LEGISLATIVE COUNCIL

Thursday 25 March 2004

The PRESIDENT (Hon. R.R. Roberts) took the chair at 11 a.m. and read prayers.

STANDING ORDERS SUSPENSION

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers and question time to be taken into consideration at 2.15 p.m.

Motion carried.

GENETICALLY MODIFIED CROPS MANAGEMENT BILL

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. IAN GILFILLAN: I move:

Page 3, after line 9—Insert: Court means the Environment, Resources and Development Court.

That is the court to which appeals can be directed. I would like to make a couple of observations that will be relevant to some of the other matters that will be raised in the committee stage. My amendment dealing with appeals will come up later in the committee stage. I would like to read the media statement of the Premier of Western Australia, the Hon. Geoff Gallop. It is entitled 'Western Australia to be GM free' and it is dated 22 March 2004. It states:

Genetically modified food crops will not be grown in Western Australia. Premier Geoff Gallop announced this morning that the entire state would be legally declared a GM free area in order to protect the state's 'clean and green' status. Western Australia's agri-food sector currently contributes $9.2 billion to the state's economy and employs 10 per cent of the work force.

Dr Gallop said, 'The decision would ensure the state's farmers were able to continue marketing GM-free produce and seek out new markets with confidence. The cautious approach was also reflective of overwhelming public opinion in WA and consumer sentiment around the world. This government was elected on a platform which included a five-year moratorium on the growing of GM food crops for commercial purposes', the Premier said. During the past three years, public opinion in WA has further strengthened against the intrusion of GM technology into the food chain. Farmers and consumers have told us, in no uncertain terms, that the priority must be to maintain our hard earned international reputation of supplying clean, green produce. At some point in the future an overriding argument to embrace GM technology in our food production may emerge, but for now we remain cautious and protective of our important overseas markets.

I will repeat that paragraph because to a large extent it identifies the position of the Democrats in this whole issue, and I will comment about that later on. It states:

At some point in the future an overriding argument to embrace GM technology in our food production may emerge, but for now we remain cautious and protective of our important overseas markets. The Premier said WA was not turning its back on scientific research and would continue to be involved in important biotechnological projects.

'There remain many unanswered questions over the use of GM technology and our decision will continue to allow contained laboratory research or small field trials', he said. WA's legislation allows for possible exemptions to be granted in the future. The current national agreement gives the commonwealth the power to regulate on health and environmental grounds and allows the state to ban GM crops for marketing purposes'. Dr Gallop said there was bipartisan political support in WA for the government's approach to the GM issue as reflected by the recent passage of the GM Crops Free Areas Act 2003—

I repeat: bipartisan political support—

A parliamentary report completed last year also expressed serious concern that WA's reputation for clean and green GM-free products should not be tarnished.

I think that all members will find that interesting, particularly members of a fellow Labor government, and I must congratulate the Premier of Western Australia for expressing very lucidly what I think is the right balanced approach of any state government currently in Australia.

I will also make an observation about some inferences in this morning's media that this opposition was politically motivated. It sickens me to see those who are so gung-ho to push GM technology down our throats that they resort to belittling the ethics and morality of those of us who are taking the cautious line that we are. I want to deny categorically that I am playing any political role—the Democrats are not playing a political role—in our efforts to protect South Australia from being contaminated by GM crops well before the science, the markets or the consumers in our own state are ready for it. With those remarks, I look for support for my first amendment.

The Hon. NICK XENOPHON: I endorse the remarks of the Hon. Ian Gilfillan. I, too, share his very grave concerns about the potential contamination of GM crops on our state's clean and green image. I indicate at the outset that I will also be moving a series of amendments. However, in some respects, some of those amendments are fallback amendments if the Hon. Ian Gilfillan's amendments are not successful. I want to make it clear, and have it on the record, that by and large I support the Hon. Ian Gilfillan's approach of having, for instance, an absolute moratorium and the appeal mechanisms; so, my amendments should not be seen as a preferred position but rather as a fallback position.

I am hopeful that a number of the Hon. Ian Gilfillan's key amendments—particularly on issues of liability, a statewide moratorium and a five-year period for a moratorium—are successful. I hope that this government, and indeed the opposition, takes heed of the bipartisan approach of the Western Australian parliament in dealing with the issue of GM crops. They have an approach to preserve their clean and green image. If, down the track, the benefits are overwhelming for GM crops, if the health and scientific evidence is absolutely crystal clear that there is not a risk to public health, then so be it. Why rush into it?

The Hon. P. HOLLOWAY: Most of the arguments given by the two members really have little to do with the amendment before us. The very reason we have this bill is so that there will be no commercial introduction of GM crops in this state for at least three years—that would be the effect of the passage of this bill and the associated regulations that would flow from it. However, that is not the amendment that is before us now. I do not think that anyone is debating whether or not there should be some delay in any commercial introduction of GM crops until appropriate mechanisms are in place.

What we are debating with this amendment, which will flow on to a later amendment, is whether there should be appeals and whether those appeals should go through the Environment, Resources and Development Court. In relation to the question of appeals, which we will deal with later, I have spoken to my colleague the Minister for Agriculture, Food and Fisheries and he is prepared to consider the

question of appeals. I think it is reasonable that, with most government decisions, there should be some level, at least, of accountability for ministers who make those decisions. He is prepared to consider that between the houses as to what would be the appropriate approach. We have to be very careful in relation to how we do that. However, what we can say absolutely is—regardless of whether or not there should be appeals and what those appeals should relate to—that the court that should hear those appeals should not be the Environment, Resources and Development Court.

We have to go back to the basics of the bill and the whole gene technology arrangement that exists in this country. Under that arrangement, the commonwealth—through the Office of Gene Technology Regulator—issues licences, having considered the health and environmental grounds of any GM crops. States, under the framework that has been set up, can regulate crops only in relation to market issues. That is why, to bring the ERD Court in, is really a spurious argument. I cannot understand why the Hon. Ian Gilfillan is doing it. He is trying to bring the environmental aspect into this debate. Whether or not we like it, and regardless of whether or not we think it should be the case, the fact is that it is not under the gene technology framework that exists in this country.

The government does not believe that it should delude anybody. We can only regulate GM crops on the basis of their marketing issues—they are the only constitutional grounds on which we can do that. We wish this bill, when in place, to be effective and to achieve the objectives we want, so that is why the government will oppose this amendment. The bill is clearly focused on marketing, as it has to be, so the relevance of the ERD Court is really not one we can accept. Not only does the ERD Court not service market issues but it confuses the legal position with a commonwealth bill which has the coverage of those environmental issues. That is why the government opposes this amendment.

The Hon. IAN GILFILLAN: I recognise that the contribution by the leader is constructive. I understood that earlier he indicated that the government was sympathetic to the procedure of appeals. Perhaps he has given thought to what would be the appropriate body to hear the appeals, and I will give him the opportunity to say that in a moment. I also say quite clearly that, having got off my chest a couple of observations earlier in the committee stage, I congratulate the government and both the former and current ministers—they really have shown some energy and determination to move the debate in a way which I support and others who agree with me support so that this is not a committee stage of aggression but instead a committee stage of cooperation. There are certain areas that we would possibly want to push and persuade the government to take into its current legislation but, as we indicated before, we hope we will be supporting an amended bill, because it is critical to providing the barrier to premature planting of commercial GM crops in South Australia.

The Hon. CAROLINE SCHAEFER: The opposition will not be supporting the amendment for the reasons already outlined by the minister. This is a bill about marketing, and marketing only. It is inappropriate that an appeals mechanism be sent to the Environment, Resources and Development Court. However, as a matter of principle, we would support the right of appeal, in some form—to make that possible in all pieces of legislation. Like the government, we would be prepared to look at an appropriate appeals mechanism when the bill pauses between the two houses, but we will not be supporting this amendment.

The Hon. P. HOLLOWAY: Unfortunately, we have not had time to develop an amendment. In my brief discussions with the minister, I think he is sympathetic in principle to the idea of having some sort of mechanism; he would just like the opportunity to examine that in more detail. Appeal mechanisms do have a number of implications.

It would be appropriate, I would have thought, to get some legal advice in relation to that. So, I can give the undertaking that, between the houses, the minister will look at that and, if necessary, it can come back here. However, at this stage, we would not support it in the form in which it is proposed, but the minister and the government, I can indicate, are sympathetic to putting some provision in place that will allow appeals.

Amendment negatived.

The Hon. IAN GILFILLAN: I move:

Page 3, line 25—
Delete the definition of designated area and substitute:
designated area means—
(a) the area designated by section 4A; or
(b) an area designated by regulation under section 5;

And paragraph (b) refers to the current definition. This amendment relates to the extension of the three-year pause which the bill currently holds to five and which would match the Western Australian legislation. With this amendment I am referring to proposed new clause 4A, which amendment I will move a little later.

The Hon. P. Holloway interjecting:

The Hon. IAN GILFILLAN: Well, I can do that now. Mr Chairman, it has been suggested—and I think that it is probably sensible—that I refer to the new clause, which I will be moving. That amendment provides:

(1) In order to preserve the identity of all food crops within the state for marketing purposes for a period of five years after the commencement of this act, the whole of the state is, until the prescribed statutory date (but subject to subsection (3)), designated as an area in which no genetically modified food crops may be cultivated.
(2) Subject to subsection (3), a person is guilty of an offence if the person cultivates a genetically modified food crop in contravention of subsection (1).

The CHAIRMAN: The Hon. Mr Gilfillan is not moving that amendment at the moment: he is just referring to it.

The Hon. IAN GILFILLAN: Yes. I have been asked to do that, and I think that it is appropriate.

The CHAIRMAN: I agree.

The Hon. IAN GILFILLAN: Subclause (3) of my amendment actually spells out that there can be some exemptions. The exemptions, without my reading them, would be for certain specific plantings and also the removal of material which has either inadvertently escaped or deliberately been allowed to escape and which is to be recovered. Subclause (4) of that amendment provides:

A regulation cannot be made. . . unless the Governor is satisfied the activity to which the regulation relates will not adversely effect the preservation of the identity of food crops within the state that are not genetically food crops for marketing purposes.

In other words, that would be a restraint on exemptions which could be shown to be putting at risk the integrity of non-GM food crops. So, in essence, this clause would extend the pause time from three to five years, and I will take the success or otherwise of this amendment to indicate that.

The Hon. P. HOLLOWAY: It is appropriate that we use this as the test clause for proposed new clause 4A which the

Hon. Ian Gilfillan is introducing. The government cannot support new clause 4A. This, of course, effectively brings in a five-year moratorium on the introduction of GM crops. The government's bill effectively restricts any commercial introduction of GM crops into this state for a period of three years. The reason that we have chosen three years is as I outlined to the council in my closing remarks the other day.

Really, there are two reasons why a review period of three years was proposed in the act. The first reason is that there is a mandated review of the Commonwealth Gene Technology Act 2000, which must be tabled in the federal parliament by September 2006. There has to be a major review of the commonwealth legislation, which is the centrepiece of the whole gene technology management framework within this country. Quite possibly, this review could go as far as considering market issue assessment as part of the operation of the Gene Technology Regulator, with clear implications for the state act.

I have made the comment in this parliament on a number of occasions that I find it rather curious that, under the gene technology framework that we have in this country, responsibility for health, environmental issues and GM crops is that of the commonwealth, even though the states have significant and, probably, greater expertise than the commonwealth in matters of environment and health. But, conversely, in relation to market issues, the states have responsibility, whereas it is the commonwealth that has a huge network of foreign affairs offices and trade agencies throughout the world that puts it in a position to assess trade issues.

So, I think that it is probably reasonable to debate whether the current level of responsibilities between the commonwealth and states in this area is the right one. But, nevertheless, that matter is being reviewed. The Commonwealth Gene Technology Act 2000 is being reviewed, and that will be tabled by September 2006, and it could have significant changes. That was why this bill had a three-year period within which we said there should be no commercial growing of crops. That would cover the period in which this major review of the commonwealth act occurred.

Secondly, we also have the New South Wales Moratorium Bill expiring in March 2006. As one of the nation's largest grain-producing states, if New South Wales were potentially to deregulate GM cropping (because the bill has a sunset clause; the bill just expires then) that may well have some consequences that would need to be addressed in any South Australian legislation. I believe that the question must be asked: what benefit would be gained by having a five-year period rather than a three-year period? If, after the reviews of these acts, we decide to extend the period, we have the opportunity to do so.

There is nothing at all that would prevent, in three years, the provisions in this bill from being extended if it were deemed necessary to do so at the time. The three-year period was chosen carefully to take into account that major review of the commonwealth act and, also, changes likely to occur in other states, particularly New South Wales. New clause 4A, which implements a single whole of state moratorium, obviously, is very appealing to those who would wish to prevent any growing of GM crops. Why not do it, is the obvious question. Well, the fact is that a serious legal risk is involved.

If the declaration of zones in aggregate would preclude the cultivation of GM crops in South Australia, there is a real risk, according to the legal advice provided to the government, that a court might decide that the scope of prohibitions was so widespread as to amount to a repudiation of a national regulatory scheme and, therefore, fall outside the intention of the Commonwealth Gene Technology Act 2000. Perhaps crown law advice to this state is somewhat more restrictive than the advice given to other states.

Nevertheless, all this government can do is to act on the advice available to it, and its advice is that there is a serious risk that any legislation, if it were to be challenged, could be declared invalid if we had declaration of zones that an aggregate would preclude any cultivation of GM crops. The argument could be seen as going against the provisions of the commonwealth act, and we all know that section 109 of the constitution says that if there is any conflict between commonwealth and state laws the commonwealth law properly legislated has priority. We have been mindful of that legal issue and that is why we have chosen the method we have. It is on those grounds that we would oppose the introduction of new clause 4A. However, I again remind the parliament that the impact of the government's legislation will be that there will be no commercial introduction of GM crops in this state for at least three years. We are going about it with a different method. If we wish or need to extend that period after these other reviews of the commonwealth act have continued, we will have the option of doing so at the time.

The Hon. CAROLINE SCHAEFER: The opposition also opposes the amendment. I remind the committee that this is a marketing bill and is subject in all other matters to commonwealth legislation. I also remind the committee that this bill has been in the making for at least two years. Much of the discussion took place prior to that, so effectively we have had a moratorium for two years at least. This will take us through to another three years. If marketing issues have not been resolved within that time, if our international markets still do not want to purchase GM material from Australia, and South Australia in this case, we will simply roll over that time at the mandatory review of the act in three years, so I see no practical reason to extend that time to five years at this stage and we will not support the amendment.

The Hon. NICK XENOPHON: I support the Hon. Ian Gilfillan's amendment. In relation to comments made by the minister about the legal advice obtained—and I appreciate the minister's frankness in relation to it—it is worth making the observation that, on another issue important to this government in relation to the state's clean and green reputation, the government has been going out on a limb, taking every possible legal avenue to fight the introduction of a national nuclear waste repository or dump in this state. It is prepared to fight this matter all the way to the High Court. I wish that there was that same level of enthusiasm in terms of preserving this state's clean and green reputation in the context of GM.

The Hon. P. HOLLOWAY: To answer that latter point, this government is taking this very seriously and using the legal advice we have to make this legislation as bullet proof as we possibly can to any legal challenge. In relation to a nuclear waste dump, there is clearly some debate over the state's powers, and the government's reaction has been, obviously, to push the envelope in relation to what powers we might have. However, it is clear that we have some powers in this area and we are trying to act as far as we can within the powers available to us so the legislation will be more immune to change.

Other states have gone further than we have. Under the legal advice we have, those states' legislation may well not

stand up to legal challenge, but we think ours is in a much better position to withstand a legal challenge, should it come.

The Hon. IAN GILFILLAN: I reinforce that we regard this as a significant amendment. It is a pity that the South Australian government is not prepared to match the Western Australian pattern. I do not want to attribute it to some sort of weak-kneed approach and I understand some caution, but I do not believe we are sending the right signal to markets by shilly-shallying over giving South Australia legislative protection for five years. As the minister argued, it could be extended from three years, but it can also be reduced. If in three years it is patently clear that the continued moratorium or pause is no longer to the advantage of South Australia, it can be revised—it can work both ways. We regard this as a very important amendment and we will seek to divide if we are unsuccessful.

The committee divided on the amendment:

AYES (6)

Evans, A. L.	Gilfillan, I. (teller)
Kanck, S. M.	Reynolds, K.
Stefani, J. F.	Xenophon, N.

NOES (13)

Dawkins, J. S. L.	Gago, G. E.
Holloway, P. (teller)	Lawson, R. D.
Lensink, J. M. A.	Lucas, R. I.
Redford, A. J.	Ridgway, D. W.
Roberts, T. G.	Schaefer, C. V.
Sneath, R. K.	Stephens, T. J.
Zollo, C.	

Majority of 7 for the noes.

Amendment thus negatived.

The Hon. NICK XENOPHON: I move:

Page 3, after line 25—Insert: 'excluded area' means an area designated by section 7A;

For the convenience of the chamber, I indicate that I regard this as a test clause. It sets out a definition of 'excluded area', meaning an area designated in clause 7A. Clause 7A gives three prescribed GM free areas, including the Adelaide Hills and Eyre Peninsula. The city of Port Lincoln should have been included, and I apologise to the people of Port Lincoln for that omission. Essentially, this is a test clause. The definition of 'excluded area' relates to this further amendment in clause 7A, which sets out three areas of the state to be totally GM free, even from trials. The reason for this is the Labor Party's policy position at the last election. The first paragraph of the media release headed 'Labor's plan to ensure safe food' by the Hon. Mike Rann as the Labor leader states:

Labor will ban the growing of genetically engineered food crops in three of the state's prime agricultural belts and launch a full-scale public inquiry into the safety of GE foods.

The next paragraph states:

Labor leader, Mike Rann, has announced his party will move immediately, if it is elected next month, to introduce legislation allowing a total ban on GE crops on the Eyre Peninsula, Kangaroo Island and the Adelaide Hills.

It went on to say, with a direct quote from the Hon. Mr Rann:

We have to be absolutely sure that tonight's dinner doesn't turn into tomorrow's disease.

I will not quote more extensively from that media release, because I have already done so on other occasions. I am just trying to be helpful to the Labor Party and to keep the government to its word at the last election. I urge all members—at least of the Labor Party—to fulfil the very clear, unequivocal election promise to have a total ban on GE crops made by the Hon. Mr Rann, and a very good election promise it was. It did not say anything about a partial ban or a few trials here and there, but a total ban on GM crops for Eyre Peninsula, Kangaroo Island and the Adelaide Hills. So, this is a test clause, and I hope honourable members of the Labor Party will see fit to support their leader in his very explicit promise at the last state election.

The Hon. P. HOLLOWAY: The Labor Party did make some promises before the election, the key one, of course, being to have a major inquiry into the growing of GM crops, which we have had. A House of Assembly bipartisan select committee was set up, chaired by the Hon. Rory McEwen, who was then an Independent and now, of course, is the minister responsible for this bill, and two members from both the Labor and Liberal parties were members of the committee.

The recommendation of that select committee was that there should be two areas of the state (namely, Eyre Peninsula and Kangaroo Island) where the local community should have the opportunity to consider the long-term status of those regions. I was not a member of the select committee, so I can only assume that that unanimous recommendation came out of the advice the committee received from the local communities of those areas. Why the Adelaide Hills was omitted, I am not sure, although I can understand that there might be some technical reasons.

There is no doubt that Kangaroo Island and Eyre Peninsula are quite distinct geographical regions that are quite isolated from other parts of the state, as far as cropping is concerned. Therefore, it would seem to make at least some technical sense that those areas might be looked at differently from the Adelaide Hills. Nevertheless, it was the unanimous recommendation of that select committee which came out of the government's promise and which the government has endorsed. This bill gives effect to those recommendations, even though the Adelaide Hills region was not included, which was the proposal we put up before the election. So, the government will oppose this clause, not just on the grounds that it contradicts the unanimous findings of the select committee but also—

The Hon. Nick Xenophon: What about Mr Rann's promise, though?

The Hon. P. HOLLOWAY: As I said, we promised to have a review, and these are the unanimous recommendations that came out of the review. It is what was suggested after that quite extensive investigation, and it was unanimous from both the Independent and the two major party representatives on the committee that that was the way we should go, and that is what we have endorsed as a result of a very comprehensive and major investigation. I would have thought that we were doing the right thing in relation to that matter.

The other reason why we need to oppose this amendment is that absolutely no duration is proposed for this prohibition. As I understand it, it is apparently an enduring provision that is imposed with no basis, consultation or technical consideration of the impacts on supply chains that may evolve in surrounding areas. I think that would create some difficulties. The government's proposal, based on the advice of the select committee, undertakes a serious examination of the issues through the engagement of people in the areas affected.

What we have said is that those communities on Kangaroo Island and Eyre Peninsula should determine the long-term status of those communities as far as the introduction of GM crops is concerned. If this bill is successful, that will be a

process of consultation that will be undertaken over the next three years. There are no such provisions in the proposal put forward by the Hon. Nick Xenophon, and that is one of the reasons why we will oppose it.

The Hon. CAROLINE SCHAEFER: I can oppose this amendment with a clear conscience since my party made no such ridiculous promises in the first place. However, it will not be the first promise that has been broken by this government. At least in this case, it is a promise broken after some consultation. As often happens at the end of a period in opposition, some statements are made that have no basis to reality when that party has to pick up the responsibility of running the state and a budget.

