine. But, prior to that, how would the person even be aware that they were non-compliant?

The Hon. P. HOLLOWAY: This legislation is largely meant to be complaints based. So, we are really relying on people doing the right thing: we are relying on user behaviour. What the legislation is trying to do is to encourage people to use the right behaviour so that they will show a duty of care, as the provision indicates. Will the honourable member restate specifically what her question is in relation to this matter?

The Hon. CAROLINE SCHAEFER: This subclause seems to imply that there are grades of non-compliance. There is this grey area of non-compliance, which I assume is a minor infringement: the lack of compliance or a serious non-compliance could bring about the issuing of a compliance order and, if it was even more serious or further non-compliant, it could bring about a fine. That seems to apply by implication rather than being spelt out and, again, for the sake of the record I would like you to give me a practical example.

The Hon. P. HOLLOWAY: What we are really looking at in relation to this bill is risk management rather than hard and fast rules. I think that the approach that is adopted in much rural legislation and rural affairs generally these days is to try to manage risk rather than rely on what you might regard as an old fashioned approach of heavy, black letter law. There are three stages in relation to non-compliance: the first is a warning, the second is the issuing of a compliance order and the final option is prosecution. They are the three grades extending upwards in relation to non-compliance.

Clause passed.

Clauses 6 and 7 passed.

Clause 8.

The Hon. CAROLINE SCHAEFER: I refer to subclauses 8(1) and 8(3). It has been raised with me that these clauses are perhaps contradictory and certainly confusing in that subclause (1) provides that the person who has possession or custody of an agricultural chemical product must ensure that the product is at all times kept in a suitable container clearly labelled, etc., whereas subclause (3) provides that nothing in subsection (1) requires a container to which an agricultural chemical product is transferred for immediate use be marked or labelled. It was raised with me that those two subclauses are contradictory and confusing. I am assuming that in subclause (1) we are talking about the container where the chemical is stored and in subclause (3) we are probably talking about a piece of spray equipment where the mixed product is about to be used immediately. I seek your confirmation that that is the case.

The Hon. P. HOLLOWAY: I think the honourable member has pretty well summed up the purpose of the legislation. Yes; if you are talking about long-term storage, clearly that is what clause 8(1) is aimed at, but subclause (3) is there to cover the situation where a chemical might be in immediate use and might be transferred to a backpack or some other means of application. Clearly, it would be absurd if we were not to allow for the application of chemicals from backpacks; that is what subclause (3) is intended for.

The Hon. CAROLINE SCHAEFER: Further to that point, I assume that clause 8(3) is really talking about product that is ready to be used and/or applied, and in that regard I have been asked to request a better definition of 'product for immediate use'. I suppose we are talking about a boom spray that has half a tank left. Is immediate use the next morning or one hour's time or whatever? I thought I might as well ask that question now rather than later.

The Hon. P. HOLLOWAY: I guess that is a matter open to interpretation. It would be impossible to cover every single possible contingency in legislation. The important thing is that, if it is used in some form of equipment for spraying, it is not left for such a long period of time that the user forgets what it is and it therefore constitutes some hazard. Clearly, that is the intention of the bill, but it is obviously up to the courts to interpret it. Obviously, in relation to the policing of

it, commonsense needs to be used. I guess that the defining principle should be that it not be left where it could be forgotten and ultimately constitute some hazard.

Clause passed.

Clauses 9 and 10 passed.

Clause 11.

The Hon. CAROLINE SCHAEFER: These questions, I guess, are by way of a general comment on clauses 11 and 12. I asked earlier whether the whole bill applies to post point of sale only. I think that these two clauses clearly apply to veterinarians who, in this case, I would rate in the same context as the supplier of a chemical—the veterinarians being the supplier of veterinary substances. My general concerns apply to those of us who have lived in fairly isolated circumstances. I now live where there is an abundance of veterinary surgeons, but I guess I previously performed the role of veterinary surgeon. Most times I had in my possession long-acting injectable antibiotics for sheep, cattle, horses or whatever required it, very often some drenching product, and a number of prescribed substances. It was not possible for me to get those substances quickly from a vet, because the nearest vet was in Port Augusta, some 2½ hours by road away. So the vet would leave me with some of those supplies until the next time he visited, and I would use them according to my commonsense and animal knowledge.

I would not like this particular division to preclude someone in those circumstances from using those products, and I certainly would not like either the vet or the user to cop a $35 000 penalty. Additionally, none of us would volunteer to use these substances if there was a vet within any practical distance. The intravenous injection of large animals is not much fun if you are not trained to do it.

The Hon. P. HOLLOWAY: At the moment, we really do not have any controls on what can be done. The honourable member referred to the lack of a veterinary surgeon in some areas. I am certainly aware that that is a problem and that animal health is a big issue. I met with officers from Animal Health this morning and I am well aware that, in some parts of the country, it is extremely difficult to get veterinarians. The purpose of the bill is to attempt to encourage responsible behaviour, and I guess the purpose of this provision is to ensure that if veterinarians are supplying materials that they adequately instruct the users. Of course, if it is a particularly dangerous material, we would not expect that it would be supplied. Clearly, there is a responsibility on veterinarians, in making these products available in the first place, that they either adequately instruct people or that, if they are so dangerous, they would not make them available. Apart from that there is not much more that I can say. Clearly, it is a matter where commonsense needs to apply.

The Hon. CAROLINE SCHAEFER: I cannot agree with the minister more: I think it is an area where commonsense does need to apply and I would like to think that that would be the case. I talked about perhaps an extreme case, but I am sure that the Hon. John Dawkins, for instance, who grew up on a sheep stud would be aware that it is not commercially possible for people to vaccinate stud stock, for instance, while a vet is in attendance: it becomes much too expensive an exercise. Another example would be the vaccination for OJD which is to take place on Kangaroo Island. I assume that the landowners will be doing that themselves, because they simply would not be able to afford to do it any other way commercially.