My views are, in fact, quite contrary to those of Mr Xenophon, as will be seen later in the debate. I propose to move an amendment which would have the opposite effect for Eyre Peninsula, and I will speak to that then. As I see it, this amendment would indeed have the effect of making virtually the whole state bar the Mid North and Yorke Peninsula totally GM free for ever, and I will be opposing that proposition. I believe that a three year pause (as we have been asked to call it rather than a moratorium) gives the state and our customers an opportunity to assess whether or not we want to go forward with GM technology on a broad scale, and I see no need for additional restrictions.

The Hon. A.L. EVANS: I appreciate the comments of the Hon. Paul Holloway, as he explained the reasons why a promise was broken. My question would be: why did they not think of those reasons before the promise was ever made? I think one of the difficulties we have in the political process is that promises are made and broken, and the public begin to get quite cynical of promises—both core promises and non-core promises. You have reasons why promises are made within weeks: you make a promise before an election and, three months later, it is changed. I really think that these things need to be thought through carefully so that the public can regain confidence in our political process.

The Hon. P. HOLLOWAY: One of the fundamental promises made by the government was that we would have a major review. What could be more comprehensive than a select committee? It was a well resourced committee that travelled around the state, heard all the evidence, and looked at all the issues. It was as a result of the select committee that we have adopted a unanimous decision. I can only assume that, as a result of the activities of that select committee, if there had been this groundswell of opinion in relation to the Adelaide Hills, that area might have been included as well; however, that was not the case, and I will give one reason why that might be so. In relation to GM canola, which is the only GM crop we will be dealing with in the next two or three years and the only major commercial crop that might be grown here, certainly plantings of that crop in the Adelaide Hills are relatively small compared with the other major regions of the state, in any case.

The Hon. IAN GILFILLAN: There is every reason to protect the Adelaide Hills, namely, there are a lot of sensitive agricultural industries there, such as dairying and horticulture, both of which are hypersensitive to genetic contamination in the international market. So, there is very good justification. I am not in the least bit persuaded that it is difficult to define the Adelaide Hills. The other thing that I find rather bemusing is this sudden acceptance that a select committee finding is holy writ and cannot be questioned in any phrase, word or interpretation. I point out that this all-powerful, all-wise select committee deliberately avoided having any Democrat or any member of this parliament represented on it.

That was very strange, since we have an opposition that is pretty soft on genetic technology anyway and a Labor Party that does not understand it. The people who had to really put their teeth into it and had legislation before them were ignored. So, to cite the select committee as being the ultimate determinant of what we should be doing in this parliament in this matter I think is rather fatuous.

The Hon. NICK XENOPHON: I will not prolong the debate much longer, but it warms my battered heart to know that I have managed to bring the opposition and the government together, to some degree, on one issue. So, at least I have achieved something today. It was not an either/or promise. It was not that we will have an inquiry or we will have a ban: it was that we will have both. It was a total ban in three of the state's prime agricultural areas.

The Hon. Ian Gilfillan has made the point that the Adelaide Hills is an area of great sensitivity ecologically and in relation to its importance as a prime agricultural area. I can only urge members of the Labor Party to stick with their leader (Hon. Mr Rann) in his promise at the last election. I am sure that they will not be disciplined if they cross the floor on this occasion and support the Democrats, the Hon. Andrew Evans and anybody else in supporting this amendment.

I have one question for the minister. If the only objection is one of timing and that it is an open-ended ban, does that mean that the government is interested in having a total ban for a certain period? I mean 'total ban' in the context of no trials whatsoever. In other words, there is still a moratorium, but it goes beyond a moratorium that allows trials. In relation to my understanding of being true to the spirit of the promise made by the Hon. Mr Rann, is the government prepared to consider a total ban of even trials for areas such as Kangaroo Island and Eyre Peninsula, which are two areas that the government has indicated it will differentiate from the rest of the state?

The Hon. P. HOLLOWAY: Under the legislation, there is scope to permit trials. However, my understanding of the recommendation (and, as I said, perhaps I cannot speak for the new minister) and my intention was that, at least until the three years are up and those committees had determined their long-term status as a GM free region, there would be no GM crops, including trials, in those regions. That was certainly my interpretation. Recommendation 14 of the select committee states:

> The legislation should prohibit a conditional release in an area of the state which may be or has been declared to be a GM crop free area.

That was my understanding. However, I wish to make one final point. Regardless of whether we specifically proscribe the Adelaide Hills or not, the reality is that there will be no commercial GM crops within any area of the state—Kangaroo Island, Eyre Peninsula, the Adelaide Hills or anywhere else—for at least three years. All the legislation allows is that, in the two specific cases of Eyre Peninsula and Kangaroo Island, those committees determine their long-term status in this area some time during the next three years.

The committee divided on the amendment:

AYES (6)

Evans, A. L.	Gilfillan, I.
Kanck, S. M.	Reynolds, K.
Stefani, J.F.	Xenophon, N. (teller)

NOES (13)

Dawkins, J. S. L.	Gago, G. E.

NOES (cont.)

Holloway, P. (teller)	Lawson, R. D.
Lensink, J. M. A.	Lucas, R. I.
Redford, A. J.	Ridgway, D. W.
Roberts, T. G.	Schaefer, C. V.
Sneath, R. K.	Stephens, T. J.
Zollo, C.	

Majority of 7 for the noes.

Amendment thus negatived.

The Hon. IAN GILFILLAN: Amendments 3, 4 and 5 are no longer relevant because of a previous decision, so I will not move them.

Clause passed.

Clause 4 passed.

Clause 5.

The Hon. IAN GILFILLAN: I move:

Page 5, after line 38—Insert:

(c) if a person has a right of appeal under section 6A on the basis of a representation made under paragraph (a)(ii)—

(i) the time within which an appeal may be commenced has expired; or

(ii) if an appeal is commenced, the appeal is dismissed, struck out or withdrawn, or the questions raised by the appeal have been finally determined (disregarding any question as to costs).

I realise that we had earlier discussion to a significant and helpful extent on my first amendment regarding the ERD court being the appropriate court to hear appeals. The Leader of the Government indicated that the concept of appeals did have some attraction for the government and it was inclined to look at that in the time between the passing of the legislation in this house and its transfer to the other house. However, I think that the clause that I am moving now essentially relates to the right of a person to have the right of appeal and, therefore, I think it is reasonable for that, and probably the subsequent amendment, to be passed, because it does not necessarily commit the parliament to the ERD court specifically.

I am not sure whether the Leader of the Government is in a position to make an observation about this amendment at this stage. It links into the whole concept of appeals. I have amendments 11 and 13, but the significant one on appeals is amendment 15. For the purposes of the working of the committee, when the minister is ready, it is probably appropriate to have a broader discussion on the whole concept of whether the principle of an appeal will be accepted into the legislation. Having accepted, quite reasonably, that the court in which an appeal is to be heard is not the ERD court, the issue of whether there should be a right of appeal could be quite properly approved and accepted under this bill.

The Hon. CAROLINE SCHAEFER: I assume that the discussions on the right of appeal will take place between the two houses. For clarity, I would like the Hon. Ian Gilfillan to give some examples of what he believes the appeal process would be—what body he considers would be appealing against what other body and under what circumstances—so that perhaps we can go away and discuss what rights will be inherent in his understanding of appeals or an appeals process under this piece of legislation.

The Hon. IAN GILFILLAN: I thank the Hon. Caroline Schaefer for the question. The minister has certain powers in this legislation to exempt a prohibition and actually authorise the plantings of genetically modified material, and the principle is that people or groups who feel that the effect of that decision would be detrimental to the marketing of their product can appeal, so the appeal would be before whatever body is seen as appropriate. The argument would be that the implementing of the minister's exemption will have a detrimental effect on the marketing of their product. That is, in simple essence, the point of the appeal.

The Hon. P. HOLLOWAY: I reaffirm what I said earlier, that we would not support the amendments at this stage in their current form, but the minister has indicated to me that he accepts in principle that, whenever ministerial decisions are involved, some sort of appeal mechanism is appropriate. He has, as I said, undertaken to examine that while the legislation is between the houses and he will be discussing that with the opposition and, I am sure, the Independents, the Democrats and so on in the house. But, at this stage, we oppose it in its current form but will certainly consider the issue before this bill goes completely through the parliamentary process.

The Hon. IAN GILFILLAN: I think it would be unfortunate if we did not have any mention of appeals in the legislation. I accept that it is appropriate that it be mulled over, but we should not let it slip. I am looking at it from the point of view of those of us who feel that an appeal mechanism is important. It is only fair that, if someone feels they are going to be detrimentally impacted because of a ministerial decision, there should be a process in place for that to be reviewed before an appropriate body. If we cut out of this bill any mention of the appeal process, there is nothing in it which will oblige the other house (or any of us) to discuss it. I hope that will not be the case, but I do not see any disadvantage in this bill's including those clauses which deal with the appeal process and the appeal mechanism. Why not leave it in the bill?

The Hon. NICK XENOPHON: I indicate my support for the Hon. Ian Gilfillan's amendments, notwithstanding that, because a previous amendment was lost, there is not a court setup. There is an important principle here that there be an appropriate appeals process in the management of GM crops, and that is why I support it.

The Hon. P. HOLLOWAY: Any appeals, in any case, would be in both directions. They would not only be appeals against a decision the minister might make to permit GM crops: they could also be appeals against any decision to restrict GM crops. So, they would work in both directions.

Amendment negatived.

The Hon. NICK XENOPHON: I move:

Page 7, line 3—Delete "$100 000" and substitute: $5 000 000

This allows for a deletion of the maximum $100 000 penalty and to substitute it with $5 million. If this bill is not complied with and if there is contamination from GM crops into non-GM crops, we are talking about something that is irreversible. We are talking about enormous potential damage to those individual farmers and damage to the state's clean and green reputation. A $100 000 fine seems to be a bit of a joke when you consider the resources of some of the huge agri-businesses such as Monsanto and their commercial interests.

We are only talking about maximum fines and, as I understand it, there is environmental legislation which provides for very hefty fines of that order—and, off the top of my head, I am not sure whether it is $2 million or $5 million. The aim of this amendment is to make it clear that, if there is a breach, it is treated seriously and that there is a potentially significant maximum fine, particularly when you consider some of the businesses involved in selling GM crops. This is to make them understand that this is a serious

issue and we are talking about massive companies where a $100 000 fine would really be chicken feed.

The Hon. P. HOLLOWAY: The problem with that is that clause 12 says that a person is guilty of an offence if that person cultivates a crop in contravention of subclauses (1) or (4). A person would not necessarily be a BAYER or Monsanto. We had a look at the penalties in the Western Australian act, and we believe that they are about $200 000. The government would certainly wear it and be happy to double the proposed penalty from $100 000 to $200 000. We believe that would be consistent with other legislation. We believe that $5 million is probably inconsistent as a penalty and we could not support that. We would certainly be happy, if it was the wish of the committee, to double that to $200 000.

The Hon. CAROLINE SCHAEFER: The opposition will certainly not support this amendment, because $5 million would make it one of the highest fines for any offence in this state and probably in Australia. I believe that $100 000 is an appropriate fine. I will not support any change to that.

The Hon. NICK XENOPHON: To use gambling parlance, it seems to be a case of double or nothing. I understand that it will be lost if it is $5 million, and I understand and respect the opposition's position. Therefore, I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. NICK XENOPHON: I move:

Page 7, line 13—Delete '100 000' and substitute: $200 000

Amendment carried; clause as amended passed.

Clause 6.

The Hon. IAN GILFILLAN: I move:

Page 7, lines 13 and 14—Leave out subparagraph (ii)

These are exemptions that the minister may confer. The first one is to allow for experiments or trials, and the second is not clearly defined and is, in our view, undesirable in the bill. It provides:

> (2) However, the Minister must not confer an exemption unless—
> (a) the purpose of the exemption is to allow a specified person—
> (ii) to cultivate a genetically modified food crop on a limited or small scale at a specified place or places; and

Our interpretation is that that is really opening the door to commercial planting other than for the purposes of experiment. My amendment is to delete paragraph (ii).

The Hon. CAROLINE SCHAEFER: Much has been made of the recommendations of the select committee. Recommendation 11 of the select committee states that legislation should provide for the conditional release of a GM crop to be granted, except in areas which may be or have been declared to be GM crop free areas for marketing purposes, if the proponents can meet either conditions of a limited release occurring under a closed looped, rigorous and robust segregation and identity preservation system from seed to end user, and covering waste and by-products and occurring under strict conditions considered necessary and appropriate by the GM Crop Advisory Committee to manage market risks, or a field trial occurring under strict conditions considered necessary and appropriate by the GM Crop Advisory Committee to manage market risks.

My amendments seek to facilitate a closed loop system of licensing and growing genetically modified plants as recommended by the select committee. I believe that has been omitted from this bill, and that is the purpose of my amendments which, of course, are in direct conflict with Mr Gilfillan's amendment.

The Hon. P. HOLLOWAY: We have a number of amendments before us. Certainly, we would oppose the amendment moved by the Hon. Ian Gilfillan. The recommendation of the select committee stated:

> · A limited release occurring under a closed loop rigorous and robust segregation and IP system, from seed to end user and covering waste and by-products, and occurring under strict conditions considered necessary and appropriate by the GM Crop Advisory Committee to manage market risks;
> · A field trial occurring under strict conditions considered necessary and appropriate by the GM Crop Advisory Committee to manage market risks.

This government has always made it clear that we wish to prohibit the commercial growing of GM crops within the state. We are not opposed, as the state that houses one of the great plant breeding research institutes in the world, to research and trials; so, there have to be exemptions in relation to those. What I am happy to do is in line with the first amendment indicated by the Hon. Caroline Schaefer: we are prepared to talk about amending that so that it would read 'limited' (we would suggest 'and' rather than 'or')—thus 'limited and contained basis'. So, it would state:

> to cultivate a genetically modified food crop on a limited and contained basis at a specified place or places.

If that helps to clarify it, we would be happy to amend it in that way, but we would not support the full deletion of the clauses as the Democrats propose.

The Hon. CAROLINE SCHAEFER: I indicated that I am not supporting the Hon. Ian Gilfillan. In the light of being unable to obtain anything better, I would accept the proposed change by the minister but reserve my right to resubmit my original amendment in another place.

The Hon. IAN GILFILLAN: I am not clear about what the minister is actually referring to in the government's approach to this. He made a passionate argument that research and experiments should continue. If he reads clause 6(2)(a)(i), which I will now read again, it states that the minister is entitled to grant an exemption to a specified person 'to cultivate a genetically modified food crop on a limited scale under, and in accordance with, a GMO licence authorising the release of the relevant GMO into the environment for the purposes of an experiment'. Now, what else does the government want to do, other than experiment? Does it want to play with commercial plots somewhere? Does it think it is going to decorate the landscape? What is the justification of having this opportunity for a minister? If we do not have appeal mechanisms, it would be administered just on the minister's determination—whack in a modified food crop on a limited or small scale at a specified place or places. It is an open door to GM crops being planted in South Australia.

The Hon. P. HOLLOWAY: That certainly is not the case. The clause would state:

> To cultivate a genetically modified food crop on a limited or small scale at a specified place or places.

It is simply permitting trials.

The Hon. Ian Gilfillan: What does clause 6(2)(a)(i) do?

The Hon. P. HOLLOWAY: I understand the reason that this is put in the bill. If there is anything related to it, such as seed production operations, for example, that might be part of any trial, and that would provide a mechanism by which they could be permitted. What it is not doing is allowing the commercial cultivation of crops.

The Hon. IAN GILFILLAN: It is a pretty generous interpretation of this to say it does not apply to a commercial planting of crops. There is nothing is the legislation which says it is not. I think that the government itself might have been ambushed by this particular clause. What faith can we, the people of South Australia, have that in the future, if there is no appeal mechanism, a minister is not going to be able to make the specified place or places available for limited or small scale operations—and who is going to determine what is limited or small scale? It is the surreptitious door to allowing genetically modified crops to be planted in South Australia even before this three-year moratorium has expired. I think it is a very dangerous clause and I intend to call for a division on it if we are not successful.

The Hon. P. HOLLOWAY: We believe that this clause does reflect the select committee recommendations that I have just read out. We have committed to an appeal:I have already indicated that. Recommendation 11 of the select committee stated:

- The legislation should provide for a conditional release of a GM crop to be granted. . . if the proponents can meet either conditions of a limited release occurring under a closed loop rigorous and robust segregation and IP system, from seed to end user and covering waste and by-products, and occurring under strict conditions considered necessary and appropriate by the GM Crop Advisory Committee to manage market risks;

Any such—

The Hon. Ian Gilfillan interjecting:

The Hon. P. HOLLOWAY: Well, no. It is not. How could it be, because for a start any of those operations would be rigorously monitored to the containment conditions? So, there is no way it could possibly be commercial anyway.

The Hon. Ian Gilfillan: What are they going to do with the product? Will they sell the product or burn it or take it into the sea? What are they going to do with the product?

The Hon. P. HOLLOWAY: I am advised that any such operation would have contained sale or movement. I suppose if one was producing seed to—

The Hon. Ian Gilfillan: Would it be sold or given away?

The Hon. P. HOLLOWAY: I do not know. It could be used for trials, but it certainly would not be the commercial production of crops.

The Hon. CAROLINE SCHAEFER: Clearly, if the Hon. Mr Gilfillan's amendment gets up, I would not continue with my amendments because they would be automatically lost.

The CHAIRMAN: That is right, but we need to test the Hon. Mr Gilfillan's amendment. If he is successful, effectively, the Hon. Mrs Schaefer is stymied. We will put the vote to find out the position.

The Hon. CAROLINE SCHAEFER: In fact, this is the Hon. Mr Gilfillan's amendment?

The CHAIRMAN: That is right. We are testing his amendment to see whether we will proceed with further amendments.

The committee divided on the amendment:

AYES (5)

Gilfillan, I. (teller) Kanck, S. M.
Reynolds, K. J. Stefani, J. F.
Xenophon, N.

NOES (13)

Dawkins, J. S. L. Gago, G. E.
Holloway, P. (teller) Lawson, R. D.
Lensink, J. M. A. Lucas, R. I.

NOES (cont.)

Redford, A. J. Ridgway, D. W.
Roberts, T. G. Schaefer, C. V.
Sneath, R. K. Stephens, T. J.
Zollo, C.

Majority of 8 for the noes.

Amendment thus negatived.

The Hon. CAROLINE SCHAEFER: I have four amendments and I believe they are consequential. I am prepared to move them all.

The CHAIRMAN: The honourable member can speak to all of them but she should move only the first because the Hon. Mr Gilfillan has another amendment.

The Hon. CAROLINE SCHAEFER: I move:

Page 7, lines 13 and 14—Leave out 'or small scale' and substitute: and contained basis.

I believe this amendment reflects more accurately the findings of the select committee while having the same effect, which would be to allow, as the minister has indicated, a certain amount of seed production under a very closed-loop system where none of the product would ever enter commercial circles. However, given the indication by the minister that he is unlikely to support that amendment, I would be amenable—

The Hon. P. Holloway: Yes, I indicate that we can support that.

The Hon. CAROLINE SCHAEFER: Okay.

The Hon. NICK XENOPHON: I note that the Hon. Ian Gilfillan is not in the chamber. Obviously, the Hon. Ms Reynolds can speak for the Democrats. I will be opposing this amendment because I am concerned that, if it allows for broader production, notwithstanding what the Hon. Caroline Schaefer says about a closed loop, the larger the scale the greater the potential for contamination, and that is my principal concern.

The Hon. KATE REYNOLDS: As the very short-term spokesperson on this issue for the Democrats, I indicate that we will be opposing the amendment.

Amendment carried.

The Hon. CAROLINE SCHAEFER: I move:

Page 7, line 14—Leave out 'and'

The CHAIRMAN: As the honourable member said, this amendment is probably consequential. If no member wants to make a contribution, I will put the question.

The Hon. P. HOLLOWAY: Before you do, Mr Chairman, this could well be a test for the next amendment which the government is opposing. The Hon. Caroline Schaefer is moving to insert new subparagraph (iii), which the government will oppose because, in the government's opinion, essentially, it would be a play for commercial scale closed-loop production, which probably needs some definition. The bill already enables commercial production through clause 5, that is, if, after the three year transitional period and if the advisory committee recommends to the government the acceptance that proper segregation protocols have been developed, and so on, the minister can licence production. That is the way the bill works under clause 5. However, this particular clause needs some definition. It is against the spirit of the select committee, in particular recommendation 11.2. Full compliance will still apply and would make this an uneconomic proposition, with a high non-compliance risk to growers. For those reasons the government will oppose this amendment.

The CHAIRMAN: We have two amendments, one by the Hon. Mr Gilfillan and one by the Hon. Mrs Schaefer. My expert advice is that 'and' is the key. If the Hons Mrs Schaefer and Mr Gilfillan float their proposals, the word 'and' is the key. If 'and' stays in it will allow the Hon. Mrs Schaefer to do certain things.

The Hon. P. HOLLOWAY: If the majority of the committee is against both of them, we may have a problem.

The CHAIRMAN: For the clarification of the Hon. Mrs Schaefer, my advice is that if 'and' stands, she loses the opportunity to vote on her amendment, but the Hon. Mr Gilfillan will have the opportunity to have his amendment voted on. We are suggesting, as pointed out by the minister, if the majority have a different view of both of them 'and' does not mean anything. We can determine whether 'and' survives, which will not allow the Hon. Mrs Schaefer's amendment to proceed, but Mr Gilfillan will be able to have his amendment put to a vote.

The Hon. CAROLINE SCHAEFER: To avoid total confusion, it is clear from the indication of the committee that I will lose the amendment to leave out 'and'. I would therefore not be able to proceed with the following amendment and, I understand, the amendment after that, although I will seek clarification. So that we can proceed in a fashion that I can understand, I seek leave to withdraw my amendments Nos 2 and 3.

Leave granted; amendments withdrawn.

The Hon. P. HOLLOWAY: This is probably an appropriate time to report progress.

Progress reported; committee to sit again.

ABORIGINAL LANDS TRUST

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

That this council, pursuant to section 16(1) of the Aboriginal Lands Trust Act 1966, recommends that allotment 21 in the plan deposited in the Lands Titles Registration Office No. DP 58704 (being a portion of the land comprised in Crown Record Volume 5407, Folio 615) be transferred to the Aboriginal Lands Trust (subject to an easement to the South Australian Water Corporation marked A in the deposited plan and to an easement to ETSA Transmission Corporation marked B in the deposited plan).

(Continued from 23 March. Page 1195.)

The Hon. KATE REYNOLDS: The Democrats support the motion.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank honourable members for their magnificent contributions. It is a straight-forward transference. It shows that sitting down with people, round tabling and capturing each other's viewpoint can result in cooperative outcomes in relation to government intentions where land use may or may not clash with cultural heritage protection. In this case local Aboriginal communities were prepared to cooperate, and it returned a wonderful asset—the Berri bridge. As the Hon. Robert Lawson stated, it is a great asset to the state. I thank the Liberal Party and the Democrats for supporting the motion, and I thank all those involved in the negotiations to get the outcome we received.

Motion carried.

[Sitting suspended from 12.48 to 2.15 p.m.]

NUCLEAR REACTOR

A petition signed by 182 residents of South Australia, concerning a new nuclear reactor at Lucas Heights and requesting that the council call on the federal government to halt the new nuclear reactor project and urgently seek alternative sources for medical isotopes and resist at every turn the plan to make South Australia the nation's nuclear waste dumping ground, was presented by the Hon. S.M. Kanck.

Petition received.

BUSINESS CONFIDENCE SURVEY

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I seek leave to make a statement that has also been made by the Premier today. It relates to the BankSA business confidence survey.

Leave granted.

The Hon. P. HOLLOWAY: Today, BankSA released its latest state monitor survey of consumer and business confidence. The BankSA report conducted in January shows that business confidence about the state's economy is at its highest level in the history of the survey, and consumer confidence is at its second highest level recorded by the survey in the past six years.

The BankSA state monitor found that there has been a significant rise in business confidence since late last year, with 60 per cent of businesses confident that business conditions will improve over the next year and 64 per cent of businesses confident that their own business will benefit from higher activity levels over the next 12 months.

The report found that sectors such as construction, manufacturing and agriculture are benefiting from high levels of demand. Eighty-five per cent of businesses felt positive about the position of their own business. The significance of this is that over 40 per cent of businesses surveyed had created additional jobs over the previous quarter compared with 27 per cent for the previous survey, and 23 per cent of the businesses surveyed said that they would increase hiring over the coming three months.

Of course, we have seen the impact of the higher dollar and higher interest rates in the region and on our exports generally. These are things over which the state has no control. We have also seen some recent softening in the labour market. However, the survey is good news, and we see cause for optimism in other leading indicators, such as the ANZ job advertisement series, which show that job advertisements in South Australia have been on the rise for nine consecutive months and are now at their highest level for nearly four years.

This survey comes hard on the heels of an international study by KPMG, which compared business costs in 98 cities in 11 industrialised countries. The KPMG study found that Adelaide was the number one place in which to do business in the Asia-Pacific area and the 10th most competitive business city in the world. Adelaide was found to be the third most competitive city in the world amongst cities in our population bracket of 500 000 to 1½ million people. We rate as the most competitive location for such industries as automotive, metals, food processing, advanced software development, and web and multimedia.

The Premier is writing to thousands of business leaders world wide to promote the message that, if they are looking to invest in a low-cost, high skill economy, they should look

to South Australia, and that people who are looking to live in a state where they can use their skills and abilities and still enjoy a high quality of life should look to South Australia. The Premier will be promoting that message on the eastern seaboard of Australia and overseas.

On 3 April, the Economic Growth Summit for 2004 will take place. South Australians from business, the unions, government and community, religious, environmental and indigenous groups in the regions will meet to examine the progress we have made in partnership over the past year and to outline a plan for the future.

UPPER SOUTH-EAST DRYLAND SALINITY FLOOD MANAGEMENT PROGRAM

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement, relating to the Upper South-East dryland salinity and flood management program and northern catchment drains, made by the Hon. John Hill.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that the written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: No. 277 from the second session and No. 103 and 243 from this session.

SPEEDING OFFENCES

277. (second session), 103 (third session) **The Hon. T.G. CAMERON:**

1.How many motorists were caught speeding in metropolitan and country South Australia between 1 April 2003 and 30 June 2003 by:

(a) speed cameras; and

(b) other means;

for the following speed zones:

60-70 km/h;
70-80 km/h;
80-90 km/h;
90-100 km/h;
100-110 km/h;
110 km/h and over?

2. Over the same period, how much revenue was raised from speeding fines in metropolitan and country South Australia for each of these categories by:

(a) speed cameras; and

(b) other means?

The Hon. P. HOLLOWAY: The Treasurer has provided the following information in response to Question on Notice 277 asked during the 2nd Session, and Question on Notice 103 asked during the 3rd Session:

Number of motorist caught speeding (1/4/03—30/6/03)

	Detections			Revenue		
	Speed Camera	Other means	Total	Speed Camera	Other means	Total
60 kph	23 260	5 124	28 384	$2 989 714	$ 824 273	$3 813 987
70 kph	166	253	419	$ 19 281	$ 46 350	$ 65 631
80 kph	2 031	978	3 009	$ 270 509	$ 160 092	$ 430 601
90 kph	558	170	728	$ 86 386	$ 24 786	$ 111 172
100 kph	929	646	1 575	$ 107 508	$ 157 043	$ 264 551
110 kph	295	5 044	5 339	$ 51 978	$ 860 095	$ 912 073
Grand Total	27 239	12 215	39 454	$3 525 376	$2 072 639	$5 598 015

This data is for the whole of South Australia. It cannot be split into rural and metropolitan as this information is not independently

HUMAN RIGHTS

243. **The Hon. A.J. REDFORD:** With regard to the statement announced by the Premier on 30 October 2002, that the state government would financially assist 140 South Australian families by offering $21 000 in assistance to those of Greek-Cypriot background to file human rights action against Turkey.

1. Have these cases been brought to the European Court of Human Rights?

2. if so:

(a) What was the eventual outcome for these South Australian families; and:

(b) Exactly how much money was paid and to whom?

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

In January, 2002 I wrote to the then President of the Justice for Cyprus Co-ordinating Committee of South Australia pledging that a Labor Government in South Australia would provide a total of $21 000 to dispossessed Cypriot South Australians wishing to pursue restitution and compensation cases through the European Court of Human Rights (ECHR).

This financial assistance, an offer I understand that was not matched by the Liberals, was granted in recognition of Turkey's illegal violation of the human rights and property of South Australian Cypriots that occurred with the Turkish invasion of Cyprus in July 1974, which forced up to 200 000 Greek-Cypriots to flee their homes, and more than 1600 people to go missing, presumed dead. The continuing violation of those rights with the Turkish occupation of more than one third of the island is a situation that is condemned by many United Nations resolutions. Many families sought refuge in South Australia and settled here.

I am a strong supporter for a just solution to the Cyprus issue following the invasion by 40 000 Turkish troops and occupation by 100 000 Turkish settlers. I wanted that support for South Australian Cypriots to be through the ECHR.

The State Government's support is based on an established case heard in the European Court (Loizidou v Turkey). I am advised that on 22nd July, 1989 a Cypriot national Mrs. Titina Loizidou, filed an application against Turkey to the ECHR to seek restitution and compensation from the Turkish Government for the loss of her properties after the invasion and occupation. Her application resulted in three judgements by the ECHR in Strasbourg that held Turkey responsible for human rights violations in the northern part of Cyprus, which is under overall control of the Turkish armed forces. For many years, Turkey has refused to comply with the Court's judgement in Mrs Loizidou's favour.

I am advised that this landmark case against Turkey prompted calls to seek support for Australians of Cypriot origin planning similar action to have their legal ownership of (occupied) land in Cyprus and the loss of their ability to 'peacefully enjoy' their properties judicially recognised.

The Member for Croydon, the Honourable Michael Atkinson M.P., Attorney-General and Minister for Multicultural Affairs has advised me that he met Achilleas Demetriades of the Lellos P Demetriades Law Office in Nicosia, Cyprus, in December 2003. He discussed the cases being supported by the State Government and met Mrs. Titina Loizidou, the successful plaintiff before the ECHR. The Attorney-General was shown the files of the South Australian

cases and was briefed by Mr Demetriades on their progress.

I am advised that in a dramatic turn of events, just days before the Attorney-General met Mr. Demetriades and Mrs Loizidou, the European Committee of Ministers' determination to ensure Turkey's compliance in Nicosia with those judgments was successful. After years of ignoring and opposing the judgement, and refusing to pay compensation to Mrs Loizidou, the Turkish government yielded to the rule of European law.

The ECHR of 28 July 1998 awarded Mrs Titina Loizidou an amount of around 450 000 Cypriot Pounds for damages, costs and expenses as just satisfaction on account of the violation of her right to peaceful enjoyment of certain properties located in the northern part of Cyprus.

In a surprise move by the Turkish authorities, after years of recalcitrance, the compensation together with the interest imposed for late payment was transferred to Mrs Loizidou in December. This amount is almost $2 million Australian dollars.

I am advised that by extension, if some, or all, of the cases supported by the South Australian government are successful it could lead to an award of potentially millions of dollars of compensation to these South Australians.

The decision of the ECHR is important not only for the compensation it awarded but, more importantly it, recognised Turkey's responsibility for the violations of the rights of Cypriots displaced by the invasion and occupation of part of Cyprus. It is clear that years of pressure through this case have contributed to turning Turkey's attention to a lasting settlement of the Cyprus issue.

I understand that since Turkey's payment to Mrs. Loizidou, the Republic of Cyprus has re-entered United Nations sponsored negotiations together with the Turkish Cypriot regime. The outcome of those talks, the ascension of the Republic of Cyprus to the European Union in May, and a possible re-unification of the island may affect some or all of the cases.

The Government is proud to be the only Government, other than the Republic of Cyprus itself, to support its people in seeking justice through the European Court on this matter. The Government is hopeful that the latest round of negotiations reaches a just, lasting and peaceful resolution to this decades-old problem.

Fifteen families sought the assistance of the Premier after a call for applicants. The $21 000 was divided equally among these families as a part contribution towards the lodgement of some cases before the European Human Rights Court. The money was paid to Mr. Demetriades, the solicitor in Cyprus acting on behalf of all these cases.

The cases are listed below:

HR.129: Constantinou and others v. Turkey—Application No 34108/02
Application filed on the 9 September 2002
HR. 130: Harpas and others v. Turkey—Application No. 35846/02
Application filed on the 16 September 2002
Observations filed on the 12 January 2004
HR. 131: Rodou Kourouyianni v. Turkey—Application No. 41069/02
Application filed on the 19 November 2002
HR 132: Georgiou and others v. Turkey—Application No. 43187/02
Application filed on the 2 December 2002
HR 133: Vasiliou and 4 others v. Turkey—Application No. 37899/02
Application filed on the 21 October 2002
HR. 134: Christos Michael v. Turkey—Application No. 556/03
Application filed on the 9 September 2002
HR.135: Stylianou and others v. Turkey—Application No. 33574/02
Application filed on the 9 September 2002
Observations filed on the 12 January 2004
HR. 137: Demetriou and others v. Turkey—Application No. 44243/02
Application filed on the 7 December 2002
HR. 138: Kyriakides and others v. Turkey—Application No. 44042/02
Application filed on the 7 December 2002
HR. 139: Hadjisoteriou and others v. Turkey—Application No. 39501/02
Application filed on the 5 November 2002
HR.140: Yerasimou and others v. Turkey
Application not filed.
HR.141: Prodromou and 3 others v. Turkey—Application No. 530/03
Application filed on the 9 December 2002
HR. 142: Koyionis and 3 others v. Turkey—Application No. 546/03
Application filed on the 9 December 2002
HR. 143: Argyriou and others v. Turkey—Application No. 44039/02
Application filed on the 7 December 2002
HR. 144: Casiou and others v. Turkey—Application No. 43998/02
Application filed on the 7 December 2002

I understand that two cases, Harpas and Stylianou, are more advanced than the others and have progressed to the next stage. They are considered to be fully filed with the EHCR. A date is yet to be set for an appearance.

QUESTION TIME

ANANGU PITJANTJATJARA LANDS

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about the Anangu Pitjantjatjara lands.

Leave granted.

The Hon. R.D. LAWSON: On 15 March, the Deputy Premier announced that cabinet had decided to take 'decisive action' in relation to certain matters on the Anangu Pitjantjatjara lands. At the same time, the Deputy Premier said that the government had lost confidence in the AP executive and that, in the view of cabinet, time was up for the executive. Subsequently, in this chamber, in answer to a question by the Hon. Kate Reynolds, the minister advised that the only amendment that is proposed to be made to the Pitjantjatjara Land Rights Act is one to extend the term of the very executive in which the Deputy Premier expressed a want of confidence. Going back to the announcement on 15 March, the Deputy Premier also said that amongst the package of measures the government proposed the following:

> . . . to amend the [Pitjantjatjara Land Rights] Act to make provision for the coordinator to have all the necessary authority and powers to deliver state government services to people on the lands,

The Deputy Premier said that a bill for this purpose would be introduced this week. My questions to the minister are:

1. Has the government been advised that it does not have all of the necessary authority and powers to deliver state government services to people on the lands? If so, when was that advice received and what was the substance of the so-called lack of power to deliver state government services?

2. When will the parliament see the proposed amendment?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): During the debate on the censure motion yesterday, I answered quite a lot of the questions that the honourable member has asked. I understand the position in relation to the line of questioning that the honourable member has put to me about the differences of opinion in relation to the confidence in the APY executive shown by subsequent statements after the Treasurer had made his original statements.

The circumstances are that emergency powers were being considered if there was no cooperation from those people on the lands in relation to access because there are some complicated access permit requirements. Government ministers and I think members of parliament generally have access rights to the lands, but it is good protocol to let the

land management officer know if you wish to visit the lands. The government was considering legislative changes to enable partnership to occur and for departmental people to work on the lands if there was not going to be cooperation. That cooperation has been sought and it may not be necessary to change aspects of the legislation if agreement is reached.

Everyone has been talking about discussion, negotiation and engagement; we are doing that. This is the second day of a meeting in the APY lands with all of the APY at a general meeting to discuss all the general issues associated with what was first to be an administrator and is now a coordinator of state government cross agency activities. We are waiting for the outcome of that meeting as to how we are to be engaged. We have put proposals to the APY to negotiate with the communities.

It is not only the APY executive that needs to be approached. It is correct protocol to contact community managers and community bodies that exist throughout the lands as well. Each community has a body politic and a delivery program. It is on those issues that the government needs to be clear. Its position needs to be made clear that, if those issues could not be sorted out in relation to access, there would have to be changes that would allow for general access for our service providers onto the lands. The AP has discussed that; we have indications of cooperation but, as I have said, those issues will be discussed at a board meeting. We certainly do not want to pre-empt what the decisions that come from that meeting will be.

The Hon. R.I. Lucas: It is their decision.

The Hon. T.G. ROBERTS: It is their decision in relation to how the permit system works. The permit system can keep certain people out, but we hope that through negotiations and discussions those issues can be settled. I would think that by Monday next week we should have an agreed engaged position but, as I said, sometimes the wheels can fall off with the remoteness of the regions. The fact that English is a second language of many of the people that we are dealing with sometimes makes communication difficult. We are having that problem at the moment. At the end of the day, we will have a line of communication between our service providers and the lands. We hope that we get the cooperation of all of the people there who understand the seriousness of the situation and are prepared to work with government in partnership to deliver those services that are promised. I am not quite sure what the final question—

The Hon. R.I. Lucas: Don't worry—you did not answer the first one.

The Hon. T.G. ROBERTS: I think I am clarifying the situation.

The Hon. R.D. Lawson: When are we going to see the amendment?

The Hon. T.G. ROBERTS: If the amendment is necessary, we should be ready to give notice on Monday.

The Hon. R.D. LAWSON: I have a supplementary question arising from the minister's non-answer. Does the government now acknowledge that there is no absence of any necessary statutory authority or power to deliver state government services to people on the lands—that there is no impediment?

The Hon. T.G. ROBERTS: I have already explained that it is better to get cooperation through negotiation—

The Hon. A.J. Redford: Is that what the impediment is?

The Hon. T.G. ROBERTS: Well, the permit system was tested by members of the legal fraternity at one stage and that permission is still being argued. It certainly does not stop principled officers and members of parliament, but it is good politics and good manners to—

The Hon. A.J. Redford: What legal impediment is there to the delivery of services?

The Hon. T.G. ROBERTS: There are some services that will not be able to be delivered by certain groups and organisations. It will not be all government services that will be provided through the process that we are discussing with AP. It is possible that we will be engaging other bodies like the ANU, for instance, and Flinders University, which may—

The Hon. R.I. Lucas: Explain it to us.

The Hon. T.G. ROBERTS: There are a lot of services. All of the health services are delivered by a clinic operated and owned by people who operate from Sydney.

The Hon. A.J. Redford: What is the legal impediment?

The Hon. T.G. ROBERTS: We are going to make sure that there are no impediments through the process to stop anybody from using the permit system to prevent people from arriving on the lands. It is not our belief that that will happen, but you already have the situation where some people have been stopped and turned around.

The Hon. KATE REYNOLDS: I have a supplementary question. Does that mean that the Deputy Premier's announcement that there would be an amendment introduced this week was based on the assumption by him that access could not be successfully negotiated with the APY Council?

The Hon. T.G. ROBERTS: I think that question would have to be put to the Deputy Premier himself. I am not quite sure what was in his mind when he made that decision.

MOTOR ACCIDENT CORPORATION

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs, representing the Minister for Industrial Relations, a question about WorkCover and the Motor Accident Corporation.

Leave granted.

The Hon. A.J. REDFORD: I recently met with a well-respected South Australian businessman who pointed out some inequities associated with the inter-relationship between the Victorian and South Australian WorkCover schemes. He gave me two examples which highlight the situation. My constituent runs an interstate transport business. In the first example a Victorian-based driver was hit and killed by another semitrailer, resulting in a large pay-out to the deceased's family. The other driver was convicted. Because the other driver was South Australian driving a South Australian registered truck, Victoria's WorkCover authority made a full recovery from South Australia's Motor Accident Corporation, the compulsory third party insurer.

The second example involved an Adelaide-based driver involved in a fatal accident in Victoria where a Victorian registered farm ute drove directly into the path of the driver of the semitrailer. A passenger in the farm ute died. The South Australian driver has not worked for over three years and has cost the South Australian WorkCover scheme and the employer more than $300 000. When the South Australian body, that is, WorkCover, sought to recover this sum from the Victorian TAC it was discovered that recovery was prevented by the Victorian legislation, which would indicate that the South Australian WorkCover Corporation and the Motor Accident Corporation is disadvantaged when compared with the outcome achieved by the Victorian body.

My constituent wrote a letter to the Premier. He received a response from the Hon. Michael Wright (Minister for Transport and Minister for Industrial Relations) who has responsibility for WorkCover. In his letter, the Hon. Mr Wright said:

> The issue you have raised is an interesting and complicated one.

Do de do! The letter continues:

> Unfortunately, I am advised that the cause of the problem rests with the legislative provisions that are in place in the Victorian transport accident insurance legislation. Sections 92-94 of the Transport Accident Compensation Act 1986 (Victoria) include provisions that enable workers to seek common law damages in relation to work motor vehicle accidents. It does not provide a mechanism for third parties, such as WorkCover in South Australia to pursue recovery action.

The letter further states:

> Investigation suggests that amendment of the recovery provisions available to WorkCover in South Australia would not address this situation and that amendments would be required to the Victorian legislation.

I am not sure why the Premier did not just refer the matter to the Victorian Premier. Anyway, the letter further states:

> However, I am further advised that WorkCover is pursuing legal action in Victoria. . .

The minister says that he understands that that could provide an alternative interpretation of the Victorian legislation. The letter continues:

> If this issue remains unresolved through legal action outlined above WorkCover will raise the issue through the Heads of Workers Compensation Authorities forum.

There you have it, Mr President. South Australia is subsidising Victoria. The minister says that he will raise it at a meeting and he will go to a Victorian court to seek to redress the balance and say that it is not fair. I am not filled with much optimism. In the light of that, my questions are:

1. Has it occurred to the minister that one option would be to amend our legislation so that the Victorians cannot rape our Motor Accident Corporation?
2. Why has the minister not raised this inequity with his Victorian counterpart?
3. Has the minister raised this matter with the Treasurer, who is responsible for the Motor Accident Corporation?
4. Will the minister refer responsibility for this issue to the Treasurer, who has a better reputation for acting faster than the minister in protecting South Australia's interests and funds?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will take those important questions to the minister in another place and bring back a reply.

RURAL WORKERS

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Industry, Trade and Regional Development a question about possible restrictions on rural industries.

Leave granted.