I recognise that commonsense needs to apply, but in this day of a litigious society—and I am looking again at a maximum penalty of $35 000—it seems to me that that may be a very major disincentive to a veterinarian to supply some of these products when it is very practical for them to be held in situ.

The Hon. P. HOLLOWAY: The key factor is whether or not the substances are prescribed. In relation to the ordinary sorts of agricultural veterinary chemicals that might be applied, one would say that veterinarians can supply those things provided adequate instruction is given. If they are prescribed—and that would only be the case for highly dangerous matters—then, when the regulations are drafted to prescribe those substances, obviously consideration would be given to the danger of that particular substance. That is why it would be prescribed, because in the hands of someone other than an expert it might be highly dangerous. I think that is really what we are talking about.

Clause 12 relates to possession of prescribed substances. If we were to take this debate further, we would have to look at what is prescribed and what is not.

The Hon. CAROLINE SCHAEFER: I will not persist with this discussion, because I do not know that any of us have a suitable answer, but I will flag that I will hold further discussions, in particular with the member for Morphett, who is a veterinary surgeon and, if practicable, I will flag that he may move an amendment in another place.

The Hon. P. HOLLOWAY: I thank the honourable member for her indication. As I said, to advance the debate any further you would need to look at what is proposed in relation to prescribed substances, and the debate would be on how dangerous particular substances are and what level of control should be on them. That is really the level at which we would have the debate. I would hope the honourable member would at least agree in principle with the bill; that is, some substances are so dangerous that obviously their use should be restricted to veterinary surgeons.

Clause passed.

Clauses 12 to 15 passed.

Clause 16.

The Hon. CAROLINE SCHAEFER: Subclause (2) provides:

> A veterinary surgeon must keep a copy of written instructions given under subsection (1) for a period of at least two years.

I would query again the practicality of that, if that veterinary surgeon has written out some instructions and left them with the end user, possibly in the paddock or in the stable, and then may not be back at their practice for another two or three days, in many cases. I would ask that we perhaps look at something that is a little more practical and flexible than what seems to me to be such a draconian measure. Again, I feel sure that the minister will say that that will be taken care of in regulations, but sadly we do not have the opportunity to contribute to debate when regulations are being drafted, so I will raise that concern again. That is all I propose to do at this stage, but I will raise it as a concern.

The Hon. P. HOLLOWAY: One reason why a veterinary surgeon might want to keep a copy of written instructions for a period is for that professional's own indemnity, if for no other reason. It would be a sensible measure, I would have thought, from the point of view of the veterinary surgeon that they would keep records for their own protection. I am not quite sure what point the honourable member is getting at in relation to—

The Hon. Caroline Schaefer: I just don't think it is very practical.

The Hon. P. HOLLOWAY: What, for the veterinarian to keep those instructions? As I say, one would think for the vet's own protection it would be a wise measure and I believe that vets would do that—whether they would have a carbon copy or something such as that. That is what happens with pharmacists when they give you a prescription with instructions on it—duplicate copies are kept. I imagine that, once this comes into law, veterinary surgeons would adapt their practices to take into consideration that requirement. I am also advised that this is an ARMCANZ requirement. That alone means that it is out of our hands, anyway. We can debate it all we like but, if that is what they say, that is what we will get.

Clause passed.

Clause 17.

The Hon. CAROLINE SCHAEFER: I have been asked to raise this issue by the Farmers Federation, which is concerned at the concept of applying a penalty of up to $35 000 in this case. They feel that this penalty is draconian and heavy-handed and believe that all good users are responsible when managing their livestock or commodities and understand the trade and health implications of trading animals within the withholding period for any chemicals, and I am sure that we would agree that in about 99.5 per cent of cases that is correct. It is the Farmers Federation's contention that a lower maximum fine, together with the requirement that anyone who breaches this clause undertake a chemical handlers' course—or, in this case, a veterinary product handlers' course—or similar training should they breach the responsibilities would be a more applicable penalty.

I would ask for a reply and perhaps some consideration be given, at least, to first offenders having a lesser fine and perhaps some compulsory training instead.

The Hon. P. HOLLOWAY: I think in the case to which the honourable member refers it would be highly unlikely that a maximum penalty would apply for a first offence. That is certainly the case across most acts: indeed, perhaps only a warning would be given. It depends on the nature of the offence. Clearly, a maximum penalty would apply only for the most blatant and flagrant offence. It also needs to be pointed out that this particular penalty, as I understand it, is consistent with those that apply in other states. After all, we are talking about a national scheme, so these penalties are consistent with those in other states.

Clause passed.

Clause 18.

The Hon. CAROLINE SCHAEFER: Could I ask for a definition of 'reasonable grounds' as it appears in the context of trade protection orders?

The Hon. P. HOLLOWAY: I am advised that the litmus test for that, if I can call it that, is the MRL Standards that are referred to in the definitions part of the bill as follows:

> MRL Standard means the National Registration Authority for Agricultural and Veterinary Chemicals, *MRL standard—Maximum Residue Limits in Food and Animal Feedstuffs of Agricultural and Veterinary Chemicals and Associated Substances*, published by the Australian Government Publishing Service, Canberra, as amended from time to time.

So, the MRL Standard is really the standard under which the trade protection orders would be assessed. Ultimately, obviously, reasonable grounds could be tested in the courts, and that would be where ultimately the decision may lie. But, in terms of the operation of this bill, it is envisaged that the MRL standards would be the appropriate trigger.

The Hon. CAROLINE SCHAEFER: I do not think I have made myself very clear. I am seeking some reassurance that trade protection orders are really likely to apply only to the big end of the industry, if you like. I would have thought that we were really talking here, for example, about a load of contaminated grain into a silo. I am assuming that this applies again to trade, and probably export trade, rather than at a local level from a local farmer. Is that correct or not?

The Hon. P. HOLLOWAY: That is the intention. As the clause provides:

> A trade protection order may be made under this Part by the minister if there are reasonable grounds to believe that the order is necessary to prevent or reduce the possibility of serious harm to trade arising from the use of disposal of agricultural products or veterinary products or to mitigate the adverse consequences of such harm.

As the name suggests, clearly we are interested in our overseas trade being protected.

Clause passed.

Clauses 19 and 20 passed.

Clause 21.

The Hon. CAROLINE SCHAEFER: This is a little like asking the fox to look after the chickens. It provides:

> A person who is bound by a trade protection order who suffers loss as a result of the making of the order may apply to the Minister for compensation.

It then provides that the minister decides whether compensation is payable or not, how much the damage is and what compensation, if any, will be offered. Again, my lack of legal training makes it difficult for me to suggest something that would be better, but it does seem strange to me that the minister applies the trade protection order and the minister is the sole judge and jury of any compensation appeal.

The Hon. P. HOLLOWAY: The point I make is that clearly the fact that compensation is contemplated here imposes some restraint upon the minister in terms of completely making sure there is a genuine risk to trade before such a trade protection order would be issued. The other point that needs to be considered is that, under clauses 21(4) and (5), if the minister does not determine an application for compensation within 28 days, the minister is taken to have refused to pay compensation, so under clause 5 a person can raise the matter with the Administrative and Disciplinary Division of the District Court. There is that avenue of appeal.

Clause passed.

Clause 22 passed.

Progress reported; committee to sit again.

BUILDING INDEMNITY INSURANCE

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I table a ministerial statement made earlier today by the Hon. Michael Atkinson on building indemnity insurance.

EDUCATION (COMPULSORY EDUCATION AGE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 July. Page 402.)

The Hon. R.I. LUCAS (Leader of the Opposition): I rise on behalf of Liberal members to indicate the Liberal Party's support for the second reading of the legislation. In doing so, those who have been in this chamber for some time will know that it is an understatement to say that I am not the greatest proponent of the thinking behind this legislation.

Indeed, as a former minister for education I strongly opposed previous attempts—not exactly the same but similar—to raise the age of compulsion to 16 years. The Liberal Party's position has changed significantly on that, as acknowledged by the former minister for education (the current shadow minister for education), and the Liberal Party's position is to provide support at least to the second reading stage.

Obviously questions will be raised and potential amendments moved in committee on this bill. I can indicate quickly that originally it was raised by the then opposition as the simple cure all for what it portrayed as the major problem of a significant reduction in retention rates in government schools in South Australia. I had the view then, and retain the view now, that in and of itself this bill will not make a significant impact on that issue of retention rates. If in four years I am proved to be wrong, and if this issue in and of itself has single-handedly turned around the retention rate issue in South Australia, I will be the first to stand up and indicate that my views on the issue were wrong and that we are pleased to see an increase in the apparent retention rate figure as recorded by the Australian Bureau of Statistics.

It was a significant issue in the early and late 1990s, significantly impacted by the way the Australian Bureau of Statistics calculates its retention rate figures. At the time retention rates were almost 93 per cent in 1992. During that period in 1992-93, when we had the now Premier Mike Rann as the then minister for unemployment, we had unemployment rates in South Australia of 12 per cent. We had youth unemployment rates of 44 per cent at a time when Mike Rann was in charge of employment policy in South Australia. Pleasingly, first, Mike Rann is no longer in charge of employment policy and, secondly, over the past eight years that 12 per cent unemployment figure has been slashed significantly to a point where I think the March figure this was year was some 6.6 per cent. We have almost halved the unemployment rate over the past eight years here in South Australia. If in four years, or if the government lasts longer than that (and one would trust that it does not), if it can maintain that rate of progress and be able to report on it, it will be able to claim that it has also done good things in relation to employment growth and generation and the reduction of unemployment levels in the state.

At least at this stage the former government can indicate that the peaks under Mike Rann of 12 per cent have been reduced to just over 6.6 per cent, and on that key economic indicator the former government should be congratulated by all and sundry in terms of its performance in that critical variable. We had retention rates of 93 per cent at the time, with huge unemployment. We saw through the 1990s—and it has been a continuing issue—the Bureau of Statistics, in terms of its figures, recording retention rates as those being in full-time education. It has been highlighted for many years, but continued to be ignored by Mike Rann and other Labor spokespersons at the time, that South Australian schools have the highest percentage by far of part-time year 12 students or South Australian Certificate of Education students.

I am not sure of the most recent figures but, in my last years as minister for education in 1997, the figure was somewhere between 25 and 30 per cent of year 12 students doing their year 12 on a part-time basis. That is, they were combining their year 12 studies with perhaps part-time employment or had spread their year 12 studies over a couple of years or even longer to ensure they could maximise their results and get through. For some reason the Bureau of Statistics did not include all the year 12 students in its retention rate figures, so when the former leader of the opposition and others claim that the retention rate in government schools was only of the order of some 60 per cent or so, they continue to ignore the significant numbers of year 12 students in our schools and doing year 12 but who are not being recorded in the retention rate figures of the Australian Bureau of Statistics. At least there has been marginal progress on that issue and figures are now compiled in addition to the figures for full-time year 12 students that purport to take into account some of these part-time students.

The issue of part-time students is an important one, because this bill in and of itself contemplates the notion of students being at school and also being involved in part-time employment and training opportunities, and therefore necessarily spreading their SACE studies over a number of years. On the retention rate criteria of the Bureau of Statistics, they will not be recorded as full-time students at year 12 and we will not see an increase in that 60 per cent retention rate number, whatever it happens to be, because they are part-time students.

There were a number of factors at that time, and I will not go back over all the detail, but, as I indicated at the time, I did not support it. While the Liberal Party is supporting it, I would not be the strongest advocate within the Liberal Party for this provision, which is the kindest way of putting it. It has the support of the two major parties. Both parties went to the last election promising various versions of this measure, and we—South Australians—are entitled to see the legislation put into place to determine whether or not it will be the panacea, as some have portrayed it, that will single-handedly lift the retention rate figures from 60 per cent to 90 per cent.