The Hon. D.W. RIDGWAY: Recently, regulations were introduced in Victoria to ensure that all Victorian workplaces have protection in place by 1 April for employees working more than two metres off the ground. I quote from an article in this week's *Weekly Times* as follows:

> Farmers [and rural service providers] will soon be forced to wear harnesses or erect safety barriers when working more than two metres off the ground. All Victorian workplaces must have protection measures in place for employees working off the ground by April 1. This will include farmers climbing on silos, working on sheds, windmills [cleaning out gutters], hay stacks or [working on their] trucks. It will also affect livestock carriers, where the tops of their crates are more than 4m above the ground.

The Chairman of the Victorian Farmers Federation Social Policy Committee, Mr Bill Whitehead, said that the regulations could make everyday farming impossible. There could be instances where there are huge costs for somebody to erect a scaffold for fixing something such as a windmill. The Minister for WorkCover in Victoria (Mr Rob Hulls) said the regulations would affect most employers and 'you should never assume that because a particular work practice has been carried out a thousand times without incidence that it will not lead to a tragedy'. Given this government's inability to come up with any original policy ideas of its own, and its insistence on following other Labor state governments' legislation, there is understandable community concern. My questions to the minister are:

1. Will he rule out any moves to introduce copy cat legislation or regulations that defy common sense similar to the ones in Victoria?

2. Will the minister give an undertaking that all South Australian regional businesses will be able to carry on their businesses without the impost of such ridiculous regulations?

The PRESIDENT: There is a little bit of opinion in there—the Hon. Mr Ridgeway had better watch that in future.

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): This government is keen to advance the economic welfare of the regional areas of this state and has been doing so with its policies over the first two years in office. I find it rather incredible that the honourable member should be asking me about regulations that have been introduced in another state in a different portfolio area. From my previous experience as minister of agriculture, food and fisheries, I can say that there is a high level of industrial accidents within the farm sector, and that has been the situation for many years. I think all responsible South Australians, including the farm leadership—the Farmers Federation and others—have been trying to do everything they can to reduce that high level of industrial accidents within the farm sector.

We have often seen, tragically, a number of children in the farm sector either killed or badly injured in farm accidents. I am not surprised that colleagues in other states are looking at means of reducing the number of industrial accidents in those sectors. I am certainly not aware of any plans to follow with legislation that is similar to that in Victoria. I have not seen the reports. As far as regional development is concerned, this government will continue the very successful policies it has adopted in the past to promote economic growth within our rural areas.

The Hon. D.W. RIDGWAY: By way of supplementary question, will the minister please rule out the adoption of regulations such as these?

The Hon. P. HOLLOWAY: Apart from the fact that it is not in my portfolio, I only have the honourable member's interpretation of a press report in Victoria. Before any minister makes a definitive decision on policy, we should have a little more substance before making such judgments.

OTWAY BASIN

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Mineral Resource Development a question about exploration in the Otway Basin.

Leave granted.

The Hon. CARMEL ZOLLO: The Otway Basin provides a significant amount of the oil and gas production in Australia. The basin extends into South Australia and the minister has already provided information to the council on exploration in the South Australian section of the basin. What further prospects are there for exploration in this state?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): It is within the rural areas of our state that our mining operations take place and it is the developments in those areas that this government is very pleased to see. Yesterday I opened bidding for two new onshore petroleum exploration licences in the Otway Basin in the state's South-East. This level of new investment in petroleum exploration in South Australia is encouraging. Mineral and petroleum exploration is a sector of our economy that has significant growth potential and it is one that the Rann Labor government will be seeking to further develop over coming years. The level of exploration in the state has been increasing in the last few years, resulting in new oil and gas discoveries. Every dollar spent on exploration has a flow-on effect through regional communities and, should the work lead to commercial discoveries of oil or gas, then the potential benefits to the entire state could be significant, especially in the Hon. Angus Redford's area of the state where this work is being undertaken.

Gas fields currently being exploited in the onshore Otway Basin are relatively mature and, as a result, future gas discoveries in the newly released areas will have the potential to find niche markets. Also, local energy markets that have not yet been reached by gas infrastructure exist in close proximity to the areas on offer, and the blocks are close to the SEAGas pipeline that supplies gas from Victorian Otway Basin fields to Adelaide consumers. It was that pipeline which, fortunately, thanks to the effort of this government through my colleague the Minister for Energy in ensuring that a larger SEAGas pipeline was built and was completed on time, saved us from a potential economic disaster when the fire at Moomba occurred earlier this year.

The new onshore blocks are prospective for both oil and gas. They are OT2004 A, which covers more than 1 400 square kilometres east of Robe, and OT2004 B, which includes more than 250 square kilometres south of Mount Gambier. OT2004 A has similar geology to producing gas fields at Katnook, Redmond, Ladbroke Grove and Hazelgrove, south of Penola. The presence of an active petroleum system is proven by gas shows in previously drilled wells, and I refer to the Robe 1, Lake Eliza 1 and the Greenways 1 wells. Oil has also been found in the area. Seismic interpretation of over 2 100 kilometres of seismic profiles covering the block suggest good potential for future discoveries.

The less explored OT2004 B has similarities with proven gas play fairways in Victoria. Oil shows south of OT2004 B (Breaksea Reef 1 offshore, and wells drilled in the 1920s—Picks 1, SAOW Caroline 1) are in line with the models that suggest the area may be oil prone. Very high success rates in finding high quality gas no more than two to five kilometres from the Boggy Creek carbon dioxide field in the Victorian sector of the onshore Otway Basin and the characterisation of both the Caroline and Boggy Creek carbon dioxide accumulations as of deep-seated volcanic origin also bodes well for gas exploration in the Upper Cretaceous targets in OT2004 B.

While all the ingredients necessary for the presence of hydrocarbon accumulations are interpreted to exist in the released blocks, more seismic acquisition, mapping and drilling will reduce uncertainty with respect to hydrocarbon charge and entrapment. The OT2004 A and B blocks are being offered to explorers on the basis of work program bidding. Those bids will close on 4 p.m. on Thursday 30 September 2004 and it is anticipated that the winning bidders will be announced in October this year. I look forward to an enthusiastic round of bidding from explorers, and I will be reporting back to the council when the results of that bidding process are announced.

PORT AUGUSTA RACETRACK

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Environment and Conservation, questions concerning the use of recycled diesel oil as a dust suppressant on the Port Augusta racetrack.

Leave granted.

The Hon. SANDRA KANCK: My office has been contacted by a resident of Port Augusta who lives opposite the racetrack. He is concerned that the Environment Protection Agency is considering granting the Port Augusta Racing Club yet another licence to buy recycled oil for use as a dust suppressant on the track. He finds the smell of the oil repulsive and is concerned about the health implications to the local residents and the people employed at or attending the meetings as spectators. My questions to the minister are:

1. Will the Port Augusta Racing Club be granted another licence to purchase used diesel oil as a dust suppressant?
2. What toxic fumes and carcinogens are found in used diesel oil?
3. Will the minister permit Morphettville Racecourse to use recycled diesel oil as a dust suppressant if they ask for it?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I understand the member's concern. I will take those important questions to the minister in another place and bring back a reply.

The Hon. R.K. SNEATH: Will the minister ask the Minister for Environment and Conservation whether other alternatives are being looked at?

The Hon. T.G. ROBERTS: I will take that important question to the minister in another place and bring back a reply as well.

MENTAL HEALTH ACCOMMODATION

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Health, a question about mental health facilities.

Leave granted.

The Hon. A.L. EVANS: I was pleased to read that earlier this month the government opened a supported accommodation and independent living facility for a maximum of 19 people in Victor Harbor. The facility has received

$1.9 million in capital funding and will receive $191 000 per year. It is my understanding that the facility is a demonstration project. My questions are:

1. Given that the facility is being monitored as a demonstration project, will the minister advise the criteria upon which the facility is being assessed?

2. Will the minister advise the funding sources for the demonstration project?

3. Will the minister advise whether the government has undertaken previous demonstration projects in the mental health sector and, if so, what are the findings?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will take those important questions to the minister in another place and bring back a reply.

REGIONAL DEVELOPMENT ISSUES GROUP

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Industry, Trade and Regional Development a question about the Regional Development Issues Group.

Leave granted.

The Hon. J.S.L. DAWKINS: The Regional Development Issues Group was established by the previous government in late 1999 in response to recommendations of the regional development task force. Consisting of senior representatives of all government departments as well as the Local Government Association and Regional Development SA, the issues group was formed to facilitate and improve across government cooperation in dealing with a range of issues impacting on regional South Australia. It was largely modelled on the successful Food for the Future Issues Group, which was ably chaired by the Hon. Caroline Schaefer. In addition to taking up issues raised by the task force, the group also worked closely with the Regional Development Council, which was established around the same time.

In just over two years, the issues group developed into a team prepared to be proactive in working together and assisting regional communities to help themselves by encouraging local solutions to local problems. As the chairman of the group throughout that period, I was disappointed that it was initially left in limbo and then subsequently discontinued without any notice following the election of the current government.

This decision seemed particularly curious, given that the government decided to continue the work of the Food for the Future Issues Group, albeit under a slight change of name. Indeed, credit should be given to the minister, in his former role as Minister for Agriculture, Food and Fisheries, for recognising the value of the Food for the Future Issues Group. I understand that that group has continued to work well in its support of the Premier's Food Council, under the chairmanship of the Hon. Carmel Zollo. My question is: given the minister's previous experience with an issues group, will he consider re-establishing the Regional Development Issues Group to complement the work of the Regional Communities Consultative Council and the Office of Regional Development?

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I certainly agree with the honourable member about the food issues group, which is very ably chaired by my parliamentary secretary, the Hon. Carmel Zollo. It has done and continues to do some very good work in that area.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: I think that the Hon. Angus Redford has woken up, but perhaps he should go back to sleep. In relation to the question asked by the honourable member, there has been a significant reorganisation of services to rural areas under this government over the past two years. Of course, we have the new Office of Regional Affairs, which performs a very important role in the regional areas of our state and, through the regional development boards, we have the peak body, namely, the RDSA.

This government has also introduced regional impact statements and has established the Regional Communities Consultative Council, which is chaired by a very eminent former senior public servant in this state—Dennis Mutton—and it has representatives from regions right cross the state. I believe that council was established by my colleague, the Minister for Aboriginal Affairs and Reconciliation, when he had this role.

There has been significant restructuring under the arrangements of this government to try to improve service delivery to regional areas of this state. It would probably be premature of me, having been in this job for only a few weeks, to pass judgment in relation to those cross-portfolio issues to which the honourable member referred. I will take his suggestion on board and give it consideration. From my experience to date, I have been very pleased with the service provided through organisations such as the Office of Regional Affairs and our various regional offices. However, I will certainly consider his suggestion in the spirit in which it was made.

WATER SUPPLY, GLENDAMBO

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for State/Local Government Relations, a question about the Glendambo water supply.

Leave granted.

The Hon. T.J. STEPHENS: I have been informed that the Glendambo water supply situation is now critical. The town bore is practically dry and the town's tanks are practically empty. I followed up this issue late last year and, in response to a question that I asked at that time, the minister replied as follows:

> Late last year, along with two other of my ministerial colleagues, I received a proposal from the presiding member of the Arid Areas Catchment Water Management Board aimed at developing the consistent application of an agreed policy position on the supply of water to remote communities, including the assessment of priorities, technical solutions, pricing and related matters.

He also stated that this was a problem that had been raised some 12 months before I asked my question last year. Given that the town caters for up to 800 people a week, either as residents or as travellers, this situation is now at a major crisis point. My questions are:

1. Will the minister use the Outback Areas Trust to build a pipeline from Kingoonya to Glendambo, which will not only alleviate the supply problem in the long term for the town but will also be able to be accessed by nearby properties?

2. Given that the minister admitted that, by his own reckoning, this problem had been evident for at least 18 months, why has he done nothing about it?

3. When can the people of Glendambo expect to have water in their town?

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

BEACHPORT FIVE MILE MIDDENS

The Hon. G.E. GAGO: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about Beachport Five Mile Middens.

Leave granted.

The Hon. G.E. GAGO: I draw members' attention to an article in *The South-Eastern Times*, dated 5 February 2004, entitled 'Saving the Five Mile Middens'. The article refers to work that has been carried out in this area, including the construction and repair of fences, defined accessed tracks and formed carparking areas. The article refers to the good work being carried out by Green Corps and National Parks and Wildlife in weed control and the elimination of introduced species. My question is: Is the minister aware of this project and, if so, will the minister inform the council of what importance the area is to Aboriginal people? Obviously, the Hon. Angus Redford will require a definition of middens.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for her important question and her running interest in matters affecting Aboriginal people in this state. Middens, as most people would know, are mounds of shells and other evidence of Aboriginal activity from some considerable time ago.

The Hon. D.W. Ridgway interjecting:

The Hon. T.G. ROBERTS: I do not know; I am not expert enough to answer that question. I will have to take that on notice. I thank the honourable member for her question. It is true that many sites are located on the Beachport Conservation Reserve. From personal wanderings through the Canunda National Park I have discovered quite a few that have gone unmarked and unrecognised.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: Yes. There are middens all through the area. Unfortunately, the tribes associated with the Lower South-East are down to small numbers of people who are trying to protect their culture and heritage and trying to identify sites around Port Macdonnell in particular, and other areas. The sites are under extreme pressure from off-road vehicles, both four wheel drives and bikes using areas for recreational purposes including access to some of the sensitive coastal areas. Vehicular traffic is seen as a major threat to the cultural and environmental integrity of this area.

Under a request from DAARE the Five Mile Middens Working Group consisting of stakeholders from DAARE, Wattle Range Council, South-East Recreational Fishermen's Association, Beachport Community, National Parks and Wildlife Services, DEEHA, Friends of the Parks, and the Lower South-East Consultative Committee was formed to address these issues at access to the areas of protection for the sites. Recommendations from the group resulted in the lease reverting to the care and control of DEEHA. Wattle Range Council was instrumental in providing assistance to coordinate this group. Recommendations for better management in the area was submitted by DAARE for inclusion in the appendix in the Lake George Management Plan.

Conservation issues were negotiated between the stakeholders to: address the issues of restriction of pedestrian access across the sites; direction of vehicle access away from sensitive areas while providing through access to areas along the coast; designated parking areas; installation of fencing and vehicular barriers; recording sites and exposures for inclusion in the site complex area; revegetation of the area near sites to prevent vehicle access and consolidated mobile dunes; and design and installation of appropriate signage.

I invite members to go over the Easter break to have a look at the Canunda National Park and the Beachport conservation area at Lake George as it is under 400 kilometres from the metropolitan area. It will surprise a lot of people, particularly the wilderness areas or the wild beach areas of Canunda National Park. You will also be able to see evidence of the drills and rigs that have not proved to be successful, and you will be able to visit the site of some of the exploration zones that have been left by other departments. There have been reports in the local paper the *South Eastern Times* to highlight a lot of the areas where this work is being done so that people are more careful.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: The honourable member is right, the articles in the *South Eastern Times* highlight the areas in which these middens exists in the Five Mile Beach area. Hopefully, they will alert people of the dangers of riding trail bikes recklessly through the hills. Generally, it is not the local people who are guilty of this. It is generally visitors who do not have an understanding of the terrain nor the importance of the area to Aboriginal people and to the general population who are trying to protect culture and heritage in the area.

MURRAY STREET, GAWLER

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I lay on the table a ministerial statement on the transfer of Murray Street, Gawler, back to the local community, made yesterday by the Minister for Transport.

TAXATION, PAYROLL

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the minister representing the Treasurer questions about payroll tax.

Leave granted.

The Hon. IAN GILFILLAN: There has been much discussion in the community about the recent rises in property based taxes. These taxes such as land tax, stamp duty and the emergency services levy are collected by the state government. One result of this is that pressure is building on state governments throughout Australia to reduce taxes. Some governments are giving in to this pressure, as reported on page 4 of *The Australian* of 23 March this year in an article entitled 'Pressure on States to Cut $2.4 billion in Taxes' by the journalist David Uren. The article states:

> New South Wales, for example, has already removed its debits tax. Victoria and Tasmania have removed stamp duties on unquoted marketable securities, while Victoria will become the first to abolish stamp duty on mortgages from July 1. Western Australia is removing some of what the state Treasurer, Eric Ripper, terms 'nuisance' taxes from July 1 this year, while it will abolish debits tax from July 1 next year.

Debate has focused largely on stamp duty. This has been because of the high increases in stamp duty due to the impact

that changes in property values have had on that tax. There are, however, in many people's minds benefits in considering adjusting other taxes. Earlier this year, Mr Peter Vaughan of Business SA was reported in *The Advertiser* advocating a reduction in payroll tax. The article which ran on page 24 of *The Advertiser* of 5 January stated:

> He [Mr Peter Vaughan] said SA's 5.67 per cent payroll tax was hurting business, with SA businesses paying one of the highest levels of payroll tax in Australia. 'In an SME (small to medium enterprise) state, that's clearly a competitive disadvantage that has got to be eradicated', he said. Mr Vaughan said if the state government lowered payroll tax to the lowest levels in the nation, the direct result would be more jobs.

Incidentally, all members would know that our current unemployment level in South Australia is 6.8 per cent, which is the highest in mainland Australia. Payroll tax is a direct tax on employment. It is levied at a rate, as Mr Vaughan said, of 5.67 per cent on employers who have a wage bill in excess of $504 000 per annum. Also, honourable members would realise that that wage bill of $504 000 embraces some relatively small businesses. It is not just for the heavy top-end of town. My questions are:

1. Does the Treasurer believe that a reduction of payroll tax on small and medium enterprises will have a more positive effect on the economy than reducing stamp duty?

2. Does the Treasurer agree that there would be large benefits to the state's unemployment level by relieving the pressure of payroll tax on small-medium business enterprises?

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I will refer the honourable member's question to the Treasurer for a reply. I make the comment, though, that payroll tax has been an issue for many years—certainly as long as I have been in politics, which is now becoming a very long time. I can well recall that premiers, dating back many years to at least Don Dunstan if not before, have been criticising the financial structures we have in the states whereby they are so heavily dependent upon taxes such as payroll tax which is, as the honourable member said, a tax on employment.

Unfortunately, in those last 20 or 30 years there has been no real fundamental change in the fiscal structure of this country to reduce the states' dependence on taxes such as payroll tax; although, of course, the Hon. Ian Gilfillan and his party did make something of a contribution through supporting the introduction of a GST. As the honourable member would well know, although that tax was introduced some years ago now, it has been in only the most recent times that that tax has produced some positive flow to the states. In any case, we know that the commonwealth government is not likely to allow significant transfer of taxes from that source to the states: it is likely to reduce the money it provides to the states from other sources.

I will refer those questions to the Treasurer for his comment. However, I just remind the honourable member that, sadly, under the financial structure in this country, the states are too heavily dependent on regressive taxes for their income. The tax base of the states is relatively narrow, and that has always been the case. Until that issue of the vertical fiscal imbalance in our federal system is addressed, this will be a problem.

The Hon. IAN GILFILLAN: As a supplementary question, as the minister was gracious enough to answer the question, and given his answer, does he agree that by having the highest payroll tax rate in the nation we are, as a state, both in terms of employment and economically disadvantaging the people of South Australia?

The Hon. P. HOLLOWAY: I am sure that the Treasurer is well aware of the need to keep taxes across the board competitive with those in other states while at the same time ensuring that we have enough revenue to provide a reasonable level of services. I think that, as the recent KPMG report showed, this state compares very favourably in terms of its competitiveness relative to other states, but one needs to look at the overall balance of taxes and charges provided by each state. I do not necessarily accept the allegation made by the honourable member, but I will refer the question to the Treasurer and he can provide a more considered response, given that he will have the relevant information as to the relative levels of tax in each state.

YOUTH GAMBLING

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Gambling, questions about youth gambling.

Leave granted.

The Hon. NICK XENOPHON: The 21 March edition of *The Sunday Mail* published an article which was headed, 'Revealed: 9 000 Teen Gamblers'. The article was written by Michael Diggins and referred to details of studies of youth gambling in our state carried out by Dr Paul Delfabbro of the University of Adelaide's psychology department. In the article Dr Delfabbro states:

> There are more problem gamblers amongst adolescents than adults.

The article also referred to actual case studies of teenagers who had experienced enormous difficulties because of their gambling. My questions to the minister are:

1. What surveys has the government undertaken on the prevalence of youth and underage gambling, particularly on poker machines in the Adelaide casino in this state? Does the government acknowledge that there is a paucity of up-to-date information in relation to this, and when will it rectify that?

2. What is the level of resources available to monitor and police levels of underage gambling, particularly in poker machine venues and the casino?

3. How many prosecutions have there been in the past three years for underage gambling in the state, including in poker machine venues and the casino?

4. What protocols, procedures and resources does the Office of the Liquor and Gambling Commissioner employ to enforce age limits in poker machine venues and the casino, and how are such protocols, procedures and resources assessed for their effectiveness?

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

WORKCOVER

The Hon. J.M.A. LENSINK: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Industrial Relations, a question about WorkCover.

Leave granted.

The Hon. J.M.A. LENSINK: I understand that WorkCover has been working on upgrading its software systems for several years through a project known initially as WorkCover.com and the business transformation project. The aim of the project is to supersede its internally developed legacy known as 'the ideas application' and migrate this data into a new integrated web-based client management program.

The financial statements in Workcover's 2002-03 Annual Report list an item 'Business transformation expenditure', which consists of capitalised costs from prior years of $8.67 million, less transfer to computer equipment of $1.035 million. Added to that you have business transformation expenditure of $13.261 million, to reach a total of $20.993 million. I note that the comments listed beneath this item state the following:

> Business transformation provided a framework to fundamentally change the way of doing business at WorkCover and that due to the developmental nature of the project it was expected that benefits would be realised in future.