In her second reading explanation, and as quoted in some of the supporting material, the minister indicated that the objective of the current government is to see those retention rate figures for full-time year 12 students return to the figures of the early 1990s, that is, the 93 per cent figure. That will be the test. That is the benchmark that the minister and this government have set for themselves, that at the end of this period of government, should it be four years, we will see retention rates heading back to the 93 per cent figure. That will be the test as to whether or not this government's education policy has been appropriate and has been able to achieve all that the proponents for this change over the years have proclaimed.

A significant number of issues will probably be better explored in depth in the committee stage of the bill and, knowing the views of a number of members in this chamber, the committee will probably take a little longer than usual. It might be useful to flag a number of issues for the minister's advisers so that the minister can provide the answers by way of the second reading response or at least be prepared for the committee stage. I recall that in 1997, in relation to the retention rate issue, I approved a longitudinal study conducted between the Education Department and Flinders University. I think that the academic was Professor John Smyth, and others, and I believe the work was also done in collaboration with the Senior Secondary Assessment Board of South Australia. Given the attention required of the Treasury portfolio over the last four years, I lost track of the end result of that study, and I would be interested if the Minister for Education or her advisers could provide a copy of that study.

As I understand it, although I cannot remember the name of it, we set in place another study in 1997, looking at the challenges as to why young people, in particular, were either

choosing part-time year 11 or year 12 or were dropping out of further study. As I said, one and possibly two studies were undertaken to try to throw some light on why young people were making these decisions and what it was about the curriculum choice, the structure of the school or the school day, or whatever, that might impact on their decisions. If it was possible to get a copy of that report or reports, I would be pleased to have a quick look at them before we conclude debate on this issue.

The second issue is the critical area of resourcing. One of the key factors for me was the view of many secondary school principals and teachers who said to me, 'A number of these young people just do not want to be in our school. If they stay here, we are going to need significant additional resourcing to assist and, even with that, they will potentially significantly impact on the educational experience of all the other young people trying to undertake their year 11 and year 12.' By and through the compulsion to be there, they have no interest in further study and they would not only make their own education extraordinarily difficult but make the education of everybody else in the school just as difficult.

I can understand the views of secondary school teachers and principals in relation to that issue. They are the ones who, on a daily basis, are exposed to the challenges of these young people in the school environment. It is easy to come up with the policy response that says, 'We will solve all the problems by just compelling these young people to stay at school.' The minister of the day or the politician does not have to cope with that young person in the school environment if he or she is determined not to learn. It is the teacher, the school principal and the administrators who have to cope at the coalface with these challenges and difficulties. So, there are some key factors in relation to the resourcing issue.

The first issue is to get some detail from the minister as to exactly how many students we are talking about. When one reads the House of Assembly debate, one notes that the member for Gordon said that he had been briefed by the minister's officers and he was told that it would apply to 300 15-year olds, that is, students older than 15 and younger than 16. When that issue was raised in the assembly, the minister said that this bill applies to everyone between the age of six and 16 and there are others that we could talk about. Frankly, that is just a bit of a red herring.

We all know that a number of people under 15 are not at school, and that may be because they have home schooling, where approvals have been given for that, or, as you get closer and closer to 15, there may well be some students who are in a similar set of circumstances to the 15-year olds, that is, people who have chosen not to continue with their schooling because they do not want to or because they are not inclined to. The member for Gordon said he was told that it would apply to 300 students. The minister said the member for Gordon was wrong but did not put another figure on it. It would be useful to get from the minister, who must have had some advice, the number of students we are talking about in terms of this legislation.

Could the minister's officers divide that up into two categories, that is, the one category of, in essence, the greater than 15-year old and under 16-year old students (which appears to be the advice given to the member for Gordon of 300 students) and the number of students the minister is talking about under the age of 15 but not including students who have already been exempted for a number of reasons, whether it be sickness, travel (that is, elite athletes travelling the world on a tennis program, for example), external study, religious reasons or home schooling? There are a number of reasons why existing exemptions are in place.

So we want a clear indication of potentially the number of students who might be covered. There are other estimates in the second reading debate in the House of Assembly of up to 900 students, but certainly the numbers seem to be between 300 students and 900 students, with the minister not actually putting a figure on this particular issue at all.

The Hon. Caroline Schaefer interjecting:

The Hon. R.I. LUCAS: I think the number of 15-year olds given by the member for Mount Gambier—I am going on memory—is 21 000. However, that is the figure given by the member for Mount Gambier and I have not checked that separately. I am not doubting the member for Mount Gambier: I am going on my memory of what he said. But we are talking about a small percentage of a large number of students.

The issue then in relation to resourcing is, therefore, critical. I seek information from the minister in relation to the current enterprise bargaining agreement which has been arrived at with the Australian Education Union. It has been suggested to me that there is a change in the resourcing requirement for year 10 students in schools as part of that agreement, that is, there are two options for staffing of government schools in years 8 to 12. One option is to staff in accordance with the number of students at the start of the year and, because in some years those numbers decline, schools have fewer students at the end of the year but they are staffed on the basis of the February enrolment. At other age levels in secondary schools an averaging is done, that is, an estimate at February and an estimate I think in July or August, which is a lower figure, and the staffing for the school is done on an average of the two.

It has been suggested to me—and, as I said, at this stage, not being the minister or the shadow minister, I am not in a position to know whether it is true—that as part of the enterprise bargaining agreement the number of teachers within government schools has been reduced at the year 10 level by a change in the staffing formula. I hope that the minister will be able to come back and say that that is not true and that the same number of year 10 teachers will be in schools if there is the same number of students next year as this year under the same staffing formula. If, however, the information is correct, this government stands condemned and would stand condemned if it introduced this particular provision given that students at 15 years and 16 years are, as the minister has acknowledged, generally in year 10 but sometimes in year 9, and at the same time we were actually reducing the number of year 10 teachers across the state.

As I said, I hope that is not true. I am sure the Australian Education Union would not keep quiet on an issue like that just because a Labor government had instituted the change. I am sure that it would be out there fearlessly belting hell out of the Labor government if that was the case, because the unions are there to stand up for their members fearlessly, whether or not it is a Labor government or a Liberal government. So, as I said, I hope that the information provided to me is not correct.

In relation to the resourcing of schools, this issue was raised by the member for Unley but not answered in the House of Assembly, and it must be answered in the Legislative Council before the legislation can be passed, and I refer to a situation where the minister exempts a particular student or a number of students from a school. Let us say that at Christies Beach High School the minister exempts 25

students because they are going to be in full-time employment, or for whatever reason—and, obviously, those reasons will be a key question that will be explored in committee. As I understand the provisions in the legislation, those 25 students have to attend to enrol under another section of the act, but they can be exempt from attendance at school under certain conditions.

The important thing for secondary schools—and, again, I am surprised that I have not heard the AEU out there loudly raising this issue—is whether the schools will be staffed on the total student numbers, including those who have enrolled but have been exempted completely. The minister in her response was a bit cute. She said, 'We have always had part-time enrolments', meaning that people can be in part-time study and part-time enrolment at, for example, somewhere such as a university or a TAFE institute. The question that specifically needs to be answered is: if somebody has been given a complete exemption but they still have to enrol at the school, will the staffing provisions for that school include those students?

That is an important issue, because other issues then flow—whether they are raised in committee or in debate—about whether the schools and the teachers would have some sort of ongoing monitoring role of these students who might be enrolled but not at their school. How that is to be done will be a challenge, but if a student is enrolled at Christies Beach and has an exemption because they have a job at Elizabeth and they might happen to be living half way in between—at Thebarton, or wherever—will it be the responsibility of the teacher at Christies Beach High School to ensure that that student has complied with the exemption—conditional exemption, perhaps—that they have been given to continue to work at the particular employer's place of work at Elizabeth? Again, that impacts on the resourcing requirements for schools.

It may well be that, if the schools are resourced for those 25 students who might be enrolled but not at school because they are all attending a TAFE institute, you have a situation where the school is resourced for those 25 students and the TAFE institute has to be resourced for those 25 students because they are doing a full-time course at TAFE as well. That is why the industrial agreements with the AEU on these issues are important and will have to be clarified before, in my view, the Legislative Council approves this legislation. These matters are part of this particular policy issue and need to be resolved before any government heads down a particular path of supporting it.

The other issue that needs to be clarified is the exemptions. Will they be exemptions only from the minister herself, or will they be delegated to any level within the department and, if so, to what level within the department?

There is another issue which was not clarified. The minister indicated that she would contemplate a possible change to the legislation between the House of Assembly and the Legislative Council. In the amendments that have been circulated I cannot see that that has been taken up. It may well be that the minister considered it and rejected it. The issue relates to a potential fine for a third party. In other words, who is responsible if the conditional exemption is not followed through by the student? The minister made it clear that it would not be the student who was responsible, on the basis of the student being 15, but if an employer is to be fined the question is: what happens if the employer is not aware of the conditions that apply to his or her employment of that young person?

That is a reasonable question: should an employer who is not provided with all that information potentially face a fine for something that he or she is not aware of? That can be the case, because young people, increasingly, because of part-time employment, are not just employed by one employer. Members in this chamber will be aware of many young people—either their own children or friends of their sons and daughters, or grandsons and grand-daughters, depending on age—who have two and three part-time jobs at the one time so they have two and three employers. Frankly, one employer might not know that their employee is being employed in one or two other positions, for a variety of reasons.

The Hon. T.G. Roberts: Until they offer them overtime.

The Hon. R.I. LUCAS: I am aware that the Hon. Terry Roberts has some knowledge, from the recent past, of the employment practices of young people. So, for a variety of reasons, young people might not indicate to one of their employers or all of their employers that they are also being employed by other employers.

So, there are practical issues that have to be resolved. As I said, I think these are probably better explored in committee and, therefore, I will leave some of the more detailed questioning of the clauses for committee, but I did want to put on the record those half a dozen more significant issues to see whether or not the minister and her advisers are in a position to be able to provide some information to the council to assist, I hope, a not-too-long consideration of the bill in the committee stage.

The Hon. G.E. GAGO: I rise to support this important bill, which seeks to amend the Education Act 1972, which currently requires students to remain at school until they turn 15 years of age. The bill before us would ensure that, from January 2003, students would be required to remain at school until their 16th birthday. This bill shows us a government which is not afraid to make hard decisions and which is prepared to take the action needed to improve social and economic outcomes for young South Australians. This bill provides an important step towards this end. I understand that this issue has twice been before parliament unsuccessfully, and I am proud that the longstanding commitment of the Labor Party to raise the school leaving age has produced this bill, with the potential to produce far-reaching benefits, and that it was presented in the other place within the first 100 days of our new government. I am also pleased to acknowledge the important contribution that the former leader, the Hon. Carolyn Pickles, made towards this most important bill.

I am sure that not one of us here would fail to acknowledge the enormous changes occurring in our labour market and how ruthless it can be for those it leaves behind. We have shifted from heavy reliance on large numbers of unskilled jobs, blue collar, manufacturing and primary industry work to a time when much higher skill levels are required, with a strong dependence on information and communication technology and those associated services. This has resulted in employers seeking higher and higher basic educational qualifications from their prospective employees. No doubt we will see this trend of rising educational qualifications continuing throughout the foreseeable future, and therefore increasing the school leaving age is a very sensible and responsible step for the government to take.

As has been noted by previous speakers on this topic—and there have been many—in the past, most students leaving school at age 15 stayed at least until year 10. However,

changes to early childhood education and the associated increased flexibility in school commencement age mean that many 15 year olds are now leaving school at year 9. A responsible and caring government can quite simply not sit on its hands and watch this hopelessly inadequate situation continue to occur. We must invest in our young people; we know that they are our future. We are all well aware of reports that show that, the earlier a person leaves school, the more limited the employment and career opportunities for them tend to be. The latest transition from education to work statistics, which have been quoted in another place, show that those with a certificate level 1 or 2 qualification have an unemployment rate of only 3.3 per cent; those with a year 12 qualification have an unemployment rate of 8.5 per cent; whereas those whose highest level of education is year 10 or below have a 12.7 per cent unemployment rate—over four times higher than that of a person with a certificate level 1 or 2 qualification.