We certainly hope they are at that cost. Will the minister advise:

1. What are the total costs associated with this project in each of the financial years preceding 2002-03?
2. What are the associated ongoing consultancy costs?
3. What are the associated ongoing WorkCover staffing allocations by full-time equivalents?
4. When is the project expected to be completed?
5. Will any costs be recouped from commercialisation ventures?
6. Has the corporation started using the claims processing systems arising from the business transformation project or WorkCover.com and, if so, when?
7. If the new system has commenced, has the net effect on times been an increase or a decrease?
8. Which clients are able to utilise the system—employees, workers or providers?
9. Has this project been considered to transform the framework of the way WorkCover does business, as stated in that annual report?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer the question to the minister responsible for WorkCover and bring back a reply.

FOSTER CARE

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Families and Communities, a question about the foster care charter.

Leave granted.

The Hon. KATE REYNOLDS: The foster care charter was developed in September 1996 to provide guidelines for foster carers on whom we rely heavily in this state for the care of children under guardianship orders. The charter established guidelines for foster carer commitments and commitments by the state government. It was co-signed by SAFCARE, the minister for family and community services at the time (Hon. David Wotton) and the South Australian Aboriginal Child Care Agency Forum CEO (Brian Butler) and was followed by another charter for children and young people in care in July 1997. At the time South Australia was acknowledged as a lead state in terms of working in partnership and the charter was showcased at a national conference in Melbourne and at an international foster care conference in Canada.

SAFCARE at the time enjoyed a challenging but respectful relationship with both the department CEO and the minister but, as many honourable members would be aware, there was a serious deterioration with the change of CEO and minister. My office is aware that foster carers remain very disappointed that the charter commitments were never adequately implemented into practice guidelines, and some carers have expressed to us the very strong belief that the charter should have been legally binding. The charter went some way to establishing commitments, roles and responsibilities of carers and other stakeholders, but much more detailed work was needed to implement it appropriately.

The Hon. R.K. SNEATH: On a point of order, the honourable member's explanation has too much opinion.

The PRESIDENT: Opinion where it says that it does something but that it ought to do something else is starting to debate and apply opinion. The point of order is accepted and I ask the honourable member to adjust her language.

The Hon. KATE REYNOLDS: The discussion prior to the development of the charter highlighted the need to develop standards across the board, not just for carers and mechanisms to ensure competence and accountability in the system. I am told by the foster care sector that this has not yet happened and is still of great concern to them. The foster care charter is now outdated and, despite the fact that numerous comments have been documented by FAYS over the years, we have been told that no action has been taken. It is apparently very difficult to find reference in FAYS practice or policy to that charter. My questions are:

1. What is the current status of the foster care charter?
2. Will the minister investigate and explain why it has not yet been introduced and implemented as part of FAYS practice?
3. Given the well-known shortage of foster carers in this state, will the minister take action to improve support and resources for foster carers?
4. Will the minister act to have the foster care charter updated in conjunction with the development of an alternative care manual that will be inclusive of standards, roles and responsibilities of all parties and that can be used for training of staff, alternative care providers and foster carers?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will take those important questions on notice for the minister in another place and bring back a reply.

B-DOUBLE PERMITS

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I table a ministerial statement on B-double vehicle permits in the South-East made by the Minister for Transport in another place.

HINDMARSH SOCCER STADIUM

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Recreation, Sport and Racing, a question regarding the Hindmarsh Soccer Stadium.

Leave granted.

The Hon. J.F. STEFANI: I refer to a deed of agreement dated 29 March 2001 signed by the Treasurer, the Minister

for Recreation, Sport and Racing, the Minister for Government Enterprises and the South Australian Soccer Federation Incorporated. Item K of the recitals provides that the federation will transfer the management of the stadium to the government for a period of two years, together with certain rights of renewal. Under item L of the recitals, the government's management of the stadium was to be automatically renewed at the end of two years, subject to the federation's right to resume management of the stadium upon paying the government the management losses incurred over the period of the government's management of the stadium.

Clause 4 of the deed provides that at each management extension date, the federation, at its option, may terminate the appointment of the government as manager and resume the management of the stadium by giving the government three months' notice of termination of the management. Likewise, the Treasurer and the ministers who were party to this agreement may, at any management extension date elect to terminate the deed by giving three months' notice to the federation. My questions are:

1. Will the minister advise whether the government has reviewed its position in relation to the management of the stadium?

2. If so, what is the government's future intentions regarding its involvement as the manager of the stadium?

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): The recent success by the soccer club, which was put together in haste, has shown that soccer in South Australia has been frustrated to some degree by the management features of Soccer SA, but the crowds are now starting to turn out and show interest in soccer. Those very loyal and faithful fans are seeing the results of the good work by some sections of the administration of soccer in South Australia. I will take those important questions that the honourable member asked to the minister and bring back a reply.

REPLIES TO QUESTIONS

ENVIRONMENT PROTECTION AUTHORITY

In reply to **Hon. A.J. REDFORD** (25 February).

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

1. The original Freedom of Information request put forward by the Hon A.J. Redford did not seek clarification on the intent or application of the communication between my office and the Environment Protection Authority (EPA). In estimating the work required to satisfy the member's response the EPA had to calculate all possible communication, no matter what the issue or objective.

A specific volume of work and communication does not immediately translate into direction, instruction or interference. In fact, the volume of communication is a result of the independence of the EPA and in no way impedes the work of the EPA in performing its duties as an independent body.

My office receives a large volume of written and verbal queries relating to the work of the EPA. It is the protocol of my office to forward such queries to the EPA to ensure the advice I receive is independent. In fact, in my responses I ensure the advice from the EPA is quoted to emphasise that independence.

2. The cost to address the Freedom of Information request has been researched and estimated by the Environment Protection Authority and I have no reason to question that advice.

3. Communication between my office and the EPA is necessary to ensure the EPA can continue its roles and responsibilities of advising the government, the community and industry on issues relating to environment protection and in exercising the powers, functions and duties under the Environment Protection Act 1993.

You would be aware of the Government's strong legislative reform program for the EPA and the powers available to it under the Act. To this extent, it is in the Government's best interest to be fully advised on how the EPA is undertaking its duties to ensure such reforms are based on good information.

I am also very keen to promote all the good work the EPA achieves, in order to raise awareness to the general community in this State of the need to protect our precious environmental resources.

Supplementary Question

As stated previously in this response the independence of the EPA is not being compromised in any way by this Government.

MENTAL HEALTH TEAMS

In reply to **Hon. A.L. EVANS** (23 February).

The Hon. T.G ROBERTS: The Minister for Health has provided the following information:

1. The Mental Health Crisis Intervention Teams were available over weekends and on public holidays last year.

2. Assessment and Crisis Intervention Services are available over weekends and public holidays.

3. The total number of staff currently working in the area of crisis intervention in mental health services across the state is 113.4, full time equivalent.

4. In response to the supplementary question asked by Hon. J.F. Stefani MLC, The Minister for Health advises that further funding to enhance the capacity of the mental health services to provide an after hours emergency response is being considered during the 2004-05 budget process.

HALLETT COVE CONSERVATION PARK

In reply to **Hon. T.G. CAMERON** (19 February).

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

1. Construction was recently completed by Civil Works Group Pty Ltd working under the direction of the Department for Environment and Heritage.

2. The total cost of the works inclusive of design, engineering and contract management fees is $322,000. The works were completed on 30 January 2004.

3. Companies bidding for work in reserves managed under the National Parks & Wildlife Act are required to adhere to Environmental Protection Requirements set by the Department for Environment and Heritage. These requirements form part of the tender specifications.

4. Once possession of the designated construction site is handed to the contractor, the contractor has responsibility for the site. Visitor safety is addressed through fencing off and/or marking construction areas with bunting and the use of signage to indicate there is no public access. Where timber has been strewn about outside the construction site by vandals, as has occurred at Hallett Cove from time to time, investigation would be required.

5. The very purpose of installing the boardwalks, lookout areas and access stairs has been to improve protection for this important geological site through reducing erosion caused by traditional walking trails, while at the same time providing safer and more convenient access for visitors. All work undertaken at the site took into account geological advice. Unfortunately the site is susceptible to vandalism at times and even the company involved in the construction work had its secure storage containers broken into with machinery and power tools stolen. Department for Environment and Heritage Staff respond as quickly as possible to incidents of vandalism and are working with the Police and the community, such as the Friends of Hallett Cove Conservation Park, to reduce it.

SUPPORTED RESIDENTIAL FACILITIES

in reply to **Hon. J.M.A. LENSINK** (16 July 2003).

The Hon. T.G ROBERTS: The Minister for Social Justice has advised:

1. Will the minister release the report on financial viability entitled 'Supported Residential Facilities in SA: Financial Analysis'? If not, why not, and, if so, when will it be released?

The report, Financial Analysis: Supported Residential Facilities in South Australia, has been released and is publicly available on the Department of Human Services (DHS) website at www.dhs.sa.gov.au.

2. From what funding line and/or program was the financial support to the 'not for profit' facility of 10 beds (cited at the end of page 2) procured?

It is presumed that the 'not for profit' 10 bed facility referred to the June-July Supported Residential Facilities Association of SA Inc newsletter is in fact the 11 bed facility, Russell House, which DHS funds from the Commonwealth State Housing Agreement budget. There is no Department of Human Services 10 bed facility.

DHS provides funding to Housing Spectrum, a non-government organisation that operates Russell House. The facility has an 11 bed capacity and is managed on a 'not for profit' basis. Russell House is owned by the South Australian Housing Trust and DHS subsidises operational costs for providing accommodation and support.

3. What is the rationale for not officially recognising the industry through its inclusion as a member of the Supported Residential Facilities Advisory Committee?

Section 11 of the Supported Residential Facilities Act 1992, prescribes that the Advisory Committee will consist of 13 members appointed by the Governor. The membership categories reflect the wide range of interests in the Supported Residential Facility (SRF) industry. This includes proprietors/managers, advocacy interests, unions, local government, and medical practice groups. This representation of a diversity of interests maintains the approach adopted by government since the Act was proclaimed.

The current SRF Association President continues to be a member of the Advisory Committee.

4. Can the minister provide details as to why the existing HACC program entitled 'Step Out', funded at a cost of $80 000, will cease to be funded, while a similar new program, at a cost of $300 000, will be funded? Is it envisaged that this new program will include a community visitors scheme, as foreshadowed in the latest edition of the publication I have just cited?

In 2000-01, the previous government approved funding from the Home and Community Care (HACC) Program of $72,000 on a one-off basis for the Community Bridging Services 'Step Out' Project.

The project provided a predominantly group-based model of social support for residents of Supported Residential Facilities. This model was not congruent with DHS and HACC Program directions for individualised models of service delivery, which emphasise flexibility and are targeted and responsive towards individual needs and preferences.

The project ceased at the end of the one-off funding period without any commitment that recurrent (ongoing) funding would be provided. This was due to the obligation by DHS, through the HACC Amending Agreement 1999, and from a probity and due process perspective, to assess all submissions for funding individually, against the stated criteria and priorities in the HACC Annual Plan.

In 2002-03, Community Bridging Services again submitted an Expression of Interest for $92,000 per annum in recurrent (ongoing) HACC Program funding for the 'Step-Out' project to assist 90 residents.

At the same time, the City of Unley, in partnership with the Cities of Marion, Holdfast Bay and Mitcham, submitted an Expression of Interest for fixed term HACC funding of $100,000 per annum for three years ($300,000 in total) for the 'Social Support Scheme for Residents in SRFs in the South' project.

For almost equivalent funding, the Social Support Scheme intends to assist over 300 residents each year to reduce social isolation and improve wellbeing. The project will recruit groups of trained volunteers to regularly visit residents in their home to establish relationships on a one-to-one basis and encourage and assist residents to interact and participate in their community through established networks, groups and clubs. The model also provides direct support for the resident to access services including allied health, counselling, advocacy, equipment, transport and social support.

The City of Unley has a good track record of service provision to residents of Supported Residential Facilities and has the necessary infrastructure and experience to deliver the intended outcomes. The City of Unley Social Support Scheme project was recommended and approved by the Department of Human Services for fixed term funding because the 'Social Support Scheme', compared to the 'Step Out' application, demonstrated better value for money and improved outcomes for disadvantaged residents of Supported Residential Facilities.

MINISTERIAL CODE OF CONDUCT

In reply to **Hon. R.I. LUCAS** (11 November 2003).

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

I am satisfied that the former Minister for Industry, Trade and Regional Development properly discharged his obligations and responsibilities in relation to this matter both as a Minister of the Crown and a Member of Parliament representing the electorate of Mount Gambier.

ECONOMIC DEVELOPMENT BOARD

In reply to **Hon. D.W. RIDGWAY** (24 November 2003).

The Hon. P. HOLLOWAY: The Premier and Minister for Economic Development has provided the following information:

1. The current schedule, agreed in consultation with the EDB, envisages that the State Strategic Plan will be finalised by April 2004, if not before.

2. Detailed implementation plans have been, or are being prepared for each of the 70 recommendations that the Government has supported. A number of these plans are connected and some are dependent on finalisation of the State Strategic Plan, including those referred to in the question. However, the plans include a number of tasks that can be undertaken in advance of finalisation of the Strategic Plan and work on these is proceeding.

3. The Government has indicated on a number of occasions that it will implement 70 of the recommendations of the EDB's Framework for Economic Development—i.e., all except one.

ALP POLICY

In reply to **Hon. CAROLINE SCHAEFER** (17 February).

The Hon. P. HOLLOWAY: A full answer to this question already appears in *Hansard* dated 23 February 2004 in response to a question by the Hon. Caroline Schaefer.

POLICE HAND GUNS

In reply to **Hon. J.F. STEFANI** (3 December 2003).

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

1. The total amount of revenue from speeding fines from the 1 July 2003 to 30 November 2003 was $13,809,488 including the VOC Levy.

2. Since 1 July 2003 all funds collected from expatiated speeding fines are paid into the Community Road Safety Fund.

3. The replacement of the Smith & Wesson revolver is dependent upon a more suitable replacement being found and the Commissioner of Police has advised me that this is currently under consideration.

GENETICALLY MODIFIED CROPS MANAGEMENT BILL

In committee (resumed on motion).

(Continued from page 1253.)

Clause 6.

The Hon. IAN GILFILLAN: I move:

Page 7, after line 14—

Insert:

(ab) the minister has—
- (i) by notice issued in accordance with the regulations, informed the occupiers of land within the surrounding area that the conferral of an exemption has been under consideration; and
- (ii) allowed any occupier of land within the surrounding area to make representations in writing to the minister over a period of at least six weeks specified in the notice; and
- (iii) given consideration to any representations under subparagraph (ii); and

To refresh honourable members' memory, paragraph (ab) of my amendment relates to the power for the minister to give an exemption for experimental purposes provided earlier in this clause, and also in the contentious subparagraph (ii) for virtually any other purpose the minister chooses. This would provide a requirement for the minister to consult. 'Surrounding area' is defined in my amendment No. 14 as:

> . . . the area within a 10 kilometre radius from the place where the relevant crop is proposed to be cultivated.

That is quite a large area, but I do not apologise for that. I believe that, particularly in a period where we have this de facto three year moratorium and the minister still retains the power to grant these exemptions for a range of purposes, it is essential that those people who could be affected—to maintain the integrity of their GM free market and their reputation as a GM free area—have the opportunity to make a submission, in writing, to the minister so that their position can be taken into account. I have no reason to doubt that a minister with integrity would want to know the feelings of those people who live in an area that could be affected by the growing of a genetically modified crop. It is with that in mind that I am putting forward this amendment.

I remind honourable members that this amendment does not specify the size of the surrounding area. That is dealt with later on in clause 6, and I will deal with that when it is appropriate. At the present time, this amendment deals purely with the minister's obligation to consult with farmers within the surrounding area.

The Hon. P. HOLLOWAY: The government opposes this amendment. Essentially, we believe that it is unnecessary.

The Hon. CAROLINE SCHAEFER: The opposition opposes this amendment. In my view there are very stringent duties on the minister with regard to consultation and notification before the issuing of any licence, and I believe that this is an unnecessary amendment.

The committee divided on the amendment:

AYES (6)

Evans, A. L.	Gilfillan, I. (teller)
Kanck, S. M.	Reynolds, K.
Stefani, J. F.	Xenophon, N.

NOES (13)

Gago, G. E.	Holloway, P. (teller)
Lawson, R. D.	Dawkins, J. S. L.
Lensink J. M. A.	Lucas, R.I.
Redford, A. J.	Ridgway, D. W.
Roberts, T. G.	Schaefer, C. V.
Sneath, R. K.	Stephens, T. J.
Zollo, C.	

Majority of 7 for the noes.

Amendment thus negatived.

The Hon. NICK XENOPHON: I move:

> Page 7, after line 19—Insert:
> (3a) An exemption under subsection (2)(a)(ii) may only relate to a genetically modified food crop that is to be cultivated over an area that is less than 0.5 hectares.

I am concerned that, if we are talking about having an open field trial of 10, 20, 30 hectares or more, that is de facto planting of GM crops in our farmlands. I am concerned about and oppose open field trials but, if they are to occur, they should at least be circumscribed and contained to no more than .5 of a hectare. If the government does not support this amendment, will it say what it considers to be a reasonable limit on the size of the GM trial crops and what it considers to be reasonable for the purpose of containment and consistency with the select committee's findings about ensuring integrity in the process, so that those farmers who want their land to be GM free, organic or otherwise, can be assured that they will continue to remain so?

The Hon. P. HOLLOWAY: The area that is prescribed at less than half a hectare would certainly be completely unrealistic for any reasonable trial of crops such as canola. Although, if one were to have other sorts of crops, such as strawberries, it might be too large. I refer to recommendation 11 of the select committee that I read earlier. It proposed a conditional release to which are attached monitored conditions of operation in two circumstances: first, a limited release—and I repeat 'limited'—under a closed-loop system with no restriction on sale of product under strict conditions; and, secondly, a limited field experiment under strict conditions. Clause 6(2)(a)(ii) of the bill should, therefore, have come as no surprise.

In the first instance, in my summing up on Tuesday I clearly said that 'limited' is not code for 'commercial'. Clause 5 of this bill provides for commercial release, whereas clause (6)(2)(ii) provides for limited (not 3 500 hectares, as in New South Wales) production under strictly constrained conditions that impose a significant cost impost and risk of breach.

The Hon. Nick Xenophon interjecting:

The Hon. P. HOLLOWAY: It is imposed by the conditions of operation that are set. Principally, this is about the D&RD development which is beyond experiment and which requires something other than the destruction of production from the site. What is limited for a field crop may not be limited in the case of strawberries, for example. The legislation cannot be too precise. However, the government feels that, despite that, half a hectare is a particularly restrictive area of limitation, especially if tree or vine crops are involved at some point in the future. That is why we cannot support the amendment in this form.

The Hon. J.F. STEFANI: I have some questions for the minister. In view of the comments that he has made, does the government intend to introduce regulations to define the restrictions more clearly under which an experimental crop can be planted or grown? If so, will those regulations be published as a matter of course and, therefore, be subject to the scrutiny of the Legislative Review Committee of the parliament?

The Hon. P. HOLLOWAY: If the honourable member looks at clause 6(1), it provides:

> The Minister may, by notice published in the *Gazette* (an exemption notice), confer exemptions from the operation of section 5.

The answer to the honourable member's question is: yes; it could be in those conditions that are prescribed following gazettal.

The Hon. CAROLINE SCHAEFER: The opposition opposes this amendment. The Hon. Mr Xenophon is clearly being mischievous with an amendment such as this. When you take out an appropriate buffer zone, .5 of a hectare is less than an acre. I am surprised that he did not insist also that open field trials should be sown only with a bucket and spade, or perhaps a knife and fork. Clearly, what is an appropriate trial for an intensive horticultural crop may be something smaller than .5 of a hectare. However, on a more broadacre type crop, it would be totally inappropriate. We oppose the amendment.

The Hon. IAN GILFILLAN: I was privileged to have undertaken many years of scrutiny of a very effective trial on an experimental research farm on Kangaroo Island, where, I can assure honourable members, trial plots for a considerable range of plants were smaller in size than the strip of carpet that lies before you to the door. To argue that we will need the sorts of horrendous areas that have been mooted in other states really fills me with horror.

I also believe that a reasonable trial plot can be happily accommodated on half a hectare. There is absolutely no reason why the area cannot be used to test whatever questions need to be tested and with what the Hon. Caroline Schaefer called an 'appropriate buffer zone'. The appropriate buffer zone in the mind of the Office of the Gene Technology Regulator is five metres. That really is insignificant insofar as adding to or taking away from the area. However, of course what is significant is the very real risk of contamination of areas and farms adjacent to this so-called trial plot—and the bigger the trial plot, the area that is at risk of being contaminated is multiplied exponentially by the various factors of wind, pollen or bee movement.

Sadly, it appears to me that, although this legislation is necessary (and I have given it some faint praise), the more I see the reaction of Labor and Liberal members to the amendments, the more I feel that we are on track to turn South Australia into what I have described as 'Monsantavia'. It will become ideal territory for the companies involved in genetic engineering to get a foothold, first of all, in these quasi trials and then, with the help of a friendly minister, in the so-called limited or small scale plots, but those are not defined. At least this amendment attempts to put something specific into the legislation.