I am sure that all of us here would agree that, although it would be preferable to achieve a zero unemployment rate for all, it is important that we target the most vulnerable areas and take active steps to turn this around. The government has a responsibility to ensure that our children have a decent future, and this bill sends a clear message that we accept that responsibility by raising minimal educational standards. Some would argue that we should be establishing a set of minimal competency standards rather than setting an age limit for school leavers, and indeed there is some merit in that argument, but at present we quite simply do not have the infrastructure in place to be able to accommodate that. Perhaps that is something we consider at a future time. In the meantime, we cannot sit on our hands, and we must take steps to improve opportunities and future outcomes for our young.

I understand—and I agree with my colleague—that the figures on the number of young people involved are not particularly clear. However, the figures that have been quoted are that, as of March 2001, there were 20 500 15 year olds in South Australia, 95 per cent of whom were enrolled at school, 1.5 per cent of whom were in full-time employment, and 1.7 to 3 per cent of whom were either unemployed—although some may have been employed in part-time or casual work—or not enrolled in school or training. This equates to somewhere between 350 to 630 15 year olds not at school. There are many reasons why some of these might have been exempted from attending school under current arrangements, such as psychiatric, intellectual or learning difficulties; caring for another; pregnancy; job seeking; or education at home, just to mention a few. However, it would still appear that there are simply too many slipping through the cracks.

This bill is not simply about forcing those students to stay at school when they wish to leave. We are aware of how potentially disruptive and damaging this could be to the individual involved, classmates and teachers. This bill is designed to make sure that teachers do not spend all their time trying to keep 600 or so unwilling students within the system at the expense of other students. Retaining students for the sake of retaining them is quite simply a waste of resources and potentially damaging to all. There is little point in forcing a system on a student who finds the system already completely inadequate in meeting their needs. New educational opportunities need to be offered in a way that can be tailored to meet individual needs and requirements.

The bill provides for alternative programs to be put in place to offer individual learning programs for these students. They will be able to enter into specific learning contracts, which will enable them to undertake further education through, for instance, vocational training programs, apprenticeships and traineeships. We will build onto innovative programs such as the one the minister for education, the Hon. Trish White, recently launched—the Training and Technology for Tomorrow (T3) scheme—a school based traineeship which enables year 12 students to gain a level 2 certificate in automotive mechanical vehicle servicing, involving on the job training and work skills while completing year 12. Those 15 year olds who will be required to complete an extra year at school will be offered alternatives to traditional classroom delivered education if they so wish. However, this bill will ensure that they remain enrolled with a school and that they continue to participate in some form of structured learning environment until the age of 16.

School and education are of course about more than just learning: they are also about developing social skills and values. The consequences of failing our young are far reaching. There are many reasons why a young person decides to leave school early: learning or behaviour problems, a lack of parental interest and poor family values around education, illness, disability, a requirement to provide care for another family member, inflexible curriculum development and rigid school structures are just a few. We also know that school leaving age is linked with the socioeconomic status of the family. The lower the family income, the greater the chance of leaving school early. However, the social and economic cost of failing to address this issue is enormous not only to the individual but also to their family and the wider community. The cost includes aspects such as chronic unemployment and the associated welfare provision. There is also a nexus with problems such as vandalism, criminal activity, drug abuse, poverty, poor health and homelessness, to mention a few.

At the time when my parents left school clearly many job opportunities were available to them, and it was not so important that they made the right choice at school leaving time. When I left school things were a little bit tougher, however; you were still able to get into work but it often took some time to get into a chosen field. However, today things are even tighter again, and the decisions that young people make early in their lives often lock them into a pathway in life that can be very difficult to change. Opportunities are obviously fewer overall. It is important that we give young people every chance to maximise opportunities for themselves so that they are in the best possible position to succeed in life and the area that they choose for themselves.

Many parents have spoken to me about the implications of raising the school leaving age. Most support the proposed changes. However, some believe that it should stay the same while others, in fact, believe that the school leaving age should be raised to either 17 or 18 years, as it is in some overseas countries.

These parents gave me many reasons for not supporting an increase in the school leaving age. Those who expressed cost as an issue soon, however, concluded that, even though it is expensive to keep their child at school, it would be even more expensive in many—and often far-reaching—ways to allow them to drop out. However, one of the most common statements from both the parents of children who left school early and those whose children had chosen to remain at school was that children need a reason to stay at school—a reason that they can understand and is meaningful to them and engages them. The government accepts this, and it has considered these implications in this bill.

The government sees increasing the school leaving age as only one step in its commitment to improving opportunities for our young, unlike the panacea that we were accused of by the Hon. Rob Lucas, the previous speaker on this issue. It is only one step, and we have never tried to resile from that. We are all aware that not all children are academically inclined, and it is imperative that the enormous strides already achieved by many schools in relation to innovative and creative expanded curriculum structure continue into the future. Schools need to be supported to continue to develop and implement measures to keep students at school by providing them with options more suited to their individual leanings. The broader the educational opportunities to which a student is exposed, the greater their capacity to participate and therefore contribute in the wider community.

Although every attempt will be made to support students to gainfully complete their schooling, the provision of an exemption, as exists under the current act, will continue to be provided for those students who face special circumstances and require individual consideration. The minister (Hon. Trish White) has given a commitment that the exemptions 'will not be a rubber stamp' and that the government will not accept schools misusing exemptions or, for that matter, suspensions and exclusions of students to avoid supporting their educational needs.