You cannot leave it to the Legislative Review Committee, because it is restricted by its terms of operation to just translating the head powers of the act into regulations. If there is no specific recommendation or guidelines, what can the Legislative Review Committee do to alter the regulations which could allow trial plots as they have been—20 or 30 hectares and proposals of three and a half thousand hectares in New South Wales? I think it is a very sensible amendment.

The Hon. NICK XENOPHON: The Hon. Caroline Schaefer calls me mischievous; I think it is one of the nicest things that she has said about me in all the years that I have been here. My concern is that the real mischief, the real danger, will be that, if we get contamination of GM crops into non-GM crops, that goes beyond mischief. It will be a disaster for this state's agricultural reputation and for its clean and green image. I am grateful for the comments of the Hon. Julian Stefani and the Hon. Ian Gilfillan in support of this amendment. The legislation talks about it being limited and small-scale. What does that mean? Can the minister provide a ballpark figure of the sorts of hectares that we are talking about? Are we talking about five hectares, 10 hectares for different types of crops or beyond that?

The Hon. P. HOLLOWAY: The government's view has been, in talking about trials and things, that the original standards are set by the Office of Gene Technology Regulator. The Gene Technology Regulator has recently used a limit of nine hectares on GM canola RND that it had licensed. As canola will be the most significant GM crop under regulation prior to the act's review in three years, this might be taken as a workable guide. That is the sort of limit that the OGTR has applied. We would mirror those sort of conditions that the Gene Technology Regulator has imposed, and that would be the limit that the government would have in mind.

Members should remember that we are referring to an exemption under clause 6(2)(a)(ii), which deals with developments in research and development. We are not talking only about the kind of strip plots of research that the Hon. Ian Gilfillan is talking about. We are talking about development, because that is what clause 6(2)(a)(ii) talks about: to cultivate a genetically modified food crop on a limited or small-scale at a specified place or places. It is talking about field trials.

Again, I remind the committee that in this state we have one of the most successful plant research institutions in the world. It is important that, whereas we certainly want to ensure that there will be no introduction of GM crops on a commercial scale which could jeopardise our markets in this state, at the same time the government would not want to, and would not believe that it is in the state's interest, unduly restrict research, provided the research was properly controlled. The conditions that we would impose would be similar to that of the Gene Technology Regulator, which is a limit of nine hectares for such trials of canola.

The Hon. NICK XENOPHON: I have a follow-up question. I understand the provisions in the bill about trial plots. My position and that of the Hon. Ian Gilfillan and other honourable members differs from that of the government and most members of the opposition. Can the minister at least give us some broad idea of how the guidelines will be implemented? Will it be a case of allowing a trial plot in a particular area because of the topography of that area or its climate? Or will it be a case of allowing trial plots on a farm by farm basis, which, of course, would mean that we could potentially have thousands of trial plots? Or, is it envisaged that a trial plot will be allowed because it is in the lower or upper South-East, or the lower or upper Eyre Peninsula where there are different levels of rainfall and things like that? Or, is it a case of it being open slather so that 20 farmers in a particular area of only a few square kilometres will all have trial plots of GM canola, for example?

The Hon. P. HOLLOWAY: That would not happen because the onerous conditions that would apply to trials would make any such growth completely uneconomic, anyway. Trials will essentially be uneconomic, and that is why I do not think we need to fear that there will be commercial trials. If the honourable member were to be happy with nine hectares, which is what OGTR sets and what we propose to set, I would not have any problem and I do not believe the minister would have any problem with that being placed in there. But, half a hectare would be just too small.

The Hon. J.F. STEFANI: In issuing licences, will the minister give due consideration to the applicant? I take it that the licences will be issued following an application. If that is the case, will the minister give due consideration before the licence is issued in a specific area to consider the neighbouring properties that are going to be located where this particular trial will occur? If the minister considers the neighbouring property to be of a nature that may be subject to contamination, will the minister give an assurance that he or she will either notify the neighbouring owner or use his or her power of veto to refuse the licence?

The Hon. P. HOLLOWAY: I can indicate that buffer zones will apply as part of the conditions. I think we have indicated here and in all the statements that I made on the bill when I had ministerial responsibility for it that we were looking at applying the same conditions as the OGTR would have applied to its trials. Those trials have been conducted in this state for some years. Obviously, we would not want to

impose any lesser conditions than those which have been applied. Yes, there will be a buffer zone.

The Hon. A.J. REDFORD: What form do these buffer zones take?

The Hon. P. HOLLOWAY: Separation distances, pollen traps or both.

Amendment negatived.

The Hon. NICK XENOPHON: I move:

Page 7, line 27—Delete '$100 000' and substitute: $200 000

The amendment is consistent with the position that the government agreed to earlier to increase the penalty from $100 000. My preferred position is, of course, $5 million, but $200 000 is still preferable to the current penalty in the legislation.

Amendment carried; clause as amended passed.

New clause 6A.

The Hon. CAROLINE SCHAEFER: I move:

New clause, after clause 6—

Insert:

6A—Protocols

(1) The Advisory Committee must develop and maintain a set of protocols relating to the segregation of various classes of genetically modified food crops, and of GM related material, from other crops, materials, products or things during each step associated with the cultivation, handling, transportation, storage and delivery of crops and associated products.

(2) In developing or reviewing the protocols, the Advisory Committee must invite submissions from, and consult with (to such extent as may be reasonable), interested persons with a view to obtaining a wide range of views in relation to the matters under consideration.

(3) The Advisory Committee must complete a first set of protocols within 18 months after the commencement of this Act.

(4) The Advisory Committee must, after completing the protocols—

(a) provide a copy of the protocols (and a copy of the protocols as revised from time to time) to the Minister and to the Natural Resources Committee of Parliament; and

(b) on an annual basis, provide a report on the operation of the protocols to the Minister and to the Natural Resources Committee of Parliament.

(5) The protocols are to be taken into account in connection with the operation of sections 5 and 6.

The purpose of this amendment is to establish some form of protocols prior to review of the act in three years. As I have said all along, the effect of this bill is to make South Australia GM free on a commercial basis for the next three years. The reality of crop science in this state at the moment is that there is very little likelihood of anything but some very small trials occurring in that time. However, crop science and genetic modification of crops is developing at such a rapid rate that there may well be a commercial demand for some form of genetically modified crop by the end of that three-year period.

I refer to the results of the standing committee that I was on that looked into biotechnology and indicate that on a commercial basis it is necessary, if at all possible, for Australia (and, in our case, South Australia) to establish segregation protocols so that in the long term, just as the industry currently accommodates both organic and non-organic produce, there will be a method of being able to handle and market genetically modified material, non-genetically modified material and organic material.

My concern is that at the end of this three-year pause nothing and no-one will have taken any steps towards developing those protocols unless they are encouraged, shall we say, by this legislation to do so. I have spoken to the previous minister with regard to that. I understand that it is the government's view that such matters should not be the task of the minister's advisory council but in fact should be the task of industry itself. However, I think those of us who know much at all about segregation issues realise that such segregation protocols will be expensive, and I cannot imagine any of the lead players, particularly in the grain industry, or indeed any of the lead players in any of the industries, volunteering to begin developing such protocols.

I guess it is arguable that the advisory committee is not the appropriate body, but I have nominated the advisory committee in the absence of any other appropriate body. I have also required that it report back to the parliament within 18 months rather than waiting until the end of the three-year period. Again, I have suggested the minister and the NRM committee, but I am quite flexible if someone has a suggestion as to who else would be appropriate. I am not suggesting that these protocols will ever be used. People seem to think that there is some underhand desire for us to go out and grow genetically modified crops. While the rest of the world does not want to buy them, it is a very safe bet that no one will grow them.

I am attempting to compel someone to begin developing protocols which may be used at some time in the future—nothing more than that. My concern is that, at the review of the act in three years, we will have had everyone sitting on their hands and hoping that the thing will go away, when it clearly is not going to on a world basis. It has been put to me that the advisory committee is not the appropriate body but, on looking at the make up of the advisory committee, I am not convinced that that is the case. The advisory committee obviously has to have a presiding member; it has to have someone within appropriate knowledge of and experience in dealing with issues surrounding the provision of seeds and propagating material within the primary production sector; it needs someone who has experience in the production of crops; someone who has experience in transport, storage and delivery of crops (I think that is the vital issue); someone who has experience in marketing; and another person engaged in the administration of the act.

We are not talking necessarily about a bunch of farmers, and while I very often am in favour of having hands-on people involved in these areas, I think this would obviously be a highly qualified group of people. I cannot think of any other group more suitable to begin developing segregation protocols. That is why I have moved this amendment, because I think whether or not we like it we must be prepared some time in the future for the commercial marketing of GM produce if the market so demands those products. If they do not, clearly the advisory committee will have spent three years doing something very valuable for the state.

The Hon. P. HOLLOWAY: The government does not support the new clause. It is not really the role of government to be a promoter of GM crops, and it is not the government's role to develop particular protocols. Rather, it is the government's role to be the umpire. I would like to restate what I said during my closing address. There seems to be an assumption by some that the bill will establish the protocols necessary for the operation of coexisting supply chains. This was never to be the case and industry would surely shrink from the idea that this is the role for government. The setting of agreed terms of trade, segregation and identity preservation is something that industry does best itself. The government's role in this is—with the help of the expert GM Crops Advisory Committee which we will be setting up—to be the

umpire. It is to assess whether the system that the industry develops will deliver coexistence.

Obviously, the development of these protocols will be an enormous time-consuming task for the committee and the department. I do not know that it is really a role for government to do that. We have no problem if the advisory committee goes out and makes recommendations. Indeed, as I also pointed out in my closing remarks, I think the commonwealth government and PIRSA have been supporting some work on Eyre Peninsula in relation to the development of protocols, because it is useful that government has a window into these sorts of issues.

It is important that PIRSA has some expertise there so that, if these issues come up in the future, PIRSA has the capacity to judge on these things. It is not the role of government to solve this particular problem for industry; rather, it is the industry itself. If industry believes that it is necessary, it is up to it to come up with the schemes and then put it to the umpire (which is the committee and the minister) in order to satisfy the umpire that it has achieved its objectives. We do not really believe that it is the job of government to try to do this job for industry.

The Hon. CAROLINE SCHAEFER: Can the minister outline any steps that the government has taken or is contemplating which would encourage industry to begin developing these protocols?

The Hon. P. HOLLOWAY: My advice is that this is all being done at a national level, which is probably sensible. If these protocols are possible (and that is a debatable issue), it probably makes more sense that they are developed nationally rather than each state redevelop the wheel. It is the Gene Technology Grain Committee, which involves some of the large industry players, that has been involved in this work for some time. Again, I make the point that I would see the role of the expert advisory committee, together with the minister, as being the umpire but not the actual developer of the systems.

The Hon. IAN GILFILLAN: I agree with the background thinking of the Hon. Caroline Schaefer with respect to this amendment, although we will be opposing it, not so much—

The Hon. Caroline Schaefer interjecting:

The Hon. IAN GILFILLAN: It is a sort of roller-coaster ride. I am sorry to bitterly disappoint the honourable member. I think it is the timing. We were looking forward to at least a three-year moratorium and, hopefully, a five-year moratorium in which the evolution of protocols would not have been needed. With respect to the timing of evolving the protocols, the nearer to the appropriate time the more accurately based they will be on real information that will be accumulated. So, that explains that. But I do think that the minister, in explaining the government's reason for opposing it, encapsulates about as big a degree of nonsense as I have heard for a long time.

If the parliament is not to be an ultimate arbiter and determine in this state what will be the protocols to defend the marketing impact of product in this state, I do not know who is. If we have from the national authority this source of divine wisdom that a five metre buffer zone is adequate to protect surrounding crops from GM canola, I have very little faith in what sort of protocols will evolve from that source to protect the independent streams, if this happens, years down the track to keep them separate so that, in fact, the producers in this state would be protected from having big discounts or even having consignment of product refused because they are contaminated as the protocols are not efficient.

We ought to be the arbiters of what are the satisfactory protocols to protect the marketing aspects of product in South Australia. I do hope that, at the appropriate time (and I am not sure how many years down the track it will be), the intention of the Hon. Caroline Schaefer's amendment is taken very seriously by this parliament, and, in that case, we would enthusiastically support it.

The Hon. P. HOLLOWAY: I just make the point that the reason why the government funded some work on the Eyre Peninsula, with the help of the commonwealth, was, as I explained earlier, to try to ensure that the government has some expertise in this area, because we would have to be the umpire. I agree with the Hon. Ian Gilfillan that five metres is not necessarily an adequate buffer zone. However, the point is that it is the government, with the assistance of the expert advisory committee, that has to be the umpire on this, but to go out and develop the protocols itself is another matter.

Clearly, it is those who are involved in the industry—the expertise, transport and other sectors that are involved in the segregation issues—that should come up with the proposals. It is then up to government to assess whether those proposals are adequate and, if they are not, throw them out. I do not think it is our job or the job of the advisory committee, and what an enormous job it would be to develop all those protocols. After all, I do not think that those national committees that have been working on this for a long time have solved the issues by any means. I believe that it would be a bit unrealistic to expect a state advisory committee to develop all this work from scratch. I am sure that work will be going on at a national level. It is up to us, the state people, and ultimately the parliament, to determine whether or not what industry proposes is adequate.

The Hon. NICK XENOPHON: I oppose the opposition's amendment. I am concerned that it is jumping the gun and, if there are to be protocols, then I agree with the government. I am concerned that the aim of this legislation will be to contain GM crops and not to allow the future facilitation of their expansion in this state.

The Hon. CAROLINE SCHAEFER: Clearly, I do not have the numbers, and I do not intend to call for a division. I put to the minister that, if the government finds it too time consuming and difficult to develop a set of protocols, it is highly unlikely that industry will find the time or the money to develop a set of protocols. While I have great respect for the work being done nationally, there have always been peculiarities of marketing produce out of South Australia, particularly grain. We somewhat tenuously still cling, for instance, to a single desk system of marketing barley.

We have but one system of bulk handling of grain within this state, with the exception of a couple of AWB terminals now, and we have a limited system of access to ports. I would have thought that, far from jumping the gun, the sooner we can begin to develop accurate and efficient segregation systems, the sooner we will actually develop them to a stage where they can be put in place when and if that becomes necessary.

The Hon. P. HOLLOWAY: Given the way in which this bill is structured, the fact is that if, under clause 5, there ever is to be the commercial introduction of GM crops in this state, clause 5 requires that the proponents must satisfy the conditions, that is, that proper segregation systems are in place. I would have thought that would be the incentive, if

any was needed, for those proponents to do what they have to do to satisfy those conditions before there can be any release. I think it is really up to them to prove the case rather than government doing it for them.

The Hon. IAN GILFILLAN: Are there any protocols for the handling of the harvested crop from exemption 6 to II, that is, a genetically modified food crop on a limited or small scale? The minister did seem to be a little imprecise in saying what those particular crops would be. He did indicate that they could be for the propagation of seed. There appears to me to be—inevitably since the Democrats amendment to remove that was defeated—the handling of genetically modified product as soon as the minister gives an exemption under this clause. Does the government have prepared protocols for the handling of that material, because that action can take place this season?

The Hon. P. HOLLOWAY: The answer to the question is yes. We have indicated that the conditions we would oppose would be those based on the OGTR conditions of containment. So, it would have to be contained as a closed loop, which was what applied under the OGTR conditions. After all, all we were trying to permit in this legislation was that which would occur and which has occurred in this state previously under the OGTR conditions. I understand that there is some seed production.

The reason for that clause is simply to allow that at that level but no more, and that is all we are seeking to do here. I am advised that 14 pages of conditions apply to each of those operations.

The Hon. IAN GILFILLAN: Are those 14 pages of conditions, which are absolutely critical to obtaining a GM status in South Australia, currently available and, if so, where? Will the minister make them available as a matter of urgency to both houses of this parliament, because they could be and should be the subject of scrutiny by this parliament as a very important and integral part of this bill.

The Hon. P. HOLLOWAY: I am advised that the OGTR regulations are freely available, and what we are proposing is essentially the same as those. Those conditions are available on the OGTR web site.

The Hon. IAN GILFILLAN: I am not interested in the OGTR web site. I am interested in this debate and the whole of this matter and the interests of South Australia. The minister previously said that he was unhappy with the five metre buffer, which means he puts himself in my camp at least, along with many others, in that we do not trust the OGTR to be able to evolve reliable protocols for the handling of genetically modified material in this state. Under the circumstances, and with the answers the minister has given, I am inclined to advise my colleagues and the Democrats to change the earlier position on this amendment, with some perhaps revised wording because, although the amendment stipulates 'within 18 months', the answers I have had to date would put it as a matter of urgency. The amendment should be worded that 'the advisory committee as soon as appointed is required to develop a set of protocols', and until that is done there will be no exemption under paragraph (ii) granted by the minister.

The Hon. P. HOLLOWAY: The honourable member is confusing the protocols proposed by the Gene Technology Grain Committee and those by the Office of Gene Technology Regulator. In relation to buffer zones, the OGTR requires a one kilometre buffer and they are the conditions we are talking of here. That is the OGTR condition and not five metres, as I think probably came out of some of the proposals put forward by the Gene Technology Grain Committee, the industry committee. That comes back to the earlier debate where I stated that we have to be the umpire and we would be looking at stringent conditions, but it is up to the industry to try to come up with a scheme and we then judge it. The 14 pages of conditions or protocols that it is the government's intention would be applied would be based on those OGTR conditions, which are publicly available.

The Hon. CAROLINE SCHAEFER: As often happens in these debates, it becomes 'curiouser and curiouser', as Alice said. I very much appreciate some support from the Democrats on this occasion, but I find myself in the position where I could not support the changes they have suggested to my amendment because, clearly, in 18 months, whichever body was tasked with the job would only be beginning to develop a set of practical protocols. It would take a long time and a lot of consultation to develop a set of protocols which in any way could be legislated. All my amendment attempted to do was force someone to start doing something in the three year period.

My aim in requesting a report in 18 months was not to be delivered with a signed and sealed set of protocols across the whole of the various industries affected, but rather to show that something was being done that may be of some commercial value at the end of the three year period because, as I have repeatedly said to industry, my concern about this whole bill is that both sides—those who are for genetically modified plants and those who are against—will now say, 'Great, we've got a three year marketing pause; we don't have to worry about another thing for three years.' I want to see progress made that will put us in a good commercial position at the end of the three years, should that be the trend of the markets at the time. To try to impose a ban or immediate development and application of protocols would be entirely impractical. Although I appreciate the small chink of support I have received today from the Democrats, I could not support their change to my amendments.

The Hon. P. HOLLOWAY: We are talking about two different things here. As I understand it, the Hon. Caroline Schaefer's amendment would look at protocols that would apply in the commercial delivery of GM crops in Australia, whereas the Hon. Ian Gilfillan was talking about protocols that would apply for limited scale trials. We would adopt the same work done by the Office of Gene Technology Regulator, which has had quite stringent controls over those trials and which have taken place in this and other states. They have been generally accepted by the select committee as being adequate for the purpose. We are talking of two different sorts of protocols.

The Hon. CAROLINE SCHAEFER: I thought the amendment was relatively clear, but it is my belief that at some time—10, 15, 20 or maybe three years—a commercial food crop will be developed. It may be grapes, onions or grain—who knows—and when that time comes we will need protocols that will segregate that type of produce from another type of produce before it can be marketed and shipped overseas and we will require labelling accordingly. The time to make those preparations is now and not when the commercial demand is upon us. We are talking about two entirely different things.

The Hon. IAN GILFILLAN: The minister from time to time baffles me in so far as he says we are talking about trial purposes. I keep going back to the difference between subparagraphs (i) and (ii).

The Hon. P. Holloway: We have had the debate on that clause and we are now debating new clause 6A.

The Hon. IAN GILFILLAN: I know, minister, but you keep referring back to it in a way which makes it very relevant to this debate. The protocols the minister was trying to determine were for the commercial production of a genetically modified product and that is what he attributes to the initiative from the Hon. Caroline Schaefer. He attributes to me looking for protocols for handling experimental plots. If it were only experimental plots, we would not have needed (ii) because (i) deals with the purposes of an experiment. Subparagraph (ii), as drafted—no matter what is the intention of the government—is an open-ended opportunity for the minister of the day to give an exemption (he could do it this year) for a genetically modified food crop—and the two that have been approved are canola on a limited (not defined) or small (not defined) scale for a specified place or places, and there is no restraint on what will happen to the product from those particular plantings. They may well be sold for food or seed. They will be moved from place to place. To say blithely that the set of protocols I am after are just for experimental purposes is reflecting a lack of knowledge of what is in the draft. If this is not what the government intended, it had best put more wording into the legislation.

The Hon. P. HOLLOWAY: We are talking about clause 6(2)(a)(ii) and about closed loop containment, so any movement would be in containers.

The Hon. Ian Gilfillan: Where does it say that?

The Hon. P. HOLLOWAY: Under the general conditions that would be applied under clause 6.

The Hon. IAN GILFILLAN: You will have to consult the advisory committee about this matter and we are going to deny the advisory committee the instruction to work up protocols. This is a dog's breakfast.

The Hon. P. HOLLOWAY: I cannot agree with that. I would have thought that the Hon. Ian Gilfillan would be pleased that the minister would have to consult with the advisory committee before exemptions are given.

The Hon. IAN GILFILLAN: What advice would the committee give if we are refusing Caroline's motion and it is not able to start to work on protocols? What will it be advising?