This is of concern, particularly given the latest report which shows an increase in the number of students being suspended from public schools. This resulted in a total (and I am just aghast at this) of 3 808 students being suspended in term 2 last year—an increase of 929 students. That is more than a 30 per cent increase in one term. It is also alarming to note that males, students with a disability and students on school card benefits continue to be over-represented in this group. The good news is that the number of students excluded decreased slightly—by only 20 or so—during that period.

The government is aware that, in imposing a new obligation on students, parents and teachers, there is a reciprocal obligation for the government to provide the support necessary for that obligation to be discharged. The government is also proposing to improve counselling and one-on-one support services to assist students to plan a career path and to provide back-up if they need it along the way. The government will also ensure that programs will be targeted to those schools where high drop-out rates occur. However, the government is realistic about the potential of this bill. It does not believe that it will provide a panacea for all students who are reluctant to attend school. This bill must be seen in conjunction with other government initiatives, such as the important work of the task force on absenteeism, and also the review of retention rates in schools that is being conducted by the Social Inclusion Unit. The government has a multi-faceted approach to ensuring better outcomes for young South Australians.

It is pleasing to note that the task force tackling student absenteeism—and the rates are appalling at the present time—has already met and commenced its work. It has a very challenging job ahead given that the latest report shows that more than 12 000 government school students miss at least one day of school a week. I understand that almost four in 10 of these absences are unexplained. It is also of deep concern that, although girls have a slightly higher absence rate than boys, boys are absent due to suspension or exclusion four times more often than female students, and that is of great concern.

It will be the role of the task force to consider all aspects of absenteeism, including international trends and developments, and to come up with innovative and effective solutions to the problem. I understand that this is the first time that such an intensive effort has been attempted to address this issue. I think that is a very sad indictment on the previous government. I wonder whether this is one of the reviews about which we hear the opposition complain so bitterly. All I can say is that, if the former government had bothered during its eight years in government to do something about improving these figures, we would not be in a position where we are actually required to conduct these reviews and clean up its mess.

As with the introduction of any new initiative, adjustments will no doubt need to be made, and the government accepts this. This bill will not solve all the problems surrounding our young people. Nevertheless, it is an important first step in the right direction. In making this commitment to our young people, the government has taken on an important challenge. This bill is about setting a new standard and creating a new expectation not only for young South Australians but also for parents, teachers and the community at large. When we invest in education, we are really investing in something which endures throughout our whole life. It can never be taken back or lost, only built on and developed over time. I urge honourable members to support the bill.

The Hon. CAROLINE SCHAEFER: My contribution will be quite short, because I addressed this issue in my address-in-reply speech. I would be very surprised if anyone was opposed to this bill. However, like the Hon. Rob Lucas, I am somewhat lack lustre about it, because I think there was an opportunity to be a little more lateral thinking in our attitude to school retention and, indeed, education as a whole.

The Hon. M.J. Elliott: I think it is the worst way to do it, actually.

The Hon. CAROLINE SCHAEFER: I believe that it moves back some 15 years. Contrary to what the Hon. Gail Gago has said, I chaired a complete review of the Education Act. I was the only member of parliament on that committee: the other members all had academic and educational expertise, many of world standing. I thought that the recommendations of that committee were quite visionary. We had a vision of seamless education and whole-of-life education, where there was less compulsion for a student to attend school five days a week at any given age or stage than there was encouragement to learn over a period of time. That may have included two days a week learning by distance education at home, two days a week at, if you like, a traditional school, and another day a week in some training institution, or any combination. We had a vision of junior students being able to float between preschool and more traditional school; and, similarly, the senior students, as I say, being able to attend school—certainly report to a school—and be educated in ways that are more specific and more interesting to them.

I query whether compelling people to stay at school until 16 as opposed to their sixteenth year (that is, 15) will really make much difference. It seems to me that the people who drop out at either 15 or 16 do so for a variety of reasons, many of them economic and/or cultural, and that certainly compelling people to stay at school will do nothing for truancy. Those who drop out at that age do so for all sorts of very sad reasons, but I query that compulsion is the way to go. As I say, I am not opposed to this bill, I just think that it has missed an opportunity to look at some more innovative

ways of encouraging people to want to learn at a more senior level.

I do not believe that this will give those people any better opportunities. As I said in my address in reply speech, many people are not academically inclined and are therefore less than enthused about staying at school any longer than they have to. There are increasing numbers of families—for whatever reason—who travel, many times for work. Those students generally access some form of distance education. As we all know, you can go to school anywhere in the world via your computer now. You can be an enrolled student in Washington DC as easily as you can be an enrolled student in one of our suburbs or country towns.

As I have said, while I do not oppose this bill, I find it quite narrow at a time when we could have taken a broader look at education generally. I have been asked to raise what is, probably for many, a minor consideration, and I refer to the old perennial of school buses. There has been agreement, rather than any formal legislation, as I understand, that preschoolers, where there is room, may travel to and from preschool on a school bus. It has been raised with me that this issue has not been addressed. If the retention of senior students at one end continues, will there still be room for those preschoolers to attend when they wish? That is probably an issue that needs to be addressed well outside this bill. Indeed, it is time that all of us looked at what we want in respect of preschool and whether or not it should be compulsory. My personal view is that it should not be.

However, if we are encouraging people to send their children to preschool for two or three days a week, then I believe that we are obliged to provide some way for that to practically occur. I support this bill but, as I say, more as a small step—as the Hon. Gail Gago said—than because it offers much of a solution at all.

The Hon. DIANA LAIDLAW: I am keen to participate in this debate. Perhaps I can start now—even though I am not on the list—and then seek leave to conclude my remarks later. As I was listening to the contribution of the Hon. Rob Lucas earlier, I remembered that I had spoken on this very matter of participation at school and university some time ago. According to *Hansard*, I spoke on this subject of retention rates at school in my maiden speech on 15 December 1982, and I highlight that point because when one gives a maiden speech you tend to talk about things that you feel passionately about and issues that you wish to contribute to in making a change for the better. You also talk about some idealistic things that you wish you had never even advanced when you look back in terms of reflection—

An honourable member interjecting:

The Hon. DIANA LAIDLAW: I have been told by the Hon. John Dawkins that I should speak for myself, and I am speaking for myself on this occasion. I am most interested in the statements that I made on 15 December 1982 because I feel equally strongly about them today and, in part, they are addressed in the bill that the government has introduced to this place. In 1982, the nation had recently received the Williams Committee Report on Education, Training and Employment, the Myers Committee Report on Technological Change in Australia and the Keeves Committee Report on Education and Change in South Australia; and all those reports effectively were in agreement about the connection between long-term economic and social prosperity and the development of our community, and the provision of adequate and appropriate education and training.

In addition, they all remarked on the very poor enrolment and participation rate in Australia at that time compared to our trading partners in Japan, the United States, Great Britain, Switzerland and Canada—indeed, across the OECD countries. What I think is important in terms of the debate is not only that we must do the best at all times by our young people and invest our money, time and care in their education but we must look at giving them reason to stay at school for as long as possible for their self-esteem and future job opportunities and for the flexibility and learning that is required to deal with a very rapidly changing world.

One of the concerns I have about people leaving school early is not the fact that they may be under resourced in terms of their education but I think that they are also under prepared mentally to make some of the emotional adjustments that they will be required to make throughout their life in a very rapidly changing world in terms of relationships and employment. I would like an opportunity to read a little more about the learned things I said in 1982 and reflect a little more on other matters that I would like to add to this debate tomorrow, but at this stage I indicate my full support for the government in introducing this measure. I indicate that, in giving that full support, I will remain diligent in terms of the pressure on the government to ensure that the children who remain at school because of this measure see that they have reason to remain and that there is purpose for their remaining because the education that they are receiving while they stay longer at school is adequate to their needs now and for the future. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

GAMMON RANGES NATIONAL PARK

Adjourned debate on motion of Hon. T.G. Roberts:

That this council requests Her Excellency the Governor to make a proclamation under section 43(4) of the National Parks and Wildlife Act 1972 to vary the proclamation made on 15 April 1982 constituting the Gammon Ranges National Park to remove all rights of entry, prospecting, exploration, or mining pursuant to a mining act (within the meaning of the National Parks and Wildlife Act 1972) in respect of the land constituting the national park.

(Continued from 8 July. Page 403.)

The Hon. M.J. ELLIOTT: On behalf of the Democrats, I support this motion. It is one which is long overdue. The Gammon Ranges is an area which I think is pretty special, although I might add that I think there are some other places around this state equally so. It is an area that I visited before the mining proposals had emerged, and in fact for at least the past 10 years I have had a photograph of Balcanoona Gorge, which is directly adjacent to the proposed mine site, in my office. So I think that the area is sufficiently special. As I said, I have had a large photograph in my office for the past 10 years. It is time that we looked beyond what is a knee-jerk reaction—waiting until after someone has a proposal to mine—before we offer protection.

In my view, we are long overdue for a review of the complete national park system. There is no question that there are other areas in other national parks which currently do not enjoy protection and which are ecologically highly significant. At this stage, there is a real possibility that at some point a mining company could go in and we could then suddenly find that there is a clash of interests between the mining company and the ecological values.

I think it may also be equally true that there are some parts of our national park system which enjoy total protection and

which may not be as ecologically significant as some of those that do not. Those who know the history of the national parks know that some of our parks are very old; in fact, Belair National Park, as I recall, is the third oldest park in the world and the second oldest in Australia, although the idea of a national park in those days was pretty broad, and even today we still see the consequences of that: within the park there are tennis courts and a golf course, although those are more recent.

Nevertheless, the Belair National Park still contains areas in its eastern and northern parts which are ecologically significant, and even some of the downgraded parts—

An honourable member interjecting:

The Hon. M.J. ELLIOTT: Some species have returned. For example, the bandicoot, which had been missing from the park for a long time, is now slowly spreading through the park, although at the same time, as I recall, one bird species has just disappeared from the park and perhaps from the Mount Lofty Ranges as a whole. Some parks have been with us for a long time, but the overwhelming majority, in terms of area, have come into the system probably only in the last 20 to 25 years, and almost all of those have come in under what is called joint proclamation, under which mineral exploration, etc., has been envisaged.

As I said, not only is it quite possible but it is also a fact that there are some parts of these areas which are under joint proclamation and which are ecologically very significant, for example, the Coongie Lakes. That is an area of wetlands subject to several international conventions and every bit as significant as the Gammon Ranges park but, at this stage, it is on the whim of the minister as to whether or not there can be mineral exploration.

Recently, in the last parliament, approval was given to mineral exploration in Yumbarra which, in fact, was not under joint proclamation. However, this parliament, to its shame—or should I say the government with the help of two Labor defectors—enabled that mineral exploration to take place in what is probably the ecologically most diverse location in the whole state. There is no other park that has more bird or reptile species, etc., than the Yumbarra area—and there are a number of reasons why that is true, but I do not need to go into the right now. And that is on the basis of inadequate biological work. Very little work has been done, yet greater diversity has already been shown in the Yumbarra area than in any other park in the state. Now that roads have been cut in, there is already evidence of feral animals—cats and foxes—and weeds, all of which was predicted but people chose to ignore.

I return to my point in relation to this motion. I am glad that it is being passed, but it is a piecemeal approach to our national parks. We should be undertaking a review of our total national park system and asking the question, 'Are we giving sufficient protection to areas which are ecologically important and where there are endangered species? On the other hand, are there some parts of the parks which perhaps enjoy full protection and which perhaps are not so significant and whose level of protection might, in fact, be lowered?'

It seems to me it is far better to do it that way than in an ad hoc manner, where you wait until a miner comes along—and in some cases spends a lot of money—before you decide to go one way or the other. I think the decision has to be made prior to that event, which is fair not just to the environment but also to investors.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

ADJOURNMENT

At 5.51 p.m.the council adjourned until Wednesday 10 July at 2.15 p.m.