The Hon. P. HOLLOWAY: The honourable member misunderstands the effect of the Hon. Caroline Schaefer's amendment. The Hon. Caroline Schaefer says that the advisory committee 'must' go out and develop and maintain a set of protocols. If an exemption is used under clause 6(2)(a)(ii), the minister would go to the advisory committee and, presumably, it would consider the issues involved with giving an exemption of that type and would advise the minister accordingly. Presumably the minister would say that what he proposed to do was give an exemption in a particular area and he would apply the particular conditions, which are those that the OGTR applies, essentially, and the advisory committee would give its opinion in relation to that.

The supply chain protocols are really complex, and the Hon. Caroline Schaefer is suggesting that works needs to be done on them. I do not necessarily disagree with that. I disagree that it should be done by the state advisory committee, but I do not disagree that someone somewhere should look at these issues sooner or later. However, there is a difference between those supply chain protocols and the conditions of operations for a limited closed-loop production. They are onerous, expensive conditions, which would mitigate against their use for commercial purposes, but they are conditions that have been considered for a number of years now by the OGTR, so all that work is in place. Supply chain conditions on a commercial scale are a different thing entirely and will require a much greater level of input.

The Hon. IAN GILFILLAN: I can see that we have virtually exhausted the debate on this matter but we ought to refer again to clause 6(4) which provides that an exemption may be granted by the minister on such conditions as the minister thinks fit. If this legislation is passed in this form, it gives the minister of the day the power to grant an exemption to a limited or smaller scale planting of a modified food crop, with no other prescription imposed on it, as he or she thinks fit. This is one of the most dangerous clauses in the bill, which could go a long way to defeating the purpose of the three-year moratorium, which is to protect South Australia, at least for that three-year period, from getting the reputation of being GM contaminated.

The Hon. P. HOLLOWAY: I assure the honourable member that it is not the government's intention that it should be used for that purpose. It is purely to allow the level of trialling or seed production that has taken place in the past to continue.

New clause negatived.

Clauses 7 and 8 passed.

Clause 9.

The Hon. IAN GILFILLAN: I move:

Page 8, line 20—After 'crops' insert 'generally'

This amendment is linked to my next two amendments to extend the representation on the advisory committee to include a consumer representative, an organic farmer and a genetically free farmer on the advisory board. By adding the word 'generally', this amendment seeks to expand the concept of the word 'crops' to embrace other types of crops. The second amendment seeks to provide that at least one person must be nominated who has a particular interest in the production of crops that are GM free and at least one must be a person nominated who has appropriate knowledge of and experience in organic farming. The clause then goes on. My next amendment seeks to nominate a person to act as a consumer representative.

Although the drafting is a little complicated, the passage of these three amendments would expand the advisory committee to include those three areas of representation, and a lot of us believe that the advisory committee will be a better organisation with a consumer representative, an organic farmer representative and a genetically-free farmer representative, all appointed by the minister.

The Hon. P. HOLLOWAY: The government supports the first amendment, that is, the addition of the word 'generally'. The government will also support the amendment to insert new paragraph (ca), which seeks to have a person who has a particular interest in the production of crops that are GM free nominated to the advisory board. That is appropriate. However, the government will not support the amendment to insert paragraph (cb) because we really think that the definition of the person particularly interested in crops that are GM free is similar to that. The government also will not support the amendment to insert new paragraph (g), which provides for a consumer representative, because what we are talking about and what the select committee recommended is an expert advisory committee. We are talking about a committee that can look at the issue of crop segregation. It is a technical advisory committee to the minister about segregation issues in relation to GM and non-GM crops.

It was always our intention that we would have someone on the committee who would have a particular interest in the production of crops that are GM free, so we are happy to formalise that. There is still provision for the minister to appoint several other members to this committee. The committee can consist of between nine and 11 members and only seven will be prescribed if we accept this amendment, so at least between two and four additional members can be appointed. We believe that we should support the letter and the spirit of the recommendation of the select committee and ensure that we have an expert supply chain. That is what we are seeking. Whereas we are happy to broaden the membership formally to include the person with interest in the production of crops that are GM free, we will not support the other two amendments.

The Hon. CAROLINE SCHAEFER: I am not averse to having a GM-free producer on this committee but I am reluctant really to expand on the committee that is outlined in the bill. I assume that, as that advisory committee progresses, it will give advice to the minister to expand the committee by probably another three or four members.

I envisage this to be a highly technical expert committee that would obviously not only assess the market implications but also have the knowledge as to what would be required to grant exemptions under this act. I did not see it as a lobbying body for pro GM or anti GM, or, in fact, having particular pecuniary interests, and I note that a later clause deals with pecuniary interests. At this stage, I do not envisage it as being a committee with producers of any type on it: I see it as a highly technical committee.

So, at this stage, while I have some sympathy for its, down the track, including the various types of producers and possibly others—and I repeat that this is a stage in which there will be an entirely GM free state other than for very limited trials, which we all know have taken place for some time—there would be no gain, in my view, in putting in a group, who Mr Gilfillan has carefully selected, to put the breaks on what I think the job of this committee should be. While I have some sympathy and do not particularly object one way or the other, I am not supporting any of the amendments.

The Hon. IAN GILFILLAN: The honourable member is a hard nut to crack, Mr Acting Chair. I remind the committee that they will not be selected as lobbyists for a particular cause, but there needs to be a balance of representation to get the expertise. I think that the minister could rethink organic, because it is a growing commercial sector, with very sensitive marketing requirements. It seems to me that it would be an advantage for the advisory committee to have that knowledge first hand so that, when discussion takes place as to protocols and procedures, care is taken not just for the organic farming community but also for the state as a whole. Organic farming is becoming an increasing part, albeit small, of the economy of the state, so I think that needs to be considered.

I repeat that the nominations would be made by the minister, so there would be no hijacking of who would be on the committee. It is rather wry to reflect on the fact it will be a three year term, which is the three years of the moratorium. We hope they will be doing some preliminary work for circumstances that might apply after the three year period. I do think that, for the balance of the advisory committee, it is important that both GM free and organic products be represented. I can understand that a consumer representative, at this stage, is probably not as essential. However, if you could envisage—and I am not sure that I particularly want to—that there are distinct streams of products, some of which may be described as being GM free and some not, a consumer representative—who is reading the market and how the market will be satisfied that some meat that is available through the butchers may have been fed through genetically modified lot feeding and some may not have (so that there is a clear distinction)—could measure what will be needed to assure consumers that these are procedures in which they can have confidence.

I think the shadow minister for agriculture misreads—perhaps with some justification—the intention of these amendments. These amendments are moved in good faith. If there is to be an advisory committee, it should be availed of the best information on the essential issues with which it has to deal.

The Hon. P. HOLLOWAY: The only point I wish to quickly address relates to organic farming. I regard myself as a strong supporter of organic farming, and I would hope that, in the two years during which I have been the Minister for Agriculture, I have significantly assisted that industry to grow. It is a small market but it certainly has great potential, in my opinion. That is why I have been a strong supporter. What we are talking about is a GM crop advisory committee, and canola is really the only crop of interest over the three year time horizon to which this bill will apply before it is reviewed.

There will be other crops that come up, but they will take years to get through the appropriate regulatory mechanisms. So, canola is the only crop that essentially needs to be regulated over the immediate time horizon, and there is no organic canola in South Australia. So, I do not really see how the opinion of someone with experience in organic farming will add to the sorts of issues that this committee will look at, namely, segregation of canola. At some stage in the future, if GM crops evolve in other areas such as horticulture, it would certainly be appropriate. I suppose that at some stage in the future, the capacity is there, with the size of the committee, that it would be—

The Hon. Ian Gilfillan: Are you sure that there is no organic canola grown in the South-East?

The Hon. P. HOLLOWAY: My advice is that the department has asked the Organic Federation, and it has never had any identified. If it has happened, I cannot say. It can be addressed, anyway, because there is enough flexibility with the size of the committee, and there are enough positions that the minister can appoint, apart from those designated, that would allow a person with experience in organic farming to be added at some stage in the future, if it was appropriate. I personally would not object to that at the time, but with the issues before us now, which are essentially those related to canola, I do not see that it adds anything. I note that the Hon. Nick Xenophon has proposed amendments. One of his suggestions is as follows:

> . . . [one] must be a person nominated by the minister who is directly involved in exporting, wholesaling or retailing food or food products.

I advise that the government would accept that amendment if it was subsequently to be moved.

The Hon. CAROLINE SCHAEFER: Perhaps I can allay Mr Gilfillan's concerns. Clause 9(1)(c) provides:

> at least one must be a person nominated by the minister who has, in the opinion of the minister, appropriate knowledge of, and experience in, the production of crops;

Given what the minister has just said—and this particular committee expires in three year's time, as does the bill—and

given that the only people with experience in growing GM crops are two large agrochemical companies, they would not be part of the committee, for obvious reasons: they would have a conflict of interest. So, in fact, whoever is the person chosen by the minister as having experience in the production of crops, that person will be a non GM producer.

The Hon. P. HOLLOWAY: I would not necessarily agree that was the case. It could be someone from an academic institution, for example, or a group such as Avcare, which does have people with expertise. So, I do not necessarily concede that there would be no-one on the committee with knowledge of GM crops.

Amendment carried.

The Hon. IAN GILFILLAN: Because we are able to read the score here reasonably well, everyone will be happier if my amendment is moved in an amended form, and that is what I will do. I believe that the committee will benefit from the latest information, which has come from a reliable source, about growing organic canola in South Australia, and that is that it has been grown in crop rotation. I move:

Page 8, after line 20—Insert:
(ca) at least 1 must be a person nominated by the Minister who has, in the opinion of the Minister, a particular interest in the production of crops that are GM-free; and

Amendment carried.

The Hon. NICK XENOPHON: I do not know whether I should call the media, because I understand that the Hon. Caroline Schaefer might support this amendment. However, I do not think I have enough time to get them here. I move:

Page 8, after line 28—Insert:
and;
(h) one must be a person nominated by the Minister who is directly involved in exporting, wholesaling or retailing food or food products.

I think we have already dealt with this debate, but I make it clear that I supported the Hon. Ian Gilfillan's move, which I think he withdrew because of lack of support, to have someone on the committee experienced in organic farming. Given the concern of the organic farming industry, what representation will the advisory committee have? I think that there is a concern about GM canola affecting organic crops in terms of its purity. How will those concerns be dealt with?

The Hon. P. HOLLOWAY: I understand that the only way in which GM canola could affect organic crops would be if organic canola were being grown. We are not aware that that is an issue. However, if the honourable member can come up with something between the houses, perhaps he could speak to the minister. It is my understanding that there is no real organic canola grown as such. Although organic farmers may have some concern about what impact there may be on the image of the state, I do not think that their concerns will be relevant to the technical supply chain issues, which is what this committee is supposed to be all about.

The Hon. CAROLINE SCHAEFER: I announce an historic and groundbreaking moment for us all: I support the Hon. Nick Xenophon's amendment for the minister to nominate someone who is involved in exporting, wholesaling or retailing fruit or food products because, clearly, that is what the bill is meant to be about, namely, the marketing implications of what we do with our crop sciences for the next three years and beyond.

One of the great disappointments for those of us who have taken an interest in this issue over a long period of time is the almost complete lack of market information or, indeed, market inquiry. For all the inquiries into this issue, very little definitive marketing research has been undertaken. As I said in my second reading contribution, the Australian Wheat Board has now conducted some market research within its major marketing countries. It is no surprise to most of us that, while at this stage nations do not wish to purchase genetically modified product, neither are they prepared to pay any premium for non GM product. Other than that, very little market research has been undertaken. The inclusion of someone with that sort of expertise on the advisory council is a good initiative.

The Hon. IAN GILFILLAN: In passing, I must acknowledge the wonderful alliance between the No Pokies representation and the shadow minister. This is a new force that is emerging. I make the observation that the significance of 'organic' is relative, and the infamous clause 6(2)(a)(ii) allows for these odd patches to be grown. Certainly, international experience has shown that there is some cross-pollination between brassicas. If that occurs between GM canola and an organic brassica vegetable, or there is a risk of it, there is a factor that would mean that what the Hon. Nick Xenophon and I have been pushing for—namely, the representation of an organic grower on the advisory committee—becomes more and more important.

Amendment carried; clause as amended passed.

Clauses 10 and 11 passed.

Clause 12.

The Hon. NICK XENOPHON: I will not be proceeding with my amendment to this clause for a number of reasons. First, I note that the minister has an amendment on file in relation to conflict of interest. Secondly, in discussions that I had with the primary industries minister and the Hon. Ian Gilfillan last night, I raised this issue of declarations and conflicts. I think it is fair that as a result of those discussions, if this were to proceed further, there ought to be appropriate declarations for people in the organic food industry. It may well be that there will be some discussions with the government in relation to that as the bill is transmitted between the houses. Certainly, the government's conflict of interest provisions are welcome and may be subject to further discussion with the government in the next few days.

The Hon. P. HOLLOWAY: I move:

Delete this clause and substitute:
12—Conflict of interest

(1) A member of the Advisory Committee who has a direct or indirect personal or pecuniary interest in a matter decided or under consideration by the Advisory Committee—
(a) must, as soon as reasonably practicable, disclose in writing to the relevant Minister full and accurate details of the interest; and
(b) must not take part in any discussion by the Advisory Committee relating to that matter; and
(c) must not vote in relation to that matter; and
(d) must be absent from the meeting room when any such discussion or voting is taking place.

Maximum penalty: $20 000.

(2) Without limiting the effect of this section, a member of the Advisory Committee will be taken to have an interest in a matter for the purposes of this section if an associate of the member has an interest in the matter.

(3) This section not apply in relation to a matter in which a member of the Advisory Committee has an interest while the member remains unaware that he or she has an interest in the matter, but in any proceedings against the member the burden will lie on the member to prove that he or she was not, at the material time, aware of his or her interest.

(4) This section does not apply in relation to an interest in a matter shared in common with the public or persons engaged in or associated with the industry in which the relevant member works generally, or a substantial section of the public or such persons.

(5) In this section—
associate has the same meaning as in the *Public Corporations Act 1993.*

Clause 12 of the bill relates to disclosure of interest. As members are aware, the parliament passed the Statutes Amendment (Honesty and Accountability in Government) Act last year. A significant aspect of that measure is constituted by extensive amendments to the Public Sector Management Act, which put in place standard provisions relating to the duties of advisory body members, amongst other things, and provisions relating to conflict of interest. The Genetically Modified Crops Management Bill has been drafted on the basis that the new arrangements under the Public Sector Management Act would apply to members of the advisory committee. However, it now appears that those new arrangements will be not in place in time for the commencement of this measure. It is, therefore, necessary to insert a conflict of interest provision into this bill to ensure that there is no hiatus pending the commencement of the Public Sector Management Act amendments.

This conflict of interest provision replicates the relevant sections that will appear in the Public Sector Management Act and which may be removed in due course once the new arrangements under that act have come into operation.

The Hon. CAROLINE SCHAEFER: The opposition supports this amendment. It is, as much as anything, a drafting development issue. None of us want to see people with conflicts of interest involved in matters such as this. This is not something that I have the opportunity to speak about very often. I must say that it is one of the issues that concerns me generally as a parliamentarian and as a long-term serving member on a number of committees. It is just how far the conflict of interest issue can and must go. Certainly, we all need to know if someone has a conflict of interest, but taken to its nth degree it can, in fact, exclude some of our most valuable expertise from advisory committees. I say that by way of a comment rather than an objection to this amendment, which is pretty much pro forma for legislation.

Amendment carried; new clause inserted.

Clauses 13 to 17 passed.

New clause 17A.

The Hon. NICK XENOPHON: I move:

New clause, page 11, after line 1—
17A—Register
(1) The Minister must keep a register of—
(a) all genetically modified food crops cultivated in designated areas; and
(b) all genetically modified food crops cultivated pursuant to exemption notices.
(2) The register must set out, in relation to each genetically modified food crop required to be registered—
(a) the type of crop; and
(b) the name of the person responsible for the cultivation of the crop; and
(c) the size of the crop; and
(d) the place where the crop is being cultivated; and
(e) the date (or anticipated date) of planting; and
(f) in relation to a crop cultivated pursuant to an exemption notice—any conditions of exemption,
and the register may contain such other information as the Minister thinks fit.
(3) The register must be kept at the principal office of the Department and must be made available for public inspection during ordinary office hours.
(4) No charge may be imposed for the inspection of the register but the Minister may fix fees for the supply of copies of the register or for extracts from the register.

This amendment essentially provides for a register of all genetically modified food crops cultivated in designated areas and to provide details of a number of issues, including the type of crop, its size, where it has been cultivated, the date or the anticipated date of planting, and any conditions of exemption, and that this register be kept in a public place for access by the public.

In the Percy Schmeiser case—and I acknowledge that the case in Canada had a number of features to it that might not necessarily apply here—there are important issues of liability which I know the Hon. Ian Gilfillan will deal with shortly. I believe there ought to be a register and that the public ought to have access to the register. We know, as I understand it, with trial crops through the federal Office of the Gene Technology Regulator where crops have been. I will stand corrected on that by the minister, but that is my understanding.

The fear is that some people will deliberately destroy crops, which is something that has not occurred in terms of criminal trespass. I think it is important that, if a farmer is concerned that their crop is in some way being contaminated, they ought to be able to find out the location of the nearest GM crop. I think it is important for any farmer and, indeed, for those about to sow crops so that they can be sure that those who are cultivating GM crops, even on a trial basis, are undertaking all the necessary precautions to prevent contamination.

The Hon. P. HOLLOWAY: It is possible that, if certain conditions are met (after the three-year period) and if the segregation issues are satisfactorily resolved, we could see the release of GM crops on a commercial scale. If you were to do that and still have this requirement, there would be an incredible amount of effort given that you would be dealing with a database with thousands of entries a year in relation to those crops. You have to ask: if it were released for general purposes, what would be the purpose of having such a register? It is one thing to have a register for experimental purposes, but that effectively happens anyway under the gazettal procedures.

We all know where the restricted use of GM crops applies, but if one were to ultimately remove any restraints on GM crops, if they satisfy those conditions, you would have to ask why you would bother to go down this path. In any case, the government would have some problems with this because the provision talks about the person responsible for the cultivation of the crop. There are issues of privacy which may arise from that. For example, it could contradict the government's information usage principles if that were to be included. That is why we do have some difficulties with that. More importantly, you have to ask the question: why, if you are permitting the use of crops on a widespread scale, would you need to have a register for them?

The Hon. IAN GILFILLAN: I indicate the Democrat's support for the amendment. I realise that there will not be a profusion of commercial crops for three years (I hope it is more than three years). The amendment deals with the exemption notices—the plantings which may result from ministerial exemptions. I think the amendment has much merit.

The Hon. CAROLINE SCHAEFER: As you saw, I went away and checked on this, because my memory was that this information is already available. I have just checked that the OGTR do now, in fact, publish the geographic location of any such GM experimental crop throughout Australia on their web site. This means that the information is publicly available for those who want it. I will not be supporting the amendment. I think that we have all seen TV images and have

read reports of extremists from various camps—in this case, particularly the anti-GM camp in the early days of trial plots in England—

An honourable member: And in Australia.

The Hon. CAROLINE SCHAEFER: —and in Australia—where people tore down fences and pulled up crops causing a great deal of damage, not only to where the crops were but also to neighbouring properties. So, I think the knowledge that is required is available to those who want it. I think any further publication may bring about more problems than it alleviates.

The Hon. NICK XENOPHON: Can the minister at least assure us that, as I understand it, the government will know exactly where the trial crops will be, but—

An honourable member interjecting:

The Hon. NICK XENOPHON: Yes. There appears to be some conjecture among some of my colleagues, and we are all trying to be genuinely helpful to work out exactly what the level of knowledge is in terms of trial crops. Can the minister assure us that, in respect of trial crops, if a farmer anywhere in the state is concerned about contamination, or suspects contamination of their crops, they will be able to get that information. If they have a genuine concern—we are not talking about people ripping up crops but about farmers—about where trial crops will be, what will the level of public knowledge be, especially for those farmers who are concerned about keeping their crops GM free?

The Hon. P. HOLLOWAY: I am advised that PIRSA would have that information in GPS coordinates which is accurate to within three metres of every crop for which an exemption would be given. Wherever an extension was given, they would have to have that information in GPS coordinates.

New clause negatived.

Clauses 18 to 26 passed.

New clause 26A.

The Hon. NICK XENOPHON: I move:

New clause, page 14, after line 20—
Insert—
26A—Public liability insurance
A person must not—
(a) cultivate a genetically modified food crop within a designated area; or
(b) sell a genetically modified food crop cultivated within a designated area,
unless there is in force a policy of public liability insurance indemnifying the person in an amount of at least $20 000 000 in relation to economic loss that may be suffered by another person on account of the cultivation or sale of the crop.
Maximum penalty: $20 000.

I will be brief in relation to this. I believe that this is a very important issue. This requires that a person must not cultivate a genetically modified food crop within a designated area or sell a genetically modified food crop cultivated within a designated area unless they have enforced a policy of public liability insurance indemnifying the person in an amount of at least $20 million. The reason for that is that there is no going back. If you are a farmer who wants to keep your crops GM free and you are contaminated then there are all sorts of legal liability issues that arise, presumably against Monsanto or Bayer or Aventis—whoever is selling the crop—and also the adjoining farmer. I think that, given the irreversible damage that it may cause to that farmer's export potential, if they are exporting a non-GM crop to export markets, there at least should be an adequate level of public liability insurance in place.

Otherwise, I fear that some farmers will not only lose their livelihood by not being able to export a non-GM crop but also face financial ruin without compensation. That, to me, seems particularly unfair. Proposed new clause 26b relates to notification of planting a crop. I think the Hon. Ian Gilfillan dealt with that in a similar way in terms of informing occupiers of land in the surrounding area of an intention to plant a crop. They can at least be alert, if not alarmed, that there will be a GM crop in their area, so they can inquire of the farmer whether relevant precautions are being taken to prevent contamination.

The Hon. P. HOLLOWAY: I think this clause really has nothing to do with preserving for marketing purposes, which is essentially the capacity of the government to legislate in this particular area. Whether one would require public liability insurance or not is a business decision only, and I do not know that it needs to be mandated under any act. The honourable member has chosen $20 million. I do not know on what basis that is done, but I do not believe the government can support this particular measure. I would prefer to have had some more detailed discussion with the minister in another place, but I think that at this stage I will announce our opposition to it and allow the minister in another place to give it further consideration.

The Hon. CAROLINE SCHAEFER: I confess that I have not sought advice on this matter. I would have thought it would be most unlikely that anyone in a three-year period who would be likely to cultivate a genetically modified food crop would have less than $20 million public liability, given that most farmers are advised to carry a minimum of about $15 million now anyway. I see little point in having this written into legislation.

I guess the old principle of 'buyer beware' applies in that it would be very foolish if a Monsanto or a Bayer—and let us face it, they are the only ones we are talking about in a three-year period—had less than $20 million public liability insurance. I suppose in the interests of having minimalist legislation I will oppose it, but I am not averse to seeking some advice on this issue between now and when it is presented in another place. I am not really averse to having it in there; I just cannot see a lot of point in having it in there. As I say, we are talking about Bayer and we are talking about Monsanto, at least for the period of this particular piece of legislation, and they would certainly have far greater public liability risk insurance than $20 million.

The Hon. IAN GILFILLAN: I indicate support for the amendment. I am not quite as convinced that in the course of the next three years the only principals who would be dealing with the cultivating of a genetically modified food crop would be Monsanto or Bayer Crop Science. However, I think the amendment has merit and we support it.

New clause negatived.

New clause 26B.

The Hon. NICK XENOPHON: I move:

Page 14, after line 20—
Insert—
26B—Notification of planting a crop
(1) A person must not plant a genetically modified food crop within a designated area unless the person has, in the manner prescribed by the regulations, informed the occupiers of land within the surrounding area of the intention to plant the crop.
Maximum penalty: $20 000.
(2) For the purposes of subsection (1), the surrounding area will be taken to be the area within a 10 kilometre radius from the place where the relevant crop is to be planted.

I spoke to this amendment previously in terms of notification. I know that it is similar to the Hon. Ian Gilfillan's amendment, which was lost. I will not seek to divide on it, but I think it is an important principle that farmers, in a surrounding area, ought to know whether there are GM crops in their midst so that, at the very least, they can be alert to the fact.

The Hon. P. HOLLOWAY: The government opposes the amendment. We believe that 10 kilometres is overkill. I indicated earlier that the OGTR guideline was one kilometre. However, it does raise the question of people who live against the state border. I think that the Hon. David Ridgway mentioned land being 600 metres from the Victorian border. What would happen in that instance? The government, obviously, does not know people over the border. Also, I suppose, it would depend on the crop. Many crops are highly self-pollinating; even canola will not give detectible contamination at that range. The government opposes the amendment.

The Hon. IAN GILFILLAN: I indicate support for the amendment.

The Hon. CAROLINE SCHAEFER: What are the requirements for notification of neighbours in any particular area? Are there any?

The Hon. P. HOLLOWAY: There are none under state law at present because there is no state law. However, under its conditions, the office of the Gene Technology Regulator does notify boundary neighbours.

The Hon. CAROLINE SCHAEFER: Is it envisaged that, under this legislation, there will be any specific notification?

The Hon. P. HOLLOWAY: It is the government's intention to work to those OGTR standards, so that is what would apply.

The Hon. CAROLINE SCHAEFER: I certainly think that a 10 kilometre radius is far too great, but I will be looking at this issue between the houses given that we have, as I say, a number of crops and a number of markets that are peculiarly—and I use the word 'peculiarly' advisedly—adverse to genetically modified product. I think that I have made it fairly clear that I am not one of those people, but I should declare an interest in that we are, as all members know, grape growers in the Clare Valley. We are contracted to Hardy's, which has a total non-GM policy for export.

Although there would be nothing I could do about it, if someone were growing an experimental plot of canola on one of my boundaries I would like to know about it so that I could take appropriate measures to protect my crop which might be a different crop altogether. I will be looking at that between the houses; but, certainly, I believe that 10 kilometres is far too great an area.

The Hon. P. HOLLOWAY: I will seek the cooperation of the minister to have that information available by the time the bill reaches the other place.

New clause negatived.

Clause 27 passed.

New clause 27A.

The Hon. IAN GILFILLAN: I move:

After clause 27—

Insert:

27A—Responsibility for damage or loss

(1) If—

(a) genetically modified plant material is present on any land, or in any food crop or product derived from a food crop; and

(b) the existence of the genetically modified plant material is attributable to the spread, dissemination or persistence of the material; and

(c) a person suffers damage or loss on account of the presence of the genetically modified plant material; and

(d) the person did not knowingly introduce the genetically modified plant material to the relevant land or to the food crop or product derived from a food crop,

then the person who has suffered that damage or loss is entitled to claim damages against any person who has a proprietary interest in the genetically modified plant material.

(2) An action for damages under this section will be in the nature of an action in tort but it will not be necessary for a plaintiff to establish negligence.

(3) However, it is a defence to a claim for damages under this section for a person with a proprietary interest in the relevant genetically modified plant material to prove—

(a) that the person was not responsible for the spread, dissemination or persistence of the material; and

(b) that the person had through the production and distribution of comprehensive instructions, and the taking of other action, taken reasonable steps to promote the taking of measures of the highest standard to prevent the spread, dissemination or persistence of the material; and

(c) that the spread, dissemination or persistence of the material is attributable, wholly or substantially, to the wilful, reckless or grossly negligent acts of a third party.

(4) This section does not limit or derogate from any other civil right or remedy that a person may have apart from this section but nothing in this section is intended to allow a person to be compensated more than once for the same damage or loss.

(5) For the purposes of this section, a person has a proprietary interest in any genetically modified plant material if the person—

(a) holds a patent or other form of registered interest; or

(b) is the owner of intellectual property,

with respect to the material.

(6) In this section—

genetically modified plant material has the same meaning as in section 27.

This is a liability clause, which I hope has been explained as I read it through. The dilemma that faces those who may eventually be confronted with a genetic modification free crop contaminated by a genetically modified product to the point where they suffer economic loss through either an inability to sell into their normal markets or a discounting down in price without protective legislation of this type is very much a moot point at law. This amendment is designed to make it quite plain that the company (as we are confronted, it would be Monsanto, but Bayer Cropscience is another) that is promoting the use of the genetically engineered seed retains virtual ownership of the product, with very strict controls over the farmer who uses the seed, as one will note if one is familiar with the way in which these companies deal with it.

So, it is an accurate interpretation, as this amendment outlines, that a proprietary interest is very significant in the control and continued ownership of the genetically modified material. It is reasonable, in our view (and, I believe, in the view of many others) and it should be crystal clear that, where the damage is done through the inadvertent contamination of the innocent party's product by the genetically modified product, the loss and damages that result should be the responsibility of the proprietary interest. In our case, as we confront the next few years, that would be Monsanto.

The Hon. NICK XENOPHON: I indicate my support for the Hon. Ian Gilfillan's amendment.

The Hon. P. HOLLOWAY: Certainly at this stage the government would not support the particular measure, although I understand that the minister will look at it when it gets to another place. We have not had this amendment for a long time and it needs some consideration. Some things would give me concern, for example, in clause 2 of this bill an action for damages under this section will be in the nature

of an action in tort, but it will not be not necessary for a plaintiff to establish negligence. If one is to start messing around with the legal principals that apply in relation to these things it could have all sorts of implications that would need to be more closely examined and the government would be a little concerned about supporting at this stage something in that form.

The Hon. CAROLINE SCHAEFER: I am sorry that the Hon. Mr Gilfillan has only given us this amendment today because I would very much like to have discussed it with him further and I would like to be able to support it because we are all of a mind to try to indemnify people who suffer from inadvertent loss, which in this case would be precipitated by inadvertent contamination. My reason for not supporting this amendment at this stage is that my only experience with something like this would be in the case of spray drift legislation. The reality of such legislation is that it is impossible to prove who was responsible for spray drift damage on someone else's property. The only chance anyone has of proving spray drift damage is if they actually see the neighbour next door spraying and, even then, it is impossible to prove in most cases whether it was that particular herbicide or some herbicide that drifted for a much greater distance.

It is equally almost impossible to establish wilful negligence in such a case. I cannot see that the enactment of this would be possible and for that reason, while I am not usually this indecisive, I will not support this amendment but would be interested to discuss it both with the new minister on the select committee and with Mr Gilfillan. I would also be seeking some expert advice and, whilst I have great respect for both of them, I do not think that will be coming from either of them. I am sorry that I have not had a greater amount of time to consider this amendment and I will be considering it in the interim, which I think will be a very short interim.

The Hon. IAN GILFILLAN: I appreciate that both the minister and shadow minister have indicated sympathy with the intention of the amendment and I apologise for not being able to consider it in more depth. In considering what I hope will be the final form of amendment that deals with this, we recognise that if we do not have a subclause like (2), where it is not necessary for the plaintiff to establish negligence, no-one will ever be successful against Monsanto. It would be the same history of trying to attack a tobacco company or a multinational company in which the vast resources and the actual tactics of delay would see all but the most well-resourced and long-lived advocate wilt and disappear. That would be the tactics used.

I realise that extraordinary circumstances require extraordinary measures, and that is why this particular clause does deserve the most profound study and involvement of all parties in this place, in order to see, if it is to be the future of South Australia, that we do have two streams, supposedly two streams of GM and GM-free, that we do not have victims through no fault of their own suffer quite substantial financial loss. That is why I moved this particular amendment, and I will continue to agitate for both the government and the opposition to look carefully at this if they have any sense of responsibility and care for the farming community, and others—horticulturalists, wine growers, and so on—in our community.

This is a critical issue. This will provide the incentive to major companies, such as Monsanto, to be meticulous in the way in which they allow their product to be used and where it should be used. If we do not have that and they rub their hands and say, 'We have our protection and we will not in any way be liable for any hurt down the track,' then I think we will be worse off as a state. I will not labour the point further. I indicate I want support for this and, if I do not get it on the voices, I will be seeking to divide.

The Hon. CAROLINE SCHAEFER: I assure the Hon. Mr Gilfillan that my comment that I would like more time to seek expert advice on this is genuine, and I certainly will be considering it between the two houses.

The Hon. IAN GILFILLAN: Why not support it now?

The Hon. CAROLINE SCHAEFER: Because then it has to be retracted.

The committee divided on the new clause:

AYES (6)

Evans, A. L.	Gilfillan, I. (teller)
Kanck, S. M.	Reynolds, K.
Stefani, J. F.	Xenophon, N.

NOES (13)

Dawkins, J. S. L.	Gago, G. E.
Holloway, P. (teller)	Lawson, R. D.
Lensink, J. M. A.	Lucas, R. I.
Redford, A. J.	Ridgway, D. W.
Roberts, T. G.	Schaefer, C. V.
Sneath, R. K.	Stephens, T. J.
Zollo, C.	

Majority of 7 for the noes.

New clause thus negatived.

Remaining clauses (28 and 29) passed.

Schedule 1.

The Hon. CAROLINE SCHAEFER: I move:

Clause 1, page 16, line 12—
After 'regulation' insert:
that applies in relation to Kangaroo Island (and no other part of the State) and

I move this amendment out of some considerable concern for my homeland, if you like, and I do so knowing full well that I do not have any support. The recommendations of the original select committee sectioned off, as totally GM-free areas, Kangaroo Island and Eyre Peninsula. Since that time, which is some 12 months ago, a number of things have changed, including I believe the information available to Eyre Peninsula farmers. It has always been my view that it would be virtually impossible to make Eyre Peninsula a GM-free zone in the long term.

The minister earlier today suggested that Eyre Peninsula was so remote that it could be sectioned off. However, I remind the minister that Eyre Peninsula has Highway 1 running through the top of it and the only deep sea port available for two port loading facilities in South Australia. So, the possibility, if the rest of the state were to become a GM state on a commercial basis, of Eyre Peninsula's remaining non-GM I think is virtually nil. However, as well as that, I have been lobbied in quite a substantial fashion by quite a large section of Eyre Peninsula—sadly, only in the last few weeks, rather than in the 12 month period they have had to think about this issue, so I move my amendment in deference to those people.

Having spoken to parliamentary counsel, I am considerably less concerned, I suppose, in that the effect of this legislation is really to make the entire state GM free, so the legislation, as it applies, applies only to the transition period. Clause 1 of schedule 1 operates so that, if the government so determines, the controls that may be imposed under the bill can be given immediate effect. My amendment would limit

the operation of this special arrangement to Kangaroo Island. The reason for that is that I have had no such lobbying from anyone on Kangaroo Island, and I have spoken to the local member, the Hon. Dean Brown, who believes that Kangaroo Island has limited grain production and a limited likelihood of producing GM canola. And, of course, it has a quite important and unique Ligurian bee and organic honey and cheese production industry. So, I am prepared to leave the arrangements for Kangaroo Island as they are currently stated. However, all other controls for all other parts of the state would only be made following the process set out in clause 5, including the public consultation process.

So, basically, I ask that Eyre Peninsula be treated in the same way as the rest of mainland South Australia—that is, that they have the right, as is the case under the legislation, after consultation, to become a GM zone if they so wish but that that not take immediate effect, as would be the case under schedule 1, clause 1. I feel quite strongly that any flagging of Eyre Peninsula's being different from the rest of the grain producing areas of mainland South Australia would have not a positive but a detrimental marketing effect on most of Eyre Peninsula.

I am quite concerned that it would preclude the Minnipa Research Station, which is becoming one of the recognised grain development sites for the whole of Australia for conducting experimental plots. For those reasons, I have moved my amendment. I hope that people will consider that, because it is really only during the transitional period that this takes effect. After that transition period, the whole state will really become a GM-free area and will be treated the same anyway. It is really about the publicity that will go with being in an excluded zone for that transition period, as I understand the legislation.

The Hon. P. HOLLOWAY: I indicate that the government opposes the amendment. It came out of the bipartisan select committee as a recommendation that those people on Eyre Peninsula should be able to determine their own future, as far as GM status is concerned, along with the people on Kangaroo Island, and we intend to honour that particular promise. It may well be that, after some debate on this issue, the people on Eyre Peninsula will choose not to be a GM-free zone, but that will be their choice. The government believes that that process should be allowed to take place, as was recommended by the select committee. We oppose the amendment.

The Hon. IAN GILFILLAN: We oppose the amendment. I think it is important to realise that, for the marketing and economic benefit of South Australia, we need to have a quantity of the product that can be guaranteed GM-free to world markets. Eyre Peninsula is a booming rural area, with magnificent non-GM crops, and it seems a great pity to remove them from the two privileged areas that are currently listed by the government. As members would no doubt realise, we believe it is to the whole state's advantage to remain GM free. It is interesting to note that the shadow minister was gracious enough to acknowledge that Kangaroo Island can continue to be a potentially GM-free zone. The quantity of GM-free canola, cereal or other products produced on the island will be very a small, so it will have to be a cute little niche market that will be able to attract the sort of premium that non-GM cereals will—if they are able to be provided in reasonable quantities—demand on the world market. We oppose the amendment moved by the shadow minister.

The Hon. NICK XENOPHON: I indicate my opposition to the amendment.

Amendment negatived; schedule passed.

Schedules 2 and 3 passed.

Title passed.

Bill taken through committee with amendments; committee's report adopted.

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I move:

That this bill be now read a third time.

The Hon. NICK XENOPHON: I think that some good has come out of the committee stage today. The fact that the government and the opposition are prepared to consider some of the Hon. Ian Gilfillan's amendments, particularly in liability issues, is a good thing. It is an encouraging development because there is a real fear that if there is contamination it could destroy the livelihoods of many farmers in this state.

In my second reading contribution I spoke briefly about a court case involving Monsanto and since that time I have obtained some further information in relation to that, because I have a real concern as to whether we should trust Monsanto given their previous conduct. The case that was dealt with in Alabama some two years ago related to the polluting, environmental and physical impacts on the 45 000 residents of Anniston in Alabama. Three-and-a-half thousand people joined an action against Monsanto which related to PCBs produced by Monsanto and their dumping in the environment, their polluting of the waterways and the soil, and that many people developed cancer as a result of that pollution.

The reports from reputable publications such as the *St Louis Business Journal*, the *Washington Post* and local publications referred to the facts that Monsanto knew all about the risks but went ahead and produced and dumped this material in this local community, that they had reference files back to 1936 according to their own reports, that as early as 1951 Monsanto officials knew that one of their companies' PCBs was not safe, and in fact they actually said in internal memos that they could not be considered non-toxic.

The court in that case damned Monsanto for their conduct. It said that Monsanto effectively knowingly contaminated the 3 500 residents who sued in the case, that they put people's lives at risk, and that people died because of their conduct. Judge Joel Laird of the County Circuit Court that dealt with the case, in a written statement to the Supreme Court of Alabama, accused Monsanto attorneys of making several false statements in their petition. On 22 February 2002—and this is particularly disturbing—it also found Monsanto guilty of 'negligence, wantonness, suppression of the truth, nuisance, trespass, and outrage'. Under Alabama law, according to a *Washington Post* article on this case, the rare claim of outrage typically requires conduct 'so outrageous in character and extreme in degree as to go beyond all possible bounds of decency so as to be regarded as atrocious and utterly intolerable in civilised society'.

That is why I am fearful that a company such as Monsanto is involved in the selling of GM crops. We cannot and should not trust Monsanto—a corporation that has behaved as a corporate cannibal—to jeopardise the state's clean and green image. This is a company that has had a disgraceful track record. It has covered up, it has lied to a court, it has been an environmental vandal, and I am very concerned that this company cannot be trusted to sell GM seed in this state.

The Hon. J.F. STEFANI: I rise to endorse the comments of the Hon. Nick Xenophon in relation to some of the experiences that farmers in Canada and other parts of the world have experienced in dealing with GM crops. I must say that I have a great deal of reservation in relation to South Australia's position. The future of GM crops undoubtedly will unfold, and it might be that the state will be a beneficiary. Then again, I think there may be a position where the state will not benefit because we have lost that unique position.

There are fundamental issues that come from the pollution of crops and primary production. My experience comes very close to a family who had a very viable potato-growing business. Unfortunately, this family happened to be close to a property that, through the introduction of seed that was promoted by a large corporation (Coca-Cola Amatil) and also promoted by the Department of Primary Industries, caused the disease of potato wilt. This family lost everything, and they took their case to the courts. I was contacted by the late Bishop of Port Pirie (Bishop Campo), and I took on the case for them. Finally, they found a QC who was prepared to act for them in New South Wales. More recently, I understand that they have had some success and that a settlement is being negotiated.

With that background information and experience, one has to draw a parallel—that is, if contamination of crops occurs, there will be very little opportunity for those who are affected to recover compensation. That is my concern, and that is why I voted consistently against the introduction of this measure, and I have supported some of the amendments that have been proposed by the Hon. Ian Gilfillan and the Hon. Nick Xenophon on that principle.

We will know what the effects of this GM production will mean to our state some years down the track, but at that point it might be too late. It might be too late, as was the experience of the family that I mentioned, and it might cause enormous heartache and loss to families who attempt to recover compensation for the contamination of their crops. I hope that that day will not come, but I am fearful that it might. For the reasons I have stated, I believe that GM crops should be carefully considered before we embark on wholesale contamination of our state which may cost us our reputation.

The Hon. IAN GILFILLAN: I indicate that the Democrats support the third reading, and we do so without any equivocation. It is important legislation, and I commend the government for having put together a measure which has some effective control of the introduction of genetically modified crops into South Australia. It is reasonable, though, to balance that by indicating that several of our amendments were very significant and important. I hope that they will be further considered in the other place, particularly those relating to legal liability, and that, when the bill returns to us, we will be able to be satisfied that those issues have been addressed.

It is important that the debate has covered a wide field and that various areas of serious concern have been voiced. The three-year moratorium (but, sadly, not the five-year moratorium) will give farm producers in the state more chance to deliberate and to advocate to this parliament what they prefer. The markets will be able to show their signals. My final comment is that one of the areas of most serious concern that I identified in the debate at the committee stage, and to which I now refer, is that clause 6 provides an extraordinary capacity for a minister to allow for the growing of genetically modified food crops on a 'limited or small scale at a specified place or places'.

All that needs is a minister at the time to grant permission for these exemptions and we would have genetically modified canola growing in South Australia at various areas around the state, even on Kangaroo Island or Eyre Peninsula. We know that international markets do not send study groups to analyse the significance of what has happened in an area. We know from the experience in the South-East with meat and from the reaction in Japan to the tuna industry that all we need is a rumour—and God protect us from the reality of a general proliferation of genetically modified crops being grown either in trials of the size talked about or in these rather vague, limited or small scale trials—and the reputation of South Australia as being GM free will be lost. It is with those cautions that I do hope the government in the other place will look afresh at some of these issues, but we cannot afford not to pass legislation at this stage ahead of the planting for this season. The Democrats will support the third reading.

Bill read a third time and passed.

ADJOURNMENT

At 6.02 p.m. the council adjourned until Monday 29 March at 2.15 p.m